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ISSN: 1178-7724 (PDF) ISSN: 1178-7716 (print)

Published May 2013

Auckland, Aotearoa New Zealand

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# 1 Kōrero whakataki – Introduction

New Zealand has earned and continues to enjoy high regard for its race relations, domestically and internationally. This is founded on the formal status of the Treaty of Waitangi, the level of Māori, Pacific and minority ethnic participation in Parliament, government and community, the strength of Māori cultural, economic, educational, and social service institutions. Generally New Zealanders display a high level of racial and religious tolerance of New Zealanders and there is broad political and public support for cultural diversity. Hate crimes and the kind of anti-immigrant sentiment commonplace elsewhere remain largely and thankfully absent.

An important international perspective on New Zealand's race relations came in February 2013 when New Zealand presented its 18th-20th periodic reports for consideration by the United Nations Committee on the Elimination of all forms of Racial Discrimination (CERD) in Geneva.

The Committee noted many positive improvements. These included the numerous valuable programmes, strategies and other initiatives aimed at improving ethnic relations and raising the awareness of the population with regard to racial discrimination, integration, tolerance and diversity, including the Youth Employment Package, the Alcohol and Other Drugs Courts, the New Zealand Police ethnic strategy and recommendations included in the Human Rights Commission's study "A Fair Go For All".

The Committee welcomed New Zealand's ratification of international human rights instruments: the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the child on the Sale of Children, Child Prostitution and Child Pornography.

The Committee also noted New Zealand's endorsement of the United Nations Declaration of the Rights of Indigenous Peoples of 2007 (albeit with some qualifications), and the New Zealand Supreme Court's reliance on the Declaration in construing the scope of Māori rights to freshwater and geothermal resources in the case between the New Zealand Māori Council and the Attorney-General.

The UN Committee supported the work of the Constitutional Advisory Panel on the range of issues including the role of the Treaty of Waitangi in New Zealand's constitutional arrangements and the need for a comprehensive national human rights action plan, formally adopted by New Zealand, which the Commission will begin work on in the next financial year.

However, issues remain that require focus from all of us. When New Zealand next reports on its race relations in three years time, the UN Committee wants to see comprehensive data on how the country is addressing the over-representation of members of Māori communities in the criminal justice system. It wants to see evidence of a commitment to a Māori language strategy and the preservation of te reo Māori.

The CERD also notes the persistent discrimination against migrants, notably those of Asian origin in the labour market which leads to their concentration in low paying jobs. Further the UN Committee expressed concern at sections of the Immigration Amendment Bill 2012, for mandatory detention of asylum seekers coming to New Zealand in groups defined as a 'mass arrival'.

These issues outline clear areas where New Zealanders can do better and they serve as a reminder that maintaining good race relations requires continuous and strategic work.

This report is part of that work and is just one part of the legacy of my predecessor Joris de Bres. I want to acknowledge the contribution he made and the commitment he brought to the role of advocating for harmonious race relations and advocating for the realisation of human rights for the many and diverse communities of New Zealand.

**Dame Susan Devoy**  
**Race Relations Commissioner**  
**Kaihautū Whakawhanaunga-ā-lwi**

## 2 Whakawhanaungatanga ā iwi me ngā tiriti o te ao – New Zealand race relations and international treaties

### Overview

New Zealand's compliance with international human rights treaties was considered by two United Nations treaty bodies in 2012 – the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Elimination of Discrimination against Women (CEDAW).

Both committees focused on unequal outcomes experienced by Māori, Pacific and migrant peoples, including in justice, education, health and employment. CESCR specifically urged the Government to eliminate these disadvantages by addressing the underlying structural discrimination (institutional racism) in the delivery of public services.

The committees also expressed concern at the welfare reforms implemented by the Government in 2012, emphasising the need to protect the rights of vulnerable and marginalised groups to social security, an adequate standard of living and freedom from discrimination.

In order to further protect human rights, CEDAW called for the establishment of a Human Rights Select Committee to strengthen Parliamentary oversight of human rights, CESCR also called for economic, social and cultural rights to be included in the New Zealand Bill of Rights Act (NZBoRA).

The Government and the Human Rights Commission submitted reports to the Committee on the Elimination of Racial Discrimination (CERD), which was considered by CERD in February 2013. CERD identified an extensive list of themes for discussion. The Commission has monitored the recommendations made by CERD at its last review of New Zealand in 2007, and noted that action has been taken by the Government in response to the majority of these.

### Economic, Social and Cultural Rights

CESCR examined New Zealand's compliance with the International Covenant on Economic, Social and Cultural Rights in May. Among other things, the Committee welcomed the Government's endorsement of the UN Declaration on the Rights of Indigenous Peoples, the entitlements for refugees and asylum seekers introduced under the Immigration Act 2009, and the

development and implementation of the new education curriculum making it more responsive to the country's diverse student population.

CESCR expressed concern that even though existing legislation provided for elements of economic, social and cultural rights, the provisions of the international covenant have not been fully incorporated into domestic legislation. CESCR called for these provisions to be included in the NZBoRA.

CESCR recommendations concerning people of Māori (indigenous), Pacific and ethnic minority descent, included that the Government:

- 1 ensure that the inalienable rights of Māori to their lands, territories, waters and marine areas, and other resources, as well as the respect of the free, prior and informed consent of Māori on any decisions affecting their use are firmly incorporated in New Zealand's legislation and duly implemented
- 2 take the necessary measures to guarantee Māori the right to redress for violations of these rights, including through the implementation of the recommendations of the Waitangi Tribunal's proceedings, to ensure Māori receive proper compensation and also enjoy tangible benefits from the exploitation of their resources
- 3 strengthen its efforts aimed at eliminating the disadvantages faced by Māori and Pacific peoples in the enjoyment of economic, social and cultural rights by addressing structural factors and ensuring that these measures benefit the most disadvantaged, set specific annual equality targets and closely monitor their achievement
- 4 meet its obligations under the covenant by ensuring that welfare reforms, including those aimed at reducing long-term welfare dependency, protect the right to social security and to an adequate standard of living in respect of disadvantaged and marginalised individuals and groups and, in particular, to reconsider the work-test requirements being introduced and also to ensure that income management is applied on an individual basis, according to need
- 5 take measures to increase the number of childcare facilities, ensuring the most disadvantaged and marginalised groups have access to these services
- 6 strengthen measures to reduce tobacco consumption, particularly among Māori and Pacific peoples, and improve access to smoking cessation programmes
- 7 when acting upon the recommendations of the Waitangi Tribunal, bear in mind its obligation to protect the cultural rights of Māori. These include Māori rights to conserve, promote and

develop their own culture, language and cultural heritage, traditional knowledge and traditional cultural expressions, and the manifestations of their sciences and cultures.

CESCR asked the Government to take these recommendations into account in its next national human rights action plan and encouraged it to continue to work with the Human Rights Commission as well as non-governmental organisations and other members of civil society in the development and implementation of this plan.

The Government's next report to CESCR is due in 2017.

## **Women**

CEDAW examined New Zealand's compliance with the UN Convention on the Elimination of Discrimination against Women in July.

CEDAW expressed concern about the status of vulnerable groups of women in New Zealand, including those belonging to minority ethnic groups. It called for the Government to consider establishing a Human Rights Select Committee in Parliament to strengthen oversight of human rights.

Other recommendations made by CEDAW relating to women of Māori, Pacific and ethnic minority descent were that the Government:

- 1 facilitate women's access to justice, including the provision of free legal aid to women without sufficient financial means, and increase efforts to ensure migrant and Māori women are not discriminated against in the justice system
- 2 take all necessary measures to combat the practice of early and forced marriages within migrant communities and introduce sensitisation campaigns in this regard
- 3 provide adequate assistance and protection to women victims of violence, including migrant and Māori women, by ensuring they receive the necessary legal and psychological services
- 4 raise awareness of threats of trafficking and exploitation, and make efforts to proactively screen vulnerable populations, including migrant women and girls, such as "mail-order" and "Internet" brides
- 5 implement measures to decrease dropout rates among Māori girls, and reintegrate those who have dropped out into the educational system
- 6 increase efforts to improve health-care services, including mental health care, for minority women, especially Māori and Pacific women

- 7 provide data and information on the situation of women with disabilities, rural women, older women and women from ethnic minority groups, including with regard to their access to education, employment and health-care services, in its next report
- 8 ensure the ongoing welfare reforms do not discriminate against disadvantaged groups of women and that an independent evaluation of their gendered impact is made
- 9 ensure the gender mainstreaming of policies relating to the process of recovery from the 2011 Canterbury earthquakes, and engage in analysis of their gender impact by using data disaggregated by sex, age, ethnicity and other status
- 10 revise the legal minimum age of marriage to 18 years without exception for parental consent
- 11 introduce legal measures to prohibit underage and forced marriages, and promote measures to protect women harmed by polygamy and dowry-related violence.

CEDAW asked the Government to provide a report within two years detailing steps taken to implement these recommendations. The Government's next full report to CEDAW is due in 2016.

## **Racial discrimination**

The Government submitted its five yearly report to the Committee on the Elimination of Racial Discrimination (CERD) in February 2012. CERD considered New Zealand's compliance with the Convention on the Elimination of All Forms of Racial Discrimination at its 66th session in February 2013. The Human Rights Commission submitted its five-year review of race relations in New Zealand to the Committee, based on its report *Race Relations in 2011*. Civil society organisations have also been invited to make submissions, and the Commission held a forum on "Be Heard by CERD" at the New Zealand Diversity Forum in August.

CERD last examined New Zealand in 2007, making recommendations on New Zealand's compliance with the Convention. Since then, the Commission has monitored progress against its recommendations annually.

The table on the opposite page records progress on the recommendations at the end of 2012. Of the 18 recommendations made by CERD, nine have been actioned, one has been actioned in part, one is under action, four are under consideration, one has been accepted but not actioned, and two have been rejected by the Government.

In December, CERD published a list of themes to be taken up when considering New Zealand's report. These included:

- 1 the development of a national human rights action plan

- 2 the status of the Constitutional Review and the New Zealand Bill of Rights Act
- 3 the place of the Treaty in legislation
- 4 implementation and monitoring of the Marine and Coastal Area Act
- 5 racially motivated violence and racism in social media
- 6 the Human Rights Amendment Bill and the position of Race Relations Commissioner
- 7 impact of the recession on race relations and equality, especially in employment
- 8 poor socio-economic outcomes for Māori and Pacific peoples in health, housing, education and justice
- 9 impact of social security changes on Māori women
- 10 progress in improving Māori and Pacific peoples' participation in public affairs
- 11 discrimination against Asian New Zealanders
- 12 progress in Treaty settlements and uptake of recommendations made by the Waitangi Tribunal
- 13 the Mixed Ownership Model legislation and Māori claims of water rights
- 14 structural discrimination as reflected in persisting inequalities in health, education, justice and economic prosperity
- 15 access to procedures to address racial discrimination, and access to legal services by migrants and Māori
- 16 rationale for the Human Rights Commission being prevented from dealing with complaints regarding immigration.
- 17 Operation 8 and the work of the Independent Police Complaints Authority
- 18 detention of asylum seekers in correctional facilities, and the pending Immigration Amendment Bill providing for the detention of asylum seekers arriving in groups of more than 10 persons.

## **Reports and responses to UN Treaty bodies due in 2013**

- 1 CERD will examine New Zealand's five-yearly report in February.
- 2 The Government will submit its second report to the UN Human Rights Council for its Universal Periodic Review (UPR) of all member states in October 2013. The Human Rights Commission and civil society reports for this review are due in July.



- 3 New Zealand will submit its 6th report on the implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in May.
- 4 The Committee on the Rights of Persons with Disabilities has yet to schedule its review of New Zealand's first report, submitted in 2012.

## **The Government's responses to recommendations by the Committee on the Elimination of Racial Discrimination 2007**

<b>Recommendation</b>	<b>Status</b>	<b>Government response</b>
Follow-up on the Human Rights Commission's (the Commission) Action Plan for Human Rights in New Zealand	The Commission completed a second review of human rights in 2010, with priorities for action. NZ's second action plan for human rights has yet to be developed.	Under consideration
Entrench the New Zealand Bill of Rights Act (NZBoRA)	Present NZBoRA arrangements considered satisfactory by Government, however, the constitutional status of NZBoRA will be considered during the current constitutional review.	Under consideration
Discuss constitutional status of the Treaty of Waitangi (the Treaty)	The role of the Treaty in New Zealand's constitutional arrangements will be considered during the current constitutional review.	Under consideration

<b>Recommendation</b>	<b>Status</b>	<b>Government response</b>
Incorporate the Treaty into domestic legislation where relevant	Principles of the Treaty of Waitangi Deletion Bill 2006 was rejected by Parliament.	Actioned
Clarify the distinction between special measures and indigenous rights in reports to CERD	The Government agreed to this recommendation and will amend subsequent reports to CERD.	Actioned
Provide guidance on special measures to achieve equality	The State Services Commission issued guidelines on special measures.	Actioned
Give a cut-off date for lodging historical Treaty claims	The cut-off date was widely publicised and resulted in a dramatic increase in the lodging of claims.	Actioned
Grant the Waitangi Tribunal binding powers	As the Tribunal operates as a truth-and-reconciliation process, the Government has no plans to give it binding powers to adjudicate Treaty matters.	Rejected
Renew Crown–Māori dialogue on the Foreshore and Seabed Act 2004 (FSA)	The FSA was reviewed by both an Independent Ministerial Review Panel and the Government in 2009/2010. Following further consultation and negotiation the Coastal and Marine Area (Takutai Moana) Act was passed into law in March 2011.	Actioned

<b>Recommendation</b>	<b>Status</b>	<b>Government response</b>
Make references to the Treaty in the New Zealand curriculum	References to the Treaty were included in the final version of the new curriculum released in 2007.	Actioned
Deal with over-representation of Māori and Pacific peoples, and racial discrimination in the criminal justice system	A major work programme is underway to address the drivers of crime, including work to prioritise Māori. Other initiatives include Rangatahi Courts, Māori-centred rehabilitation and reintegration units, and the NZ Police working with Māori communities.	Under action
Assess effect of section 27 of the Sentencing Act 2002 (this section allows the Court to hear submissions relating to the offender's community and cultural background)	Until recently, data on the use of this section could not be recorded in the Courts' Case Management System. However, from mid-July 2011 the function is available and the use of section 27 will be recorded.	Actioned
Give unrestricted access to education for undocumented children	The Immigration Act 2009 removed barriers for foreign national children to access education.	Actioned

Recommendation	Status	Government response
End the detention of asylum-seekers in correctional facilities	The Immigration Act 2009 significantly restricts the situations in which refugees or protected persons can be detained and requires them to be in accordance with Article 10, International Covenant on Civil and Political Rights (ICCPR).	Actioned in part
Collect data on racially-motivated crime	The Government agreed with this recommendation but the NZ Police will not progress it in the medium term due to higher priority work.	Accepted, but not under action
Improve accessibility and effectiveness of Commission discrimination complaints procedures	The Commission undertook a multi-year project to improve accessibility of its enquiries and complaints service.	Actioned
Consider ratifying ILO 169 concerning Indigenous and Tribal peoples, the Convention relating to the Status of Stateless Peoples and the Convention on the Protection of the Rights of All Migrant Workers	The Government has no plans to ratify any of these Conventions.	Rejected

<b>Recommendation</b>	<b>Status</b>	<b>Government response</b>
Consider accepting the CERD Article 14 complaint procedure	The Government agreed to consider accepting the Article 14 procedure. Public consultation took place in 2011. There is no decision as yet.	Under consideration

## 3 Mahi rerengakētanga – Action on diversity

### Overview

The diversity of New Zealand's population continues to increase, and is particularly evident in the ethnicity of children in New Zealand's primary and secondary schools. These young people are moving into tertiary education and the workforce, or, if they experience unemployment or other barriers, they are likely to migrate, particularly to Australia. Ensuring institutions, public services, businesses, sports and community organisations reflect and respond to the diversity of their members, clients, customers and communities is increasingly important. The New Zealand Diversity Action Programme (NZDAP) is one way of encouraging organisations to respond to these challenges. In the past six years, 250 organisations have registered around 4000 diversity projects with this programme, facilitated by the Race Relations Commissioner.

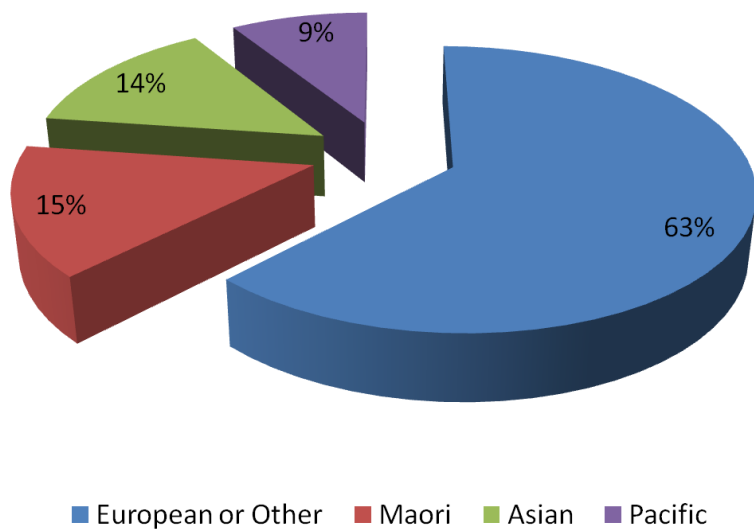
Some representatives of communities have expressed concern about the Human Rights Amendment Bill. The bill was introduced into Parliament in 2011, but still awaited the completion of its first reading and referral to a Select Committee at the end of 2012.

The 40th anniversary of the establishment of the Race Relations Office in 1972 was celebrated at the Auckland International Cultural Festival in April.

### A snapshot of New Zealand's ethnic diversity

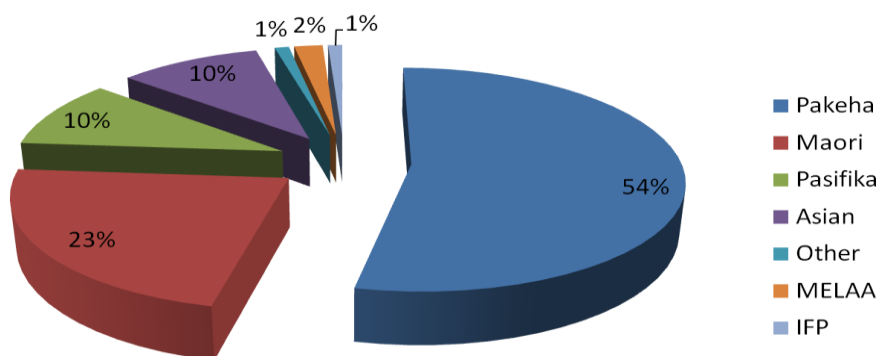
The most recent Census of Population and Dwellings was taken in 2006. The census that was due to be taken in 2011 was postponed until 2013 due to the Canterbury earthquakes. However, Statistics New Zealand population projections by ethnicity give an indication of the growing diversity of the New Zealand population:

## Projected ethnicity of New Zealand population 2026



The changing demographic is even more clearly illustrated by the ethnicity of students attending primary and secondary schools in 2012:

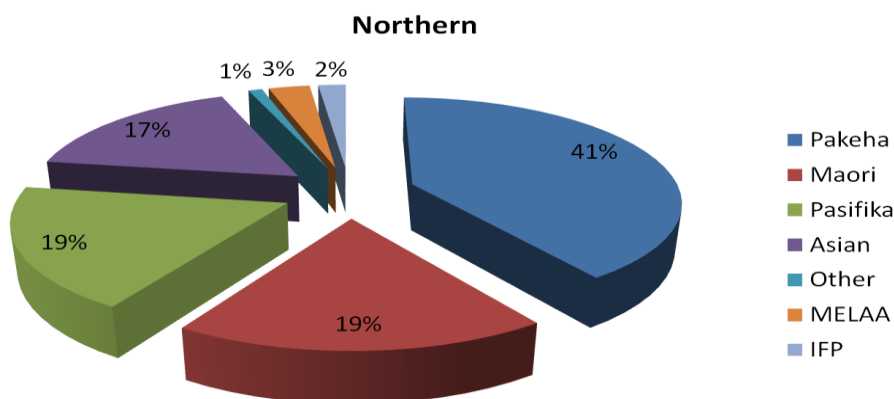
## Ethnicity of New Zealand school children 2012



**NB:** MELAA refers to Middle Eastern/Latin American/African, and IFP refers to International Fee Paying Students.

The ethnicity data for school students in Auckland and Northland, the most populous and diverse regions of New Zealand, show that no single ethnic group constitutes a majority, and that the population cohort entering our tertiary institutions and workforce is radically different to those of earlier decades.

## Ethnicity of Auckland and Northland school children 2012



## New Zealand Diversity Action Programme

A total of 256 organisations registered 763 diversity projects with the Commission's New Zealand Diversity Action Programme (NZDAP) in 2012. Social networking through Facebook connected over 23,500 people (up 5000 from the previous year) to key projects such as Race Relations Day, the annual New Zealand Diversity Forum, the various language weeks and other diversity events. Twelve organisations were recognised for their outstanding contributions to cultural diversity and race relations. Electronic networks for media, language, refugee issues and religious diversity were maintained with monthly e-newsletters.

In August, the annual New Zealand Diversity Forum was held in Auckland and attended by several hundred people from around the country. It was hosted by the Commission in association with the Auckland Migrant Services Trust, the Auckland Council, the Ministry of Social Development Settling In Programme, the New Zealand Police, Immigration New Zealand and the New Zealand National Commission for UNESCO. Over 30 different forums were hosted by a variety of NZDAP participants on topics ranging from structural discrimination to religion, research, language, migration, settlement, asylum seekers, earthquake response, media, museums and libraries.

Race Relations Day was celebrated throughout New Zealand in March, jointly promoted by the Commission and the New Zealand Federation of Multicultural Councils. Marking the International Day for the Elimination of Racial Discrimination, the theme for 2012 was *A Fair Go for All*. Activities included multicultural festivals around the country, school and workplace programmes, a government reception hosted by the Minister of Ethnic Affairs, and the annual secondary schools *Race Unity Speech* contest organised by the Baha'i community in association with the New Zealand Police, the Commission and the Office of Ethnic Affairs.



## **Fortieth anniversary of the Race Relations Office**

The 40<sup>th</sup> anniversary of the establishment of the Office of the Race Relations Conciliator in 1972 was celebrated at Auckland's International Cultural Festival on April 1, the day the Race Relations Act came into force. The Act established the Office to comply with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. It was the first New Zealand legislation giving effect to an international human rights treaty. The Office was merged with the Human Rights Commission 30 years later by the Human Rights Amendment Act 2001, and the position of Race Relations Conciliator was re-designated Race Relations Commissioner. Further change is proposed in the Human Rights Amendment Bill currently before Parliament.

## **Human Rights Amendment Bill**

The Human Rights Amendment Bill, introduced to Parliament by the Government in 2011, still awaited the completion of its first reading at the end of 2012.

The changes are part of a wider bill, which provides for the Commission's role in relation to disability rights and makes some other changes to the Commission's functions. A legal opinion setting out the current situation and the position if the bill were to be passed can be found on the Commission website.

At the time the bill was introduced in 2011, the Commission welcomed the provision for the role of a fulltime Commissioner for disability rights but noted that the proposed abolition of the specific statutory titles of the Commissioners responsible for disability rights, equal employment opportunities and race relations would be perceived by the communities they support, to lessen these roles and alter their special character and visibility.

## **Documenting our diverse histories**

Two major new publications documented important strands in the history of New Zealand's diverse communities. *Tangata o le Moana*, published by Te Papa Press, is an illustrated history of Pacific peoples, from the legendary feats of the early Polynesian navigators to the politically explosive dawn raids on Pacific migrants in the 1970s and beyond. The book is lavishly illustrated with historical and contemporary photos along with archival documents. Drawing on a rich cache of oral history, it is a fresh and surprising record of over a thousand years of discovery, encounter, and cultural exchange. The book provides an accompaniment to the permanent exhibition of the same name at Te Papa Tongarewa: The Museum of New Zealand.

The immense impact of Jewish people in New Zealand has been encapsulated in *Jewish Lives in New Zealand*, co-edited by Dr Leonard Bell of the University of Auckland Art History Department, and Dr Diana Morrow, a professional historian. From just 20 citizens registered as being Jewish in the 1840s, the total number today is probably more than 20,000. The roll call for New Zealanders of Jewish descent is impressive – John Barnett, Vincent Ward, Marti Friedlander, Sir Peter Gluckman, Sir Dove-Myer Robinson, John Goldwater, Frank Hofmann, and further back in New Zealand's history, eminent founding families such as the Myers, Nathans, Fishers, Paykels and Hallensteins. These are all people who have given — and continue to give — much to New Zealand society, across many fields of endeavour: politics, business, academia, journalism, medicine, science, arts, sport and culture.

Two books about the history of Chinese market gardeners in New Zealand were also published. *Success through Adversity*, by Nigel Murphy is the history of the Dominion Federation of New Zealand Chinese Commercial Growers. Its companion volume *Sons of the Soil*, by Lily Lee and Ruth Lam, is a social history capturing the story of market gardening and the contribution of the New Zealand Chinese community in this sector. Chinese market gardens have provided a significant proportion of the country's vegetables for over 140 years, and for the first time, this story is told in detail.

## **Spotlight on Japanese**

2012 was an important year for the New Zealand Japanese community, with the celebration of the 60th anniversary of the establishment of Japanese-New Zealand diplomatic relations. There are around 12,000 people of Japanese descent living in New Zealand, over half of whom live in Auckland, with other significant communities in Christchurch, Wellington and Dunedin.

Founded in 1960, the Auckland based New Zealand Japan Society organises a wide range of activities, including an annual Japan Day at the Auckland Showgrounds in February, attended by thousands of Aucklanders. The first ever Japan Day was held in Christchurch, organised by the Japanese Society of Canterbury, it attracted around 15,000 Cantabrians. Japan Day celebrated both the 20th anniversary of the Japan Society of Canterbury and the 60<sup>th</sup> anniversary of diplomatic relations between New Zealand and Japan. It also commemorated the great loss of life and extensive damage caused by the Christchurch earthquakes (2010 and 2011) and the East Japan earthquake in 2011. Wellington also enjoyed a Japanese festival along with a Japanese film festival in September.

## African community comes together

Africa Day, commemorating the foundation of the Organisation of African Unity in May 1963, was celebrated by the African community with events in Auckland and Christchurch. Other events celebrated by the New Zealand African community included:

- 1 *Soul of Africa*, a festival in Christchurch attended by people originating from 26 African nations which showcased African culture through music and food
- 2 plans were announced to celebrate the 50th anniversary of the signing of the Declaration of African Unity with a major Pan-African event in 2013
- 3 the Wellington African community presented their fourth annual Africa Music Day in February.

The first ever national African Forum, UBUNTU, was held in Auckland in July. Organised by the Office of Ethnic Affairs, it aimed to initiate discussion on how African people can unite to build a stronger and more resilient community by tackling some of the challenges and opportunities faced by African migrants in New Zealand. Discussion topics included forging stronger economic ties with Africa, building strong leadership within the NZ-based community, and addressing negative media portrayal, and issues relating to African youth, women and health.

According to the 2006 Census, around 15,000 people of African origin live in New Zealand, most live in Auckland.

## What do you mean, we?

Issues of prejudice were explored in an exhibition at Te Tuhi Centre for the Arts in Auckland from March to May, coinciding with Race Relations Day on 21 March.

*What do you mean, we?* got together 10 international artists to examine prejudice in its various forms. The artists employed a range of strategies, from psychoanalysis to voluntary homelessness, to expose or transcend discrimination.

Curator Bruce Philips spent a year bringing the artists together for the exhibition. He said they employed unusual approaches to tackle the age-old issue of prejudice. "There isn't one single issue or specific finger pointing; rather the exhibition focuses on what causes prejudice in us all, broaching the topic in humorous and inventive ways. The show helps us look at ourselves in a non-confrontational way, and is a step towards understanding and tolerance in our multi-cultural and global age."

Performance artist Kalisolaite Uhlia lived in the grounds of Te Tuhi as part of the exhibition. For two weeks from March 19, Uhlia shed his regular life and roughed it outside to gain a greater

understanding of what it might mean to be homeless. Uhlia survived on the generosity of a food bank set up in the gallery and had only enough belongings to fit into a supermarket trolley.

## **New Zealand Diversity Awards**

Twelve organisations were recognised for their outstanding and practical contributions to race relations in New Zealand at the closing ceremony of the NZ Diversity Forum in August. More than 60 organisations have now been recognised for their contributions since the annual awards were established in 2007. Recipients range from community, cultural and educational organisations to private companies, councils, museums and libraries. The 2012 recipients were:

### **Auckland Refugee Community Coalition**

The Auckland Refugee Community Coalition advocates for refugee community voices and promotes sustainable integrated refugee resettlement programs. Their projects include a working group of people active in local and national refugee forums, a women's group, a trust which raises funds for refugee family reunification, and *Voices of Tomorrow*, nurturing and inspiring youth leaders in Auckland refugee communities.

### **Auckland Regional Migrant Services Charitable Trust (ARMS)**

The ARMS Auckland Regional Centre in Three Kings was opened in 2003. It was the first such "one-stop-shop" in New Zealand as a first point of contact for newcomers to Auckland, followed by another centre in Manukau. Funded by Immigration New Zealand, the Trust's multicultural staff team provides settlement support services to over 4000 newcomers at the two centres each year. They also deliver regional support activities for Settlement Support New Zealand (SSNZ) across Auckland. Their projects include the *Migrant Employment Assistance Programme*, with over 80 free job search workshops each year, and the *Volunteer Work Experience Programme* with over 80 newcomer volunteers each year.

The Trust also runs Treaty of Waitangi workshops for new migrants.

### **Christchurch Resettlement Services**

Christchurch Resettlement Services supports people from refugee and migrant backgrounds to settle successfully in Christchurch. They have five distinct but complementary service delivery areas: a bi-lingual community work team comprising people from the five largest refugee communities, a social work programme, a youth programme, a health promotion programme, and, in partnership with English Language Partners, the *Living Well in Christchurch* programme. The latter provides ongoing information/orientation in a framework of ESOL/literacy tuition for primarily pre-literate refugee background women with pre-school children. A childcare support service

attached to the programme enables mothers to attend. After the September 2010 earthquake, the agency was able to continue to provide services from its existing premises in Addington.

## **Future Dragonz**

Future Dragonz is a young professionals' network, offering social networking and learning opportunities to New Zealand and overseas born Chinese. An initiative of the New Zealand Chinese Association Auckland, the network delivers events bringing together Auckland's local born, 1.5 generation and international student community, enabling them to grow their social networks, gain practical career advice and be inspired by fresh thinking around creativity, health and lifestyle pursuits.

In 2012, Future Dragonz organised the Slanted series which tackled the hot topic of employee discrimination. The first instalment *White or Wong? Unlocking the Bamboo Door* was a panel discussion exploring the myths and realities of employee discrimination and cultural stereotyping. Another instalment, *Revolving Doors, the Changing Faces of Aotearoa*, focused on the increasing number of young Chinese professionals in New Zealand and how they are making their mark in Auckland and around the world.

## **Migrante Aotearoa NZ**

Migrante Aotearoa is an organisation of Filipino workers and their families with members living throughout the country. It was formed in Auckland in 2009 in response to cases of agents being unscrupulous in their dealings with migrant workers and reports of unfair labour practices. Migrante Aotearoa is part of Migrante International which has global affiliates. The group seeks to empower Filipino migrants and their families by providing information about settling in New Zealand while also maintaining and nurturing their Filipino heritage. Their campaigns are focused on building awareness and concern about the plight of poor and marginalised Filipinos. They provide information, research and services to ensure Filipino migrant workers are aware of their rights and welfare by providing information on immigration assistance, settlement support, rights and welfare information, and general information on job searching. Migrante works with trade unions, community groups and institutions.

## **Museum of Wellington City and Sea**

The Museum of Wellington City and Sea on Wellington's Waterfront is noted for its innovative exhibitions and events representing Wellington's diverse communities. Their 2011–12 *Death and Diversity* exhibition, in association with the Office of Ethnic Affairs, the NZ Police and the Funeral Directors Association, involved Assyrian, Mexican, Colombian, Filipino, Chinese, Jewish, Hindu and Muslim communities, all of whom shared their stories about their rituals and practices

surrounding death. The exhibition was organised around the six themes of water, fire, earth, colour, food and words. A “memory chain” was featured in the exhibition, enabling visitors to write a tag relating to their experiences of death or leave a small memorial to a loved one. This proved popular with the thousands of visitors with responses and contributions in a number of languages.

## **NetherlaNZ Foundation**

The NetherlaNZ Foundation provides a connection point for Kiwis with a Dutch background – to foster ties between the old country and the new, and to enjoy what those who have settled in New Zealand have in common. It does this through projects celebrating Dutch heritage such as creating books and curating art shows and exhibitions demonstrating and reflecting iconic Dutch events. A recent project was the touring *Anne Frank Exhibition*, telling the story of Anne Frank, working to keep her message alive, and educating a new generation about the atrocities of World War Two. It was seen by 170,000 people in 17 museums throughout New Zealand in the past two years. The Foundation also tours the Amsterdam based annual World Press Photo Exhibition. It was instrumental, in conjunction with Toi Aotearoa, in getting the *Leiden Waka* project off the ground. The Netherlands based waka is available for projects in Europe and recently joined the Queen’s Festival celebration on the Thames.

## **Te Kura Kaupapa Māori o Ngāti Kahungunu o te Wairoa**

In 2009, the kura Board of Trustees developed an interest in human rights in education and organised a series of wānanga with whānau on the issue. This led to the kura declaring itself, on Human Rights Day 2010, to be a Human Rights School, the first Kura Kaupapa Māori, in New Zealand to do so. Their Declaration said: “We are a Kura Tika Tangata because we actively promote and protect human rights, recognising that our children are our greatest taonga. Under the guidance of the philosophy and principles of Te Aho Matua, we hereby make our declaration to be a Kura Tika Tangata – ‘Kia Tū Rangatira Ai’ (*Stand strong as Leaders*).”

The Kura is developing its own unique curriculum based on the stories, customs and traditions of the tribe of Ngāti Kahungunu of Wairoa, supported by Te Aho Matua, the Treaty of Waitangi and international human rights documents. The kura has a vision for the whole community of Wairoa to become bilingual by 2040.

## **Victory Community Centre – Nelson**

Victory Community Centre is managed by the Victory Community Health Centre Inc which employs a number of part-time staff. It is based on the campus of Victory Primary School and works collaboratively for the health and wellbeing of the whole community. The centre supports a low income community of 6000 (40% Māori, 12% Pacific peoples, and 15% Burmese former

refugees). There are many ways for the community to connect with the centre such as by attending English as second language classes, working in the community garden, coming to ante-natal classes, receiving support for health queries or attending clinics and family celebrations. The school is 40 per cent Māori and has four bi-lingual classes, as well as hosting a kōhanga reo on the campus. Kapa haka is very popular and groups often perform at events in the region. The centre's own annual event is the *Matariki Lantern Parade* involving a walk to the top of Railway Reserve where drummers and fire dancers perform. The lantern parade returns to a hāngi for all those attending the event at the centre.

### **Waikato Interfaith Council**

The Waikato Interfaith Council (WIFCO) is a voluntary non-profit association of people collectively representing the diversity of religious traditions and faith communities that exist within the wider society. The Council aims to foster mutual appreciation and good relations between these traditions and communities, coordinate action, act on behalf of any or all of them in respect of religious issues and relationships to society at large, and act in an advisory and consultative capacity to the community. In February, the Council organised and hosted the ninth National Interfaith Forum with over 200 people in attendance. Highlights included an interfaith film festival, a bus tour of diverse Hamilton faith centres, and the launch of the Commission's [Guidelines on Religious Diversity in the Workplace](#). WIFCO supports various faith based organisations in celebrating events such as Islam Awareness Week and multi-faith services.

### **Waitaki Multicultural Council**

The Waitaki Multicultural Council was formed in 2008 to support a large migrant community of over 50 ethnicities. Over time, activities have been developed for children, youth, community and social gatherings, including a women's group. With a strong volunteer base, the Council has embraced the opportunity to participate in the NZDAP, promoting cultural diversity, racial harmony and newcomers' access to positive settling in experiences. The Council's highlight for the year is Race Relations Day in March. This collaborative community celebration generates friendships and an opportunity to showcase the community's cultures. The Council offer settlement and newcomer services, working closely with, and supported by, the Ministry of Social Development Settling In Programme.

### **Auckland Philharmonia Orchestra**

Auckland Philharmonia Orchestra (APO) is the city's only resident full-time professional symphony orchestra. The APO seeks to interact with the community it serves in culturally appropriate ways. It has strong ties to Ōtara, and has, for five years, held workshops introducing and mixing young

urban artists with classical musicians. This year a full concert was held at Auckland Town Hall featuring hip-hop artists performing on the main stage with the full orchestra backing.

Accessibility is important, and the APO holds free open days around Auckland, sharing the joys of classical music with people who might otherwise not come into contact with it. Central to this philosophy is *Sistema Aotearoa*, a music and social intervention programme that sees trained musicians teaching instrumental skills to primary school children in Ōtara. Now in its second year, *Sistema Aotearoa* currently teaches instrumental skills free-of-charge to 160 children.

## **EthnicA Conferences 2012**

Following the success of the first two EthnicA conferences for ethnic communities in Auckland and Wellington in 2011, the Office of Ethnic affairs held four conferences in Auckland, Hamilton, Christchurch and Wellington. The overarching theme was *Building connections*.

Over 400 people attended the Auckland and Hamilton conferences where opportunities and freedoms that New Zealand presents to migrants were discussed. The Christchurch conference focused on the city's regeneration following the earthquakes and cultural impact on planning, architecture and urban design.

The final conference, in Wellington, explored the potential of connecting people with international experience to establish, social, economic and cultural ties.

The Director of the Office of Ethnic Affairs, Mervin Singham, says the EthnicA series aims to strengthen connections within ethnic communities and with the mainstream, foster bold debate and provide a platform for practical learning. Epic NZ Conference was also held in 2012, providing a forum for ethnic people in commerce.

Three conferences are planned for 2013, in Auckland, Wellington and Christchurch.



## 4 Whakahāweatanga me te nonotitanga – Discrimination and harassment

### Overview

A Statistics New Zealand report published in 2012 found that racial discrimination was the most common form of discrimination experienced by New Zealanders in 2008 and 2010. Drawing on data collected from over 17,000 respondents in 2008 and 2010, the report found that six per cent of New Zealanders (187,000) had experienced racial discrimination in the previous twelve months. People who identified as Asian reported the highest levels of racial discrimination, followed by Māori and Pacific peoples. The highest levels of discrimination occurred in employment settings, on the street, or in a public place.

Complaints to the Human Rights Commission about racial discrimination, incitement and harassment bear out the Statistics New Zealand report, with such complaints representing a third of all unlawful discrimination complaints received by the Commission. Employment settings were likewise the most common place for discrimination and harassment to occur.

The Commission's annual survey of perceptions of discrimination, taken in November, also confirms that Asian New Zealanders continue to experience the highest levels of direct racial discrimination. However, New Zealanders generally observed there to be less discrimination against Asians in 2012 than in previous years. People on welfare were seen to be the group most discriminated against.

There were few reports of racially motivated crime, but those incidents that did occur were of a serious nature. They included the desecration of the Jewish quarter of a cemetery in Auckland, a violent attack on a Korean family in Dunedin, and violent attacks on a Vietnamese man, a Japanese woman and a Filipino man in Christchurch. The courts continue to take a very dim view of racially motivated crimes and impose deterrent sentences.

### Six per cent of New Zealanders experience racial discrimination

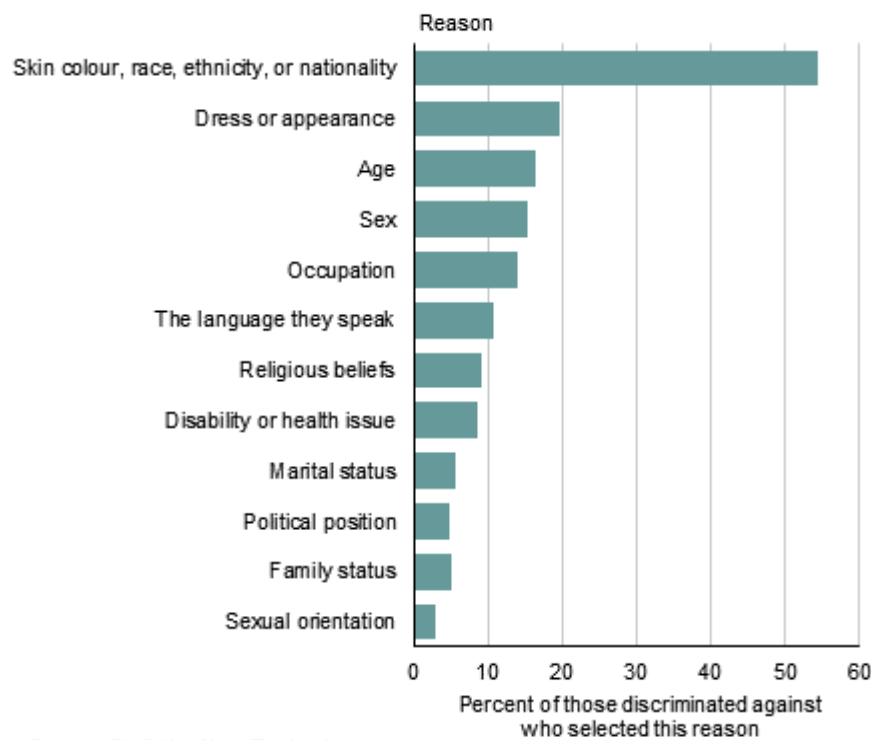
A report published by Statistics New Zealand shows that racial discrimination was the most common form of discrimination experienced by New Zealanders in 2008 and 2010. Drawing on data collected from over 17,000 respondents aged 15 years and over in the 2008 and 2010 General Social Surveys, the report concludes that of the ten per cent of New Zealanders (343,000)

who experienced some form of discrimination in the previous twelve months, six per cent (187,000) experienced racial discrimination.

Two response categories were combined from the survey to report on racial discrimination – “skin colour” and “nationality, race or ethnicity”. The report noted that the figure could be higher than six per cent if other categories – “the language they speak”, “religious belief” and “dress or appearance” – were included.

To be counted as having experienced discrimination, respondents had to report that they had been treated unfairly or had something nasty done to them because of the group they belonged to or seemed to belong to. Respondents could choose as many reasons as they thought relevant.

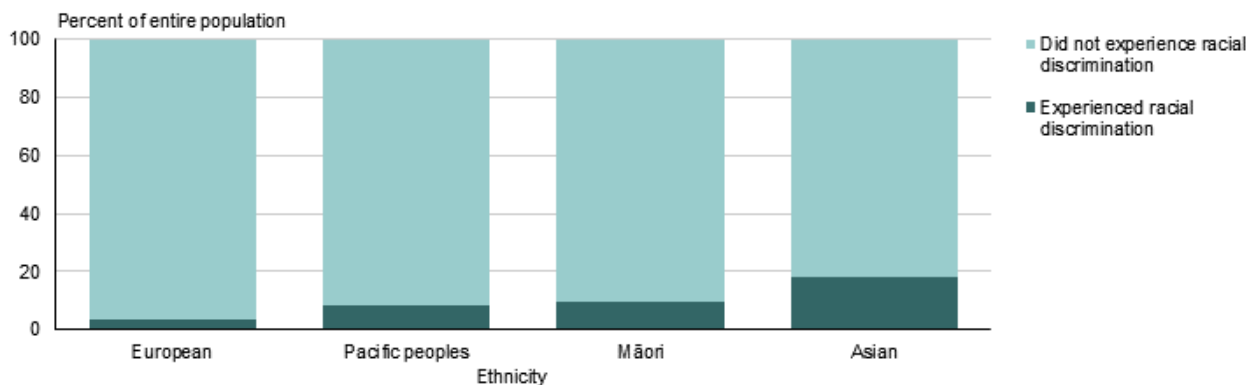
### Respondents who felt discriminated against (by reason)



Source: Statistics New Zealand

People who identified as Asian reported the highest levels of racial discrimination in any setting, followed by Māori and Pacific peoples.

## Respondents who experienced racial discrimination in the last 12 months (by ethnicity)



Source: Statistics New Zealand

People surveyed reported that one of the highest levels of discrimination occurred in employment settings. Overall, 4.3 per cent (or an estimated 143,000 New Zealanders) said they had been discriminated against, either while at work, or when working or while applying for (or keeping) a job or position. This was followed by 4 per cent of respondents (or an estimated 136,000 New Zealanders) who felt they had been discriminated against while on the street or in a public place.

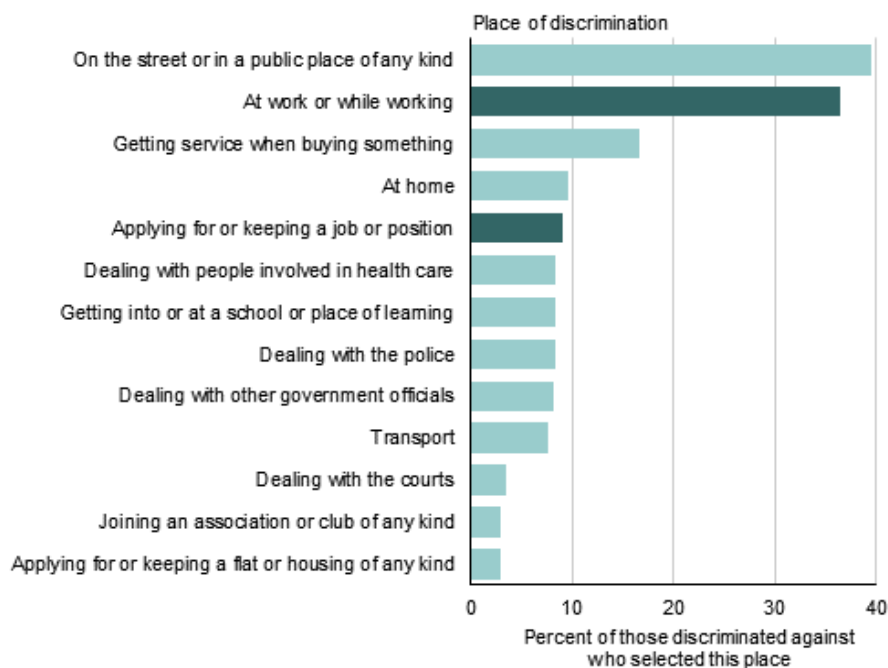
When looking specifically at the working age population in the survey (defined as those aged 18–65), 2 per cent of respondents (or an estimated 64,100 people) reported experiencing racial discrimination at work or while working in the past 12 months.

Statistical modelling based on this group of people shows that Māori, Pacific, and Asian peoples are all more likely to report experiencing racial discrimination in the workplace than the majority group (Europeans).

Migrants are more likely to experience racial discrimination in the workplace than non-migrants (people born in New Zealand). Racial discrimination is not only associated with a person's ethnic group, but also whether or not they are born in New Zealand.

People who hold a formal qualification (secondary school, trade, or university) are more likely to report racial discrimination in the workplace than those with no qualifications. When applying the same statistical model to racial discrimination in a public place and to overall racial discrimination, having a qualification does not mean that you are more likely to report experiencing racial discrimination.

## Respondents who felt discriminated against (by place)



Source: Statistics New Zealand

## Societal Perceptions of discrimination

New Zealanders generally observed less discrimination in 2012 than in previous years against Asians, recent immigrants, refugees, Pacific peoples and Māori, according to an annual survey conducted by UMR Research for the Commission. The survey asked people who they believe suffer most discrimination, indicating what they may have observed in the media, at work, in the community or amongst family and friends. The survey asked about peoples' perceptions of discrimination rather than their actual experiences.

Respondents were first asked to name groups that they felt were most discriminated against. Fifty-seven per cent mentioned an ethnic background or race as their first response. This was down three per cent from 2011 and seven per cent from the all time high in 2009. As in previous surveys, the highest number of first mentions (20%) named Asians as the most discriminated against, but this was down five per cent from the previous year and the lowest since 2008. Māori were perceived as the next most discriminated against group (12% of first responses), the highest since December 2001.

Respondents were then asked to rate how much a number of named groups were discriminated against. People on welfare were identified as the group most discriminated against (74%, same as in 2011), followed by Asians at 72 per cent (down 4% from 2011 and the lowest since 2007).

Recent immigrants were identified by 69 per cent (down 1%), refugees by 62 per cent (down 3%), Pacific peoples by 59 per cent (down 3%) and Māori by 54 per cent (down 4%).

## **Flurry of racial vandalism in Auckland**

There were three separate incidents of racial vandalism in the course of a week in Auckland in October.

Twenty gravestones in the historic Jewish quarter of a cemetery in central Auckland were vandalised and spray painted with Nazi insignia and slogans. Police arrested three youths and charged them with wilful damage. Charges against one were subsequently withdrawn by the Police for lack of evidence. Of the other two, Robert Moulden (19), pleaded guilty to a charge of intentional damage in November, and was due to be sentenced in February 2013, and Christian Landmark (20) pleaded not guilty and was due to reappear in court in January 2013.

In what was assumed to be a copy-cat incident, an unoccupied house in the Auckland suburb of Grey Lynn was broken into and defaced with similar slogans a few days later. Also that same week, a bullet was fired through the front window of the office of immigration consultant and former Immigration Minister, the Hon. Tuariki Delamare, causing the window to shatter. National Front style slogans were painted on the footpath outside.

There was speculation that the cemetery attack was to give publicity to the annual Flag Day march to Parliament on Labour Day by fringe national socialist and white supremacy groups, the National Front and the Right Wing Resistance, but spokespeople for these groups, Colin Ansell and Kyle Chapman, denied any connection with the incident. Less than 40 people attended the national flag march, and Ansell told *3 News* that his group's biggest problem was maintaining its transient membership and getting them to pay the \$15 a year membership fee.

## **Jail and home detention for racial attack in Dunedin**

Three unemployed young people in Dunedin were sentenced to prison or home detention for abusing and assaulting a Korean family in Dunedin at Easter, and for then assaulting a student who tried to intervene. The family, who were visiting from Auckland, were walking along Dunedin's main street when the drunken trio began shouting racist remarks at them, threw a bottle and punched one of the group in the face.

Charlene Amelia Hunt (22) was sentenced to six months in prison for the assault, Alana Jane Robins (18) was sentenced to three months in prison, and Andrew Jayden Mercer (18) to two months home detention. All three were also convicted of other unrelated offences. In sentencing

Mercer, Judge Stephen Coyle said it was entirely unacceptable and abhorrent that anyone should be taunted simply because of their race "or looking different from you".

## **Owners jailed for dog attacks on Asians in Christchurch**

A man and a woman were sentenced to eight months in prison for setting their dog onto Asian people in Christchurch. Phillipa Ann Parker (18) and her former boyfriend Steven Brian Donaldson (24) admitted to the court that they had associated with an extreme right wing group and that the attacks were racially motivated.

Parker had yelled abuse at a Vietnamese man, told her dog to kill him, punched him and tried to hit him with a beer bottle. When he took shelter in a shop she stomped on the bags of groceries he had dropped, threw items at the shop door, and yelled for him to go back to his own country.

A few months later, the pair met a man from the Philippines, and set their dogs on him in Lincoln Road, Addington. Parker let her dog off the leash to let it chase him. The dogs jumped up and tried to bite his shoulders, damaging his jacket, while he took shelter inside a property and then inside a flat.

A Japanese woman was then confronted nearby. The dogs were encouraged to attack her while she huddled in a corner, until help arrived. The woman was taken to hospital for treatment for a bite wound and scratches.

In sentencing the pair, Judge Doherty said: "The main purpose of the sentencing is deterrence." He noted the special provisions of the Sentencing Act for racially motivated crimes.

The judge also ordered the dog to be put down, saying "It's not the dog's fault, but it seems to me it has been socialised into activities that could lead to greater risks in the future."

## **Complaints to the Human Rights Commission**

The Human Rights Commission received 573 complaints about unlawful discrimination, incitement and harassment on the grounds of race, colour, ethnicity or national origin in 2012. Race related complaints accounted for 30.3 per cent of all complaints received by the Commission, a proportion consistent with previous years.

## Race related complaints and percentage of total complaints of unlawful discrimination

2012	573	30.3%
2011	475	31.8%
2010	542	31.8%
2009	501	34.6%
2008	406	26.7%
2007	437	29.4%

## Government agencies

Part 1A of the Human Rights Act applies to discrimination by agencies or persons acting in accordance with legislation. Part 2 applies to the private sector. Part 1A complaints represented 23 per cent of race related complaints in 2012.

### Part 1A complaints

2012	23%
2011	18%
2010	22%
2009	22%
2008	22%

There were several complaints about the two-year stand down period for permanent residents seeking to apply for a NZ student loan, and several regarding health services being free or offered at reduced rates for certain ethnic groups. Twenty-nine complaints were about educational establishments, compared with an average of 36 in the previous four years.

## Racial disharmony

There were 82 complaints alleging incitement to racial disharmony (Section 61 of the Human Rights Act). These complaints were spread across half a dozen issues in 2012, in contrast to the previous three years where a high number of complaints (between 80 and 752) were received regarding a single incident.

## Employment

The most common area for race related complaints was in the pre-employment process and in the workplace, totalling 152. Most employment complaints are of racial harassment in the workplace and of race discrimination. Complainants claimed that racism was not being taken sufficiently seriously in their workplace and that the results of their complaints about racial harassment were consequently unsatisfactory. Pre-employment complaints are most often about advertisements or employers who are seeking an employee of a specific ethnicity or national origin.

## Employment and pre-employment

	2010	2011	2012
	193	154	152
<b>Treatment/harassment</b>	56	61	44
<b>Racist comment/abuse</b>	37	19	34
<b>Language/accent</b>	18	13	8
<b>English only policies</b>	17	3	9
<b>Ethnic bias in pre-employment</b>	17	14	31
<b>Declined work</b>	11	19	8
<b>Termination</b>	11	6	4
<b>Job application questions</b>	-	4	4
<b>Declined promotion</b>	-	3	3
<b>Immigration status</b>	7	2	7

## Racial Harassment

There were 63 complaints about racial harassment, with the workplace being by far the most common area for it to occur.

## Goods and services

There were 52 complaints about discrimination in the delivery of goods and services. These included racial profiling or stereotypes in retail situations, such as:

- 1 having to pay for petrol before filling the tank when Pākehā customers don't have to
- 2 being treated rudely or being accused of shoplifting, believing that to be race related
- 3 racial name calling or ridicule for accent/language/ethnic origin when there is a disagreement over the provision of goods and services.



## The Office of Human Rights Proceedings

In 2012, fourteen applications for legal representation relating to complaints about race, racial harassment, colour or ethnic or national origin were considered by the Office of Human Rights Proceedings. Two further applications awaited a decision. Of these 16 applications, six complainants alleged discrimination solely on the grounds of ethnic or national origin and the remaining 10 involved multiple grounds.

The Director of Human Rights Proceedings decided to refer three of the cases back to the Human Rights Commission for mediation and declined to provide representation to the remaining 11 applicants.

## Human Rights Review Tribunal

The Office of Human Rights Proceedings was not involved in any proceedings relating to complaints about race, racial harassment, colour or ethnic or national origin in the Human Rights Review Tribunal in 2012. The Tribunal concluded one such case, in which the plaintiff alleged that she was a victim of indirect discrimination on account of her sex and ethnicity (*Sionepulu v Downer NZ Limited* [2012] NZHRRT 16 (17 July) 2012). These proceedings were struck out on the grounds that there was a complete lack of evidence that the plaintiff had been the victim of discrimination of any kind.

The Tribunal had two active race discrimination matters before it at year end. The first involves a former employee (the plaintiff) and a taxi company (the defendant). The plaintiff claims he was treated differently on the basis of his race. A jurisdiction issue decision is pending. The second involves multiple claimed grounds that include a claim by the plaintiff that he was treated differently by Work and Income New Zealand because he is not Māori. The defendant has filed an application for strike out.

## 5 Te Tiriti o Waitangi – Treaty of Waitangi

### Overview

The relationship between the Treaty partners – whānau, hapū and iwi, represented by rangatira and the Crown – operates at all levels, branches and sectors of government. Much of it is routine, but relationships are changing as iwi develop their economic base (now estimated to have a value in the region of \$40 billion) and Treaty settlements provide new mechanisms for consultation, co-management and self determination.

The increased momentum of Treaty settlements in recent years continued in 2012. Key events included:

- 1 Ngāi Tūhoe and the Crown, whose negotiations had stalled in 2011 over the Government's refusal to return ownership of Te Urewera National Park, signed a high-level agreement with a number of novel features and proposed compensation of \$170 million.
- 2 Ngāti Toa Rangatira and the Crown negotiated the introduction of unique legislation recognising the significance of the world famous *Ka Mate* haka to Ngāti Toa Rangatira and requiring the identification of Te Rauparaha as the composer of *Ka Mate* and as a Ngāti Toa Rangatira.
- 3 Te Rarawa settlement provided for an extensive co-governance arrangement for conservation land.
- 4 An unprecedented 11 bills were passed into law by Parliament during the year giving effect to settlements reached in 2012 and in previous years.

One of the major disputes of the 1990s, was the Government's policy of a \$1 billion fiscal cap on Treaty settlements. This prompted Waikato–Tainui and Ngāi Tahu, the first major iwi to settle with the Crown in the nineties, to negotiate a relativity clause which would be triggered if the inflation-adjusted cap was exceeded. That point was reached in 2012, when the total Treaty settlement distribution amount reached \$1.3 billion. It was estimated that Ngāi Tahu and Waikato–Tainui would receive an additional \$68.5 million and \$70 million respectively.

In recent years, the Government has increasingly engaged with the Iwi Leaders Group on issues of national significance. Where individual iwi feel that government agencies have not met their Treaty partnership obligations, there has been a trend to negotiate arrangements through the Treaty settlement process, for example accords on education, social services, resource

management, natural heritage conservation and relationships with local government. In 2012, “letters of introduction” became a new feature of Treaty settlements, replacing Treaty accords. These provide for a less formal approach that confirms the relationship between an iwi and a government agency but defers the negotiation on agreed investment outcomes to the post-settlement phase. This is expected to streamline the settlement process.

The Waitangi Tribunal considered an unprecedented number of urgent applications, including the Kōhanga Reo claim and the national freshwater and geothermal resources claim. Others related to Treaty remedies and settlements, including those concerning Ngāti Toa Rangatira, Muriwhenua, Ngāti Raukawa, and Mangatū. The third and fourth reports of the Te Urewera Inquiry were published, as was *Te Kāhui Maunga*, the report of the Tongariro National Park District Inquiry. A number of district inquiries were also progressed. As these begin to draw to a close, the Tribunal’s focus is shifting to urgent inquiries, contemporary claims and kaupapa claims (nationwide or generic, rather than district-based claims).

Water and water related issues have been a prominent feature of Crown–Māori relations in the past two decades. The primary focus in 2012, was on customary rights in relation to fresh water, brought to the forefront by the Government’s proposal to sell shares in publicly owned hydro-electric power companies. The case taken by the Māori Council to the Waitangi Tribunal, the Tribunal’s report, the Government and iwi responses, the application for a judicial review by the High Court and the appeal to the Supreme Court dominated the headlines. Objections to the original proposal to release the Mixed Ownership Model enterprises from the Treaty obligation contained in the State Owned Enterprises Act were successful. However, it was evident by the end of the year that the Government intends to proceed with the sales despite attempts to delay them while claims to customary rights to water are resolved. The Māori Council’s appeal to the Supreme Court was dismissed in early 2013. However, it is likely that the focus will in any event revert to negotiations about Māori fresh water rights more generally, with the Crown negotiating with both individual iwi and hapū, and national groupings such as the Iwi Leaders Group.

Other water related developments in 2012 echoed past national claims and settlements such as those now sought for fresh water. They included the 20<sup>th</sup> anniversary of the 1992 fisheries settlement which, after a very slow and litigious start, is now largely implemented; the ongoing implementation of the 2004 aquaculture settlement; and the implementation of the 2011 Marine and Coastal Area (Takutai Moana) Act. According to the annual UMR Research survey conducted for the Human Rights Commission, nearly two thirds (64 per cent) of New Zealanders agreed that the Treaty “belongs to all New Zealanders”, but only 23 per cent felt that “the Treaty relationship between the Crown and Māori is healthy”.

## Waitangi Tribunal

The Waitangi Tribunal is an independent Commission of Inquiry established by the Treaty of Waitangi Act in 1975 to consider claims brought by Māori into Crown acts and omissions in breach of the Treaty of Waitangi. The deadline for lodging claims relating to historical grievances (incurred before 21 September 1992) was 1 September 2008. However, claims relating to contemporary grievances can still be lodged and historical claims can be amended.

There was an influx of applications for urgent hearings in 2012. These are given priority over other Tribunal business as claimants allege that they will suffer significant and irreversible prejudice as a result of current or pending Crown actions or policies. The Government's aspirational deadline of settling Treaty claims by 2014, and an increase in negotiating claims collectively, has led some groups to feel excluded from the process. This has placed pressure on the Tribunal's workload as claimants have had to resort to applications for urgent hearings to resolve disputes prior to settlement legislation being enacted.

### Urgent inquiries

The two major urgent inquiries in 2012 were on freshwater and Kōhanga Reo. The Tribunal released its *Stage 1 Report on the National Freshwater and Geothermal Resources Claim* (outlined in the section below on Sale of shares in Mighty River Power), and *Matua Rautia*, its report on the Kōhanga Reo Claim (outlined in the Reo/Language chapter of this report).

An urgent inquiry was held into the Crown's actions in negotiating Treaty settlements involving Taranaki Whānui and Ngāti Toa Rangatira in Wellington. An urgent inquiry was granted into the Crown's actions in negotiating a settlement with Te Pūmautanga o Te Arawa Trust and Te Arawa River Iwi Trust, and Ngāti Raukawa. This was later dismissed by the Tribunal. The Tribunal declined 12 other applications for urgency related to Crown actions in Treaty settlements.

Urgency was granted for two remedies hearings relating to the Tribunal's power to make recommendations on Crown Forest Land. Remedies hearings consider compensation and other means to restore claimants' rights under the Treaty. Following a Supreme Court direction, the Tribunal held an urgent hearing on an application by Mangatū Incorporation to consider whether land acquired by the Crown in 1961 should be returned and to whom. Urgency was also granted to Ngāti Kahu of Muriwhenua who sought binding recommendations from the Tribunal for the return of Crown lands that include forest land.

Although the Tribunal has heard some kaupapa claims under urgency, there are still many that remain to be heard. A kaupapa claim is a term used to describe claims that are nationwide or generic, rather than district-based.

## District inquiries

In addition to the Tribunal's workload shifting to contemporary claims and nationwide kaupapa claims, major district inquiries are still to be completed. Completion of the District Inquiries Programme, which commenced in the 1990s, is now within sight. The Tribunal has focused on completing reports on claims already heard. Reports have been issued on 17 of the 37 districts.

There are four main district inquiries underway. The inquiry into Te Paparahi o te Raki (Northland) covers approximately 390 individual claims. The inquiry is in two stages and stage one of the report is currently being written, considering He Whakapūtanga o te Rangatiratanga (the Declaration of Independence) and Te Tiriti o Waitangi (the Treaty of Waitangi). The inquiry into Te Rohe Pōtae (King Country) covers around 250 individual claims. It has begun hearings which will continue through 2013 and 2014. Judicial conferences were held for the inquiry into Porirua ki Manawatū and a casebook research programme was finalised. The district inquiry for Taihape (inland Pōtea or Mōkai Pātea), covering around 30 claims, is in the early stages of casebook research which is scheduled for completion in early 2013.

Parts three and four of the report into the Te Urewera District Inquiry were released this year. Part three examines the origins of Te Urewera National Park with Part four looking at the arrest of Ngāi Tūhoe spiritual leader Rua Kēnana in 1916. The Tribunal found that the military-style action had been rightly characterised as an invasion. The report also examines issues relating to land development in the twentieth century. Part one, released in 2009, examined the landscape and people of Te Urewera, the confiscation of Ngāi Tūhoe land by the Crown in the 1860s and the impact of Crown actions on the relationship between Māori in Te Urewera and the Crown. Part two, released in 2010, looked at the war from December 1865 to May 1866 and the loss of four large land blocks. It also examined the tino rangatiratanga of Ngāi Tūhoe and Ngāti Whare as embodied in Te Whitu Tekau – the governing council of rangatira, and the management of lands in the eastern part of the district in the first half of the twentieth century. The majority of the claims in the inquiry are from Ngāi Tūhoe. Other claimant groups include Ngāti Whare, Ngāti Manawa, Ngāti Ruapani, Ngāti Haka Patuheuheu and Ngāti Kahungunu.

*Te Kāhui Maunga*, the report on the Tongariro National Park District Inquiry covering 41 individual claims, was released in December. The report examines the process of colonisation in the area of Tongariro National Park and certain lands surrounding the park. It explores the Crown's land acquisition, the creation and management of the park and the establishment and operation of the Tongariro Power Development scheme.

The Tribunal found that the *tuku* by Horonuku Te Heuheu of the mountains (te kāhui maunga) was not the equivalent of an English-style gift. Instead, the *tuku* could more accurately be seen to

express the acceptance by Te Heuheu of the Queen as partner or co-trustee. Te Heuheu considered that this partnership would ensure Ngāti Tūwharetoa would always retain their association with the mountains, and that the mountains would be protected forever for the benefit of Māori and Pākehā. The Tribunal recommended that the Crown restore the partnership intended by the tuku in 1887 and honour its obligations. Specifically, it recommended that title to the park be made inalienable, be held jointly by ngā iwi o te kāhui maunga and the Crown in a new Treaty of Waitangi title, and be managed jointly by a statutory authority comprising iwi and Crown representatives.

The inquiry also focused on Tongariro Power Development (TPD). When the Crown set up TPD it did so without consultation, and TPD affected lakes and rivers, resulting in reduced water quality, loss of habitat and kai. The Crown did not compensate the owners for the detrimental effects on their lake or for the use of the lake for storage. The inquiry also examined Crown purchasing, the operation of the Native Land Court, the impact of Crown actions on customary fisheries, and geothermal resources. The Tribunal held that overall the Treaty principles of dealing fairly and in good faith had been breached, that substantial restitution was due, and that the quantum should be settled by prompt negotiation.

## **New appointments to the Waitangi Tribunal**

The Minister of Māori Affairs announced the appointment of Miriama Evans, Dr Rawinia Higgins, the Hon. Paul Swain and Nick Davidson to the Waitangi Tribunal for a three-year term from 1 January 2013. Professor Sir Hirini Mead was appointed for a further term.

Miriama Evans has worked extensively in the public sector as a senior official, and holds a wealth of experience in iwi governance.

Dr Rawinia Higgins is fluent in te reo Māori and is a widely published Māori academic with iwi experience.

The Hon. Paul Swain held numerous Ministerial portfolios during his political career spanning 15 years. He currently works in the private sector and has an intimate knowledge of the Treaty settlements sector having worked as a Chief Crown Negotiator.

Nicholas Davidson has worked extensively in the field of law. During his career as a lawyer, he gained considerable experience and knowledge of the Treaty settlement process through representing a number of iwi and pan-Māori clients.

Professor Sir Hirini Mead is a respected kaumātua, academic, social scientist and educationalist.

## Treaty Settlements

*A Treaty settlement is an agreement negotiated between the Crown and a Māori claimant group. It settles all historical breaches of the Treaty of Waitangi suffered by the Māori claimant group before 1992. A settlement usually includes financial and cultural redress, commercial redress, an agreed historical account, an apology and acknowledgements. The process for negotiations proceeds from the Māori group's negotiating body having a deed of mandate recognised by the Crown; terms of negotiation signed; and an agreement in principle setting out major elements of the redress package. A deed of settlement is initialled and then ratified by the claimant group, and signed. This sets out the full terms of the settlement and is a legally binding document between the group and the Crown. The settlement is then implemented through legislation.*

Māori and the Crown continue to make progress with Treaty settlements towards the aspirational goal of settling all historical Treaty claims by 2014. The Treaty Negotiations Minister, the Hon. Chris Finlayson, estimated that there were 40 to 60 claims outstanding and that all those who want to, and are able to, engage in negotiations should have a heads of agreement or an agreement in principle by 2014. Two years out from 2014, new forms of redress such as non-quota fishing species have emerged and settlements are shaping the nature of Treaty relationships post-settlement as the Crown ownership footprint reduces and iwi ownership and management increases.

In September, the Government announced that it had reached a high level agreement with the negotiating body for Ngāi Tūhoe and would develop a deed of settlement. A significant element of the settlement will be the recognition of Ngāi Tūhoe as tangata whenua in Te Urewera National Park. Separate legislation will be passed for Te Urewera and it will exist as a separate legal entity governed by the Crown and Ngāi Tūhoe nominees. The Governance Board of Te Urewera will be established with an equal number of Crown and Ngāi Tūhoe members and will be chaired by a Ngāi Tūhoe nominee. The settlement anticipates Ngāi Tūhoe will increase its management role over time, working alongside the Department of Conservation. The settlement will recognise the mana motuhake of Ngāi Tūhoe, being their ability to manage their own affairs as much as possible.

The concept of mana motuhake is also reflected in agreements between the Crown and Ngāi Tūhoe about social services. A service management plan will be signed with Ngāi Tūhoe to improve social outcomes in Te Urewera. The plan builds on a 2011 relationship agreement between Ngāi Tūhoe and the Crown. It sets out how the ministries of Social Development; Education; Business, Innovation and Employment; and district health boards will work with Ngāi Tūhoe over the next five years on agreed actions.

Actions include:

- 1 develop a long-term education strategy
- 2 improve the delivery of primary care services
- 3 meet housing needs in Te Urewera
- 4 achieve the goal of no Tūhoe tamariki in the care of Child, Youth and Family.

The concept of unique legislation was also applied to the haka *Ka Mate* in the Deed of Settlement signed between Ngāti Toa Rangatira and the Crown. The legislation will recognise the significance of *Ka Mate* as a taonga to Ngāti Toa Rangatira and an integral part of Ngāti Toa Rangatira history, culture and identity. This will require the composer of *Ka Mate*, Te Rauparaha, to be clearly and reasonably identified as both the composer and a rangatira of Ngāti Toa Rangatira whenever *Ka Mate* is published commercially, communicated to the public, or features in a film that is shown in or made available to the public.

This requirement will not apply to performances of *Ka Mate*, such as by kapa haka groups or sports teams, or to its use for educational purposes, or work made for the purposes of criticism, review or news reporting. Where there has been failure to attribute, Ngāti Toa Rangatira can go to the courts for a declaratory judgement or order. Consent from Ngāti Toa Rangatira is not required prior to *Ka Mate* being used or performed and Ngāti Toa Rangatira are not entitled to charge or accept any form of royalties or compensation.

Collective settlements are also a feature of the settlement environment including the Tauranga Collective and the Tāmaki Collective. Consistency between collective and individual settlements has emerged as a challenge and places pressure on the concept of a full and final settlement.

The relativity clauses in the \$170 million treaty settlements of Ngāi Tahu and Waikato–Tainui were triggered in 2012, when the total Treaty settlement distribution amount reached \$1.3 billion. It is estimated that Ngāi Tahu and Waikato–Tainui will receive an additional \$68.5 million and \$70 million respectively.

From 2012, Parliament has had the option of extended sitting hours and the option to progress bills as cognate (Parliament considering bills concurrently). These measures were intended to address the anticipated increased volume of Treaty settlement legislation.



## **Treaty settlement milestones achieved:**

Legislation enacted	11
Legislation introduced	6
Deed of settlement signed	12
Deed of settlement initialled	9
Agreement in principle	4
Terms of negotiation	3
Mandate	1

## **Treaty settlement progress**

*\*Settlement progress is only recorded once for each group. Where a group achieved more than one milestone in 2012, the higher-level milestone has been recorded. The region of the group has been recorded, rather than exact iwi boundaries.*

### **Terms of Engagement (Marine and Coastal Areas)**

Ngāti Porou ki Hauraki (Waikato)

### **Deeds of Mandate**

Ngāti Kahungunu ki Wairarapa (Wellington/Manawatū-Whanganui)

### **Terms of Negotiation**

Heretaunga Tamatea (Hawkes Bay)

Rangitāne o Wairarapa  
(Wellington/Manawatū-Whanganui)

Te Tira Whakaemi o Te Wairoa (Gisborne/Hawkes Bay)

### **Agreements in Principle**

Ngāti Hineuru (Hawkes Bay)

Te Ātiawa (Taranaki)

Ngāruahine (Taranaki)

Taranaki (Taranaki) (Letter of Agreement)

### **High Level Agreement**

Ngāi Tūhoe (Bay of Plenty/Hawkes Bay)

### **Initialled Deeds of Settlement**

Ngāti Pukenga (Bay of Plenty)

Tauranga Moana Iwi Collective (Bay of Plenty)

Ngāti Rangiteaorere (Bay of Plenty)

### **Signed Deeds of Settlement**

Te Aupōuri (Northland)

Tāmaki Makaurau Collective (Auckland)

Ngāti Raukawa (Waikato)

Ngāti Ranginui (Bay of Plenty)

Ngāti Rangiwewehi (Bay of Plenty)

Tapuika (Bay of Plenty)

Ngāti Toa Rangatira (Wellington/Tasman/Nelson/Marlborough)

Ngāi Takoto (Northland)

Te Rarawa (Northland)

Ngāti Korokī Kahukura (Waikato)

Ngāti Koata (Tasman/Nelson/Marlborough)

Te Ātiawa o te Waka-a-Māui (Tasman/Nelson/Marlborough)

### **Bills Introduced but not yet passed**

Ngāti Whātua o Kaipara (Auckland)

Waitaha (Bay of Plenty)

### **Legislation Passed**

Ngāti Pāhauwera (redress amount \$20 million) (Hawkes Bay)

Ngāti Porou (redress amount \$90 million) (Gisborne)

Ngā Wai o Maniapoto (Waipā River)  
(Waikato/Taranaki/Manawatū-Whanganui)

Ngāti Whare (redress amount \$9.568 million) (Bay of Plenty)

Ngāti Manawa (redress amount \$12.207 million) (Bay of Plenty)

Rongowhakaata (redress amount \$22.24 million) (Gisborne)

Ngāi Tāmanuhiri (redress amount \$11.07 million) (Gisborne)

Ngāti Manuhiri (redress amount \$9 million) (Northland/Auckland)

Maraeroa A and B Blocks (redress amount \$1.8 million) (Waikato/Manawatū-Whanganui)

Ngāti Mākino (redress amount \$9.6 million) (Bay of Plenty)

Ngāti Whātua Ōrākei (redress amount \$18 million) (Auckland)

## Water

Water and water related issues – rivers, lakes, springs, riverbeds, lakebeds, wetlands, geothermal resources, marine fisheries, the foreshore and seabed, aquaculture, marine reserves, fresh water fish – have been a prominent feature of Crown-Māori relations in the past two decades. Key milestones included the 20<sup>th</sup> anniversary of the 1992 fisheries settlement which, after a very slow and litigious start, is now largely implemented; the ongoing implementation of the 2004 aquaculture settlement; and the implementation of the 2011 Marine and Coastal Area (Takutai Moana) Act. Five more mātaihai (customary sea food gathering) reserves were established.

The Supreme Court decided that a 32km stretch of the Waikato river was non-navigable and therefore title to it had not been vested in the Crown by the Coal Mines Amendment Act 1903, thus leaving the river bed in hapū ownership. More controversially, in 2012 the Government progressed its proposal to sell shares in Mighty River Power. These milestones are overviewed below.

### Supreme Court considers riverbed claim

In *Paki v Attorney-General* [2012] NZSC 50, [2012] 3 NZLR 277 the Supreme Court considered the preliminary issue of whether a 32 km stretch of the Waikato River was navigable. The issue of who owns riverbeds in New Zealand varies depending on the nature of the river. The 1903 Coal Mines Amendment Act vested the beds of navigable rivers in the Crown. A majority of the judges of the Supreme Court decided that the stretch of river was not navigable so the riverbed was not vested in the Crown by the 1903 Act.

Left open were the questions of whether navigable rivers bounded by land in Māori ownership from 1840 to today are affected by the 1903 Act; and whether, when Māori land has been sold the presumption of ownership to the middle line of the river is rebutted by tikanga Māori. This means that Māori interests in riverbeds, or parts thereof, may not have been extinguished through the 1903 Act as had been thought to be the case.

### Marine and Coastal Area (Takutai Moana) Act – the sequel

In 2011, the Marine and Coastal Area (Takutai Moana) Act repealed the controversial Foreshore and Seabed Act passed in 2004. The new Act provides two pathways to recognise Māori interests. Iwi, hapū or whānau can apply to the High Court to have applications determined, or seek

recognition of their interests through agreement with the Crown. Responsibility for Crown negotiations with iwi has been allocated to the Office of Treaty Settlements (OTS).

Since the 2011 Act came into force OTS has been developing systems to implement the provisions for the recognition of customary rights. This includes structural arrangements for working directly with groups and policies such as funding to ensure the High Court is a viable option.

In response to concerns about transparency, a new position of Independent Assessor is to be established to review the Crown, applicant and third party reports and advise the Minister. The position will be held by a former ex-High Court Judge.

In March, Cabinet agreed to prioritise those groups which had their negotiations paused while the Foreshore and Seabed Act was being reviewed. These groups are Ngāti Porou, Ngāti Porou ki Hauraki, Ngāti Pāhauwera, Te Whānau ā Apanui and Te Rarawa. Since then OTS has re-entered formal engagement with Ngāti Porou, Ngāti Porou ki Hauraki and Ngāti Pāhauwera. Terms of engagement have been signed with Ngāti Porou ki Hauraki and Ngāti Pāhauwera and substantial progress has been made with all three groups. There have also been some informal discussions with Te Whānau ā Apanui and Te Rarawa about entering formal engagement in 2013.

There are currently 10 applications for Protected Customary Rights and two applications for Customary Marine Title before the High Court. No new applications have been made to the High Court under the 2011 Act. These applications were filed with the Māori Land Court under the 2004 Act and were transferred to the High Court. An interim model for financial assistance for existing applications is now in place, which means the High Court and applicants are in a position to advance the applications. Hearings are scheduled to begin in April 2013.

## **Fisheries Settlement – 20 years on**

This year marked the 20th anniversary of the signing of the 1992 Sealords Fisheries Agreement. The agreement was preceded by significant events beginning in the 1980s when the Government proposed to introduce a quota management system. In 1987, the Waitangi Tribunal inquiry into Māori fishing in Muriwhenua preceded court action regarding the quota management system. The Waitangi Tribunal's Muriwhenua Fisheries Report found that Māori fishing rights could be commercial. At a national hui in 1988, negotiators for Māori were mandated to seek a settlement. A partial settlement was reached and passed into legislation through the Māori Fisheries Act in 1989. This provided for the transfer of 10 per cent of quota to a Māori Fisheries Commission.

In 1992, the major New Zealand fishing company Sealord Products was put up for sale. The Crown and Māori leaders seized the opportunity to reach a national settlement of all remaining

fisheries claims, whereby Māori received \$150 million to be partially used to buy a half-share in Sealord Products, and a guarantee for future quota. The agreement was given effect through the Treaty of Waitangi (Fisheries Claims) Settlement Act. A Fisheries Commission was tasked with developing processes through which the fisheries assets were to be shared amongst iwi. The process took 12 years and ended in 2004 when the Māori Fisheries Act was passed.

The Māori Fisheries Act established Te Ohu Kaimoana and Aotearoa Fisheries Limited. Aotearoa Fisheries Limited was established to manage the commercial dealings of particular settlement assets. It manages assets worth \$500 million, in addition to its half share in Sealord which has assets of over \$750 million. Te Ohu Kaimoana, the Māori Fisheries Trust, was established as a governance body for Māori commercial fishing and aquaculture interests. Te Ohu Kaimoana manages asset transfer to iwi to settle Māori claims to commercial fishing under the Māori Fisheries Act.

There are 57 iwi recognised in the Māori Fisheries Act. When a recognised iwi organisation has met the act's governance criteria, it is entitled to receive fisheries assets and becomes responsible for asset management. Iwi organisations can only receive assets based on coastlines when they have reached agreements with their neighbours on coastline boundaries.

In 2012, only three of the 57 recognised iwi remained to receive their share of fisheries assets – Ngāti Tama ki Taranaki, Muaūpoko and Te Whānau ā Apanui. Of these, Muaūpoko was recognised on 5 December 2012. Te Ohu Kaimoana has moved ahead to confirm coastline agreements with more iwi taking the total amount of the fisheries settlement thus far allocated to 90 per cent or approximately \$526 million.

## **Commercial Aquaculture**

The Māori Commercial Aquaculture Claims Settlement Act 2004 provided full and final settlement of Māori claims to commercial aquaculture. It came into effect in 2005 and established the Takutai Trust – the Māori Commercial Aquaculture Settlement Trust. The Trust is responsible for receiving and allocating aquaculture settlements to iwi. Through the Trust iwi receive 20 per cent of all aquaculture space created after 1 January 2005, and the equivalent of 20 per cent of existing aquaculture space (known as pre-commencement space) that was created under the previous aquaculture legislation between September 1992 and December 2004. Amendments to the Act came into effect in 2011.

Approximately 98 per cent of all pre-commencement space settlements have either been settled or have settlement agreements in the process of ratification. The remaining negotiations are mainly within Northland and the Bay of Plenty regions. The Act requires the Crown to use its best

endeavours to settle its pre-commencement obligations by 31 December 2014. The total value of pre-commencement space settled as at June 2012 was approximately \$106 million.

Ngāti Kahungunu signed a regional agreement in June 2012 satisfying the Crown's pre-commencement space obligations under the Settlement Act for the Hawkes Bay regional coastline. This enabled the Crown to transfer \$1.5m to Ngāti Kahungunu Iwi Incorporation via the Trust. The regional agreement to settle the pre-commencement obligations in the Bay of Plenty for the deep water aquaculture site off Ōpōtiki and aquaculture approvals in the Ohiwa Harbour is not yet signed, but the Trust has continued working with the Bay of Plenty iwi, and Te Whānau ā Apanui in particular, to finalise the details for this settlement. It is hoped that a satisfactory solution will be agreed shortly.

Under the Amendment Act, the Minister responsible for aquaculture was given the power to gazette space in the coastal marine area to create future settlement options. Gazette notices are not a replacement for negotiated regional settlements. Initially they are a way to ensure that some appropriate space has been notified so that negotiations can be meaningful, or as a default option if a regional agreement cannot be reached. All gazetted space is still subject to the resource consents process and any other regulatory requirements before it can be approved for aquaculture. In future settlement processes, iwi may be provided with exclusive rights to apply for aquaculture activities in these spaces.

The Minister's power to gazette space is initially being used to notify space for settlement purposes, reducing the risk that private interests have first access to better aquaculture space while regional agreements are being negotiated.

An initial gazette notice was published in 2011 and included twelve sites in Northland, Waikato (east) and Marlborough, where immediate aquaculture development is expected. In 2012, two additional sites and an extension to an existing site suitable for salmon farming were gazetted in the Marlborough Sounds.

### **Mātaitai reserves and Taiāpure local fisheries**

Mātaitai reserves are traditional fishing grounds, established for non-commercial customary food gathering. A Mātaitai reserve does not prevent recreational fishing by non-Māori and only applies to species managed under the Fisheries Act. Tangata kaitiaki/tiaki look after these reserves and all commercial fishing is banned unless the Minister for Primary Industries has approved it following an iwi request.

There were no applications to establish Mātaitai reserves in 2012, however, five Mātaitai reserves came into effect – three on the Māhia Peninsula, covering around the same area as had already

been closed to commercial fishing, one on the West Coast of the South Island, and one in South Canterbury in an area that was already closed to commercial eel fishing. Twenty-nine Mātaitai reserves have been established to date, with 20 in the South Island and nine in the North.

In Taiāpure, the fishing rules for the wider area remain unchanged. Taiāpure local fisheries have management committees that may recommend regulations to the Minister for Primary Industries for managing fisheries resources. Eight taiāpure have been established to date, but there were no applications received, and no new taiāpure were established in 2012.

### **Waikato River co-governance and co-management arrangements**

In 2009 and 2010, the Government signed co-governance and co-management agreements with five Waikato River iwi (Waikato-Tainui, Te Arawa, Ngāti Raukawa, Ngāti Maniapoto and Ngāti Tūwharetoa) in relation to the Waikato River. As part of the agreements, the Government agreed to enter into a new era of co-governance over the Waikato River, with the overarching purpose of restoring and protecting the health and wellbeing of the river for future generations.

As part of the arrangements, fisheries regulations for the upper Waikato River catchment are in the process of development. The regulations will allow Waikato River iwi to manage their customary fishing, through the issuing of authorisations, and to develop and propose bylaws to the Minister for Primary Industries, which may restrict or prohibit fishing on the river. The fisheries component of the Waikato–Tainui Environmental Management Plan was also completed in 2012.

### **Land and Water Forum**

The management of fresh water has been addressed since 2009 through the Land and Water Forum which aims to develop a shared vision and common way forward among those with an interest in fresh water. Those involved in the forum include iwi, industry groups, scientists and NGOs. The Freshwater Iwi Leaders Group, formed in 2007, participates in the forum. This group is comprised of the leaders of Ngāi Tahu, Whanganui, Waikato-Tainui, Te Arawa and Ngāti Tūwharetoa.

The Forum released two reports this year, one on managing fresh water within limits, and one outlining a national framework for Regional Councils to work with communities and iwi to set freshwater objectives and use limits.

The Forum said that an enduring fresh water management system must resolve the question of iwi rights and interests. Integral and embedded in its recommendations to the Government are:

- 1 in the setting of national priorities iwi should participate on a co-governance basis in a New Zealand Land and Water Commission
- 2 through a collaborative process iwi should participate in the development and review of freshwater-related national policy instruments
- 3 as a Treaty partner and as stakeholders iwi should participate throughout all stages of the freshwater objective and limit-setting process, including decision-making
- 4 the current National Policy Statement on Freshwater Management should include material on tangata whenua relationships with freshwater
- 5 any new system of water allocation should proceed hand in hand with Crown-iwi discussions on iwi rights and interests in fresh water management.

In its third report on managing water quality and allocating water released in October, the Forum made a statement acknowledging the rights and interests of iwi in fresh water. It went on to say that responsibility for resolving the nature of the rights and interests, including how they might be provided for, lies with the Crown and iwi. The statement recognised that others also have established rights and interests in freshwater that must be respected. The Treaty partners should seek solutions that provide win-win opportunities to develop freshwater resources and enhance all parties' interests in fresh water.

## **Sale of shares in Mighty River Power**

The partial sale of a number of state assets, in particular energy companies using water, was a major issue in the 2011 General Election. The nature and extent of Māori rights and interests in water have been the subject of a Waitangi Tribunal inquiry and litigation in the High Court and the Supreme Court. The Government announced its decision to proceed with the sales in December 2011, with shares in Mighty River Power being the first to be put up for sale. The Mixed Ownership Model Bill was introduced to Parliament in March to provide for the proposed share-sale.

In initial consultation on the Bill, the Government proposed three options for the treatment of section 9 of the State-Owned Enterprises Act which provides that "Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi". The three options were:

- 1 to retain section 9 (applied to the Crown shareholding)
- 2 to include a new provision specifying the Crown's Treaty obligations



3 to have “no general Treaty clause”.

The potential omission of section 9 caused widespread concern, and the clause was eventually carried over to the new bill.

In anticipation of the introduction of legislation, Māori Council Co-Chairman, Sir Graham Latimer, lodged two claims with the Waitangi Tribunal in February seeking an urgent hearing. The claims were on behalf of the New Zealand Māori Council, the Tai Tokerau District Māori Council, and 10 sets of co-claimants.

The claimants submitted that they sought recognition of their property rights and payment for commercial use, along with enhanced authority and control in how water is used. They did not seek to benefit from non-commercial uses of water.

During stage one of the hearing, the claimants outlined their two key concerns: first, that when water was allocated, Māori should be at the decision-making table and second, that when water was put to commercial use, Māori should have a beneficial share. The Tribunal issued an interim direction recommending that the Crown not begin to sell shares until the Tribunal had completed its report and the Crown had given the report and its recommendations in-depth and considered examination.

At the request of the Government, the Tribunal released an interim decision in August. It found that Māori still have residual proprietary rights in freshwater and geothermal resources. It recommended that the Crown address these rights before the planned sales took place, either through mechanisms to recognise them (such as the issue of special shares – “Shares Plus” – to iwi and hapū) or through appropriate compensation. It advised the Government to convene a national hui to discuss a way forward. The Government declined to do so, preferring instead to hold six hui over 10 days with selected Māori groups on the Shares Plus option proposed by the Tribunal. The consultation was targeted to those with an interest in water and geothermal resources affected by the operations of the three power companies proposed for initial partial sale.

**The Waitangi Tribunal said:**

"In March 2012, we granted the claimants an urgent hearing because it appeared that the imminent sale of shares in Mighty River Power ... and the prospective decisions in the Fresh Start for Fresh Water programme, could result in irreversible prejudice to Māori interests if they were carried out without first protecting the Crown's ability to recognise Māori rights in water or remedy breaches of those rights ...

Although the claim was filed on February 2012, it is but the latest in a long series of Māori claims to legal recognition of their proprietary rights in water bodies, many of which date back to the nineteenth century ...

In our view, the recognition of the just rights of Māori in their water bodies can no longer be delayed. The Crown admitted in our hearing that it has known of these claims for many years and left them unresolved. The issue of 'ownership of water' was advanced by the Crown as a deal breaker but it need not be. Māori do not claim to own all water everywhere. Their claim is that they have residual proprietary interests in particular water bodies ...

Māori are the Crown's Treaty partner, and not just another interest group. The Crown's balancing of interests must be fair and Treaty compliant. Māori Treaty rights cannot be balanced out of existence. The closest English equivalent in 1840 was ownership; the closest New Zealand law equivalent today is residuary proprietary rights. It is long overdue for the Crown Treaty partner to recognise its obligations to seek a mutually agreed and beneficial resolution with its Māori Treaty partner".

Waitangi Tribunal, Letter of Transmittal,  
*Interim Report on the National Freshwater and Geothermal Resources Claim*

The Government's targeted consultation hui were well attended in some areas and boycotted in others. Sir Tumu Te Heuheu (Tūwharetoa/Chair of the Freshwater Iwi Leaders Group) articulated a preference for continued direct engagement by Tūwharetoa with ministerial officials over water rights. At the hui with Ngāti Maniapoto, Tiwha Bell (Maniapoto Māori Trust Board Chair) said Ngāti Maniapoto had come to hear what the Government had to say, but they were against the partial privatisation plan and thought the consultation timeframe was too short. At the hui with Ngāi Tahu in the South Island, Te Rūnanga o Ngāi Tahu submitted that it supported the pursuit of Ngāi Tahu rights and interests through direct engagement with the Crown through the Iwi Leaders Group and the Land and Water Forum. After its round of consultation hui, the Government announced that it would not introduce the Shares Plus option proposed by the Tribunal

King Tūheitia convened a national hui at Tūrangawaewae in September. The hui resolved that Māori stand united, and that a national framework be negotiated with the Crown before share sales and before iwi and hapū enter negotiations with the Crown. The Iwi Chairs Forum met the day after the national hui at Tūrangawaewae. At the meeting, more than 45 iwi organisations resolved to endorse the Freshwater Iwi Leaders Group and its continued engagement with the Crown. Mark Solomon (now Sir Mark), Chair of Te Rūnanga o Ngāi Tahu, said "While matters

relating to the sale of SOE shares are important, the focus of the Freshwater Iwi Leaders Group has always been clear. Our focus is on the Crown's ongoing review of the framework for freshwater, including important issues of governance, decision-making, limit setting and allocation. Iwi rights and interests have a place across all these issues and must be appropriately recognised."

In November, the High Court heard an application by the New Zealand Māori Council; Waikato River and Dams Trust; and Pouākani Claims Trust for judicial review of the decision to partially-privatise the companies without a protective mechanism for Māori interests. The applicants did not succeed. Justice Ronald Young held that the change to the status of Mighty River Power which paved the way for share sales was achieved by primary legislation which could not be questioned by the Courts for compliance with Treaty principles. He also held that the proposed Crown actions were not in any event inconsistent with Treaty principles because the sale of 49 per cent of Mighty River Power would not materially prejudice Māori claims and interests in the water.

The Supreme Court looked principally at whether Justice Ronald Young was right in those conclusions. It dismissed the appeal in early 2013. The Court found that the proposed share sales was reviewable by the court for consistency with Treaty principles. However, the appeal was dismissed as the share sales would not impair to a material extent the Crown's ability to remedy any Treaty breach in respect of Māori interests in the river.

## **Treaty accords**

There has been a trend in recent times to negotiate Treaty relationship arrangements through the Treaty settlement process, for example, through accords on social services, education, resource management, natural heritage conservation and local government.

In three sets of Treaty settlement negotiations, the Crown and claimants agreed that social sector agencies should work together with the iwi to identify shared priorities and improve social outcomes. An example of this is the Service Management Plan developed by a cross-agency taskforce led by the Ministry of Social Development working closely with Ngāi Tūhoe.

The Ministry of Education manages 57 iwi relationship arrangements initiated by iwi, more recently as part of the Treaty settlement process. The Ministry contributes to four whole-of-government accords with Ngaa Rauru Kiihahi, Taranaki Whānui ki te Ūpoko o te Ika, Te Hiku o te Ika and Ngāi Tūhoe. These accords include mechanisms for engagement with relevant Ministers and Ministry officials.

Co-governance arrangements for land managed by the Department of Conservation (DOC) can be important aspects of Treaty settlement packages. In 2012, a key component of the Deed of Settlement for Te Rarawa was the co-governance arrangement for conservation land known as Te Korowai. Te Korowai provides a framework for recognition of the historical, cultural and spiritual association Te Rarawa has with conservation lands in their area. The framework ensures Te Rarawa has extensive input into decision-making including the use of cultural resources and protection of taonga and ecological areas. Te Rarawa will work alongside Te Aupōuri, Ngāti Kurī and Ngāi Takoto so the implementation of the framework will be a collaborative process.

The seven parts of Te Korowai are:

- 1 mana whenua statement
- 2 role for Te Rarawa hapū, marae and iwi in DOC annual planning cycles
- 3 kaitiaki decision-making over customary materials
- 4 kaitiaki decision-making over wāhi tapu
- 5 leading role for Te Rarawa hapū in managing iconic sites
- 6 iwi appointments to a new Conservation Board for Te Hiku
- 7 annual meeting with the Minister of Conservation.

Co-management agreements were also reached in 2012 with Te Rūnanga o Ngāti Whare, Te Rūnanga o Ngāti Manawa, Ngāti Mākino, Ngāti Porou, Rongowhakaata, Ngāi Tāmanuhiri, Ngāti Rangiwewehi, Tapuika and Tauranga Moana Iwi Collective. These agreements included conservation accords, management agreements, conservation protocols, and the establishment of joint management committees.

The Minister for Treaty of Waitangi Negotiations announced that Treaty accord relationships will in future be replaced by letters of introduction to government agencies. Where Treaty accords focused on confirming agreed investment objectives and outcomes in advance, the new approach is less formal. It simply confirms the relationship between an iwi and a government agency, deferring the negotiation on agreed investment outcomes to the post settlement phase. This is expected to streamline the settlement process. The Office of Treaty Settlements has indicated that a further 30 iwi are likely to request letter of introduction type relationships with the Ministry of Education by the end of 2015.

## **Mokomoko pardon moves closer to statutory recognition**

In 1992, the Governor-General pardoned Te Whakatōhea rangatira Mokomoko for his alleged involvement in the murder of Reverend Carl Volkner in 1865. The Crown and the whānau of Mokomoko agreed that legislation should be introduced to give statutory effect to the pardon in 2011. Submissions have now closed on the Mokomoko Pardon (Restoration of Character, and Reputation) Bill and the Māori Affairs Select Committee will report back on the Bill in April 2013.

## **Councils and voters reject Māori representation**

The Local Electoral Amendment Act 2002 gave all councils the option of establishing Māori seats (wards for district and local councils and constituencies for regional councils). The legislation followed the establishment by special legislation of three Māori constituencies for Environment Bay of Plenty Regional Council. In 2011, the Race Relations Commissioner wrote to all local councils encouraging them to consider the option before the triennial deadline of 23 November set by the Act. Many did so but only two – Nelson City Council and the Waikato Regional Council, voted in favour. The process was characterised in a number of cases by both strong Māori support and vocal non-Māori opposition.

Waikato Regional Council finalised the establishment of two Māori constituencies. In Nelson, opponents of the Council decision organised a petition attracting more than the required five per cent of electors to force a poll on the issue. In the poll, the proposal to establish a Māori ward was rejected by 12,387 voters, and supported by 3192.

Electors in Wairoa were also polled on the establishment of Māori seats. The Council had resolved to refer the matter to electors at the time of the 2013 local body elections, but a petition with the requisite numbers led to an earlier poll of electors. The proposal was defeated with 1306 votes (52%) against Māori seats, and 1207 (48%) for.

The Royal Commission on Auckland Governance recommended the establishment of three Māori seats on the newly created Auckland Council. The Government opted instead for an Independent Māori Statutory Board with representation on Council Committees. The Board released a Māori Plan for Tāmaki-Makaurau (Auckland). An audit of the Auckland Council commissioned by the Board found that the Council had failed to meet many of its obligations to Māori under the Treaty of Waitangi. The plan aims to ensure Auckland has a strong Māori identity, and to help Māori achieve their potential. It calls for support for te reo Māori to be compulsory in Auckland schools and for the Council to support cultural, economic and social initiatives for Māori.

# Constitutional Review

## Constitutional Advisory Panel

A Constitutional Advisory Panel was established in 2010 as an independent group to lead public discussion on a constitutional review and report to ministers. The panel comprises twelve members, with equal numbers of Māori and non-Māori, and Māori and non-Māori co-chairs. The panel is responsible for establishing a forum to seek the views of all New Zealanders including Māori, in a manner that is reflective of the Treaty of Waitangi relationship and responsive to Māori consultation preferences. It is required to consider constitutional issues including electoral matters such as the size of Parliament, Māori representation in central and local government, the role of the Treaty of Waitangi, and whether New Zealand needs a written constitution.

The panel has conducted research and planning on how to engage with New Zealanders. It has held meetings with a wide range of organisations in preparation for wider public engagement. A new website for the consultation process was launched in December.

Further stages of the panels' work are planned as follows:

- 1 Wānanga/Thinking Together, December 2012 – June 2013: engaging with a broad and diverse range of networks, communities and whānau
- 2 Wānanga/Deliberation, July – August 2013: giving a cross-section of New Zealanders the opportunity to work together to consider the information provided by New Zealanders in the earlier phases of the process
- 3 Whakapūrongo/Reporting, September – December 2013: providing feedback to the public so they are able to see the contribution of others, and presenting the final report to the responsible ministers.

## Aotearoa Matike Mai, Independent Iwi Constitutional Working Group

Constitutional issues were discussed at a meeting of the Iwi Chairs Forum in 2009, and the decision was made in 2010 to convene an independent working group, known as the Independent Iwi Constitutional Transformation Working Group – Aotearoa Matike Mai.

The working group's terms of reference are to work on developing a model for a constitution based on tikanga and fundamental values, He Whakapūtanga o te Rangatiratanga o Niu Tirenī (the 1835 Declaration of Independence) and Te Tiriti o Waitangi. The working group has held 107 hui with groups around the country.

A subsidiary group for rangatahi was established, and a primer for the public was released in April, addressing questions that are often asked about constitutional issues and explaining why discussion is needed.

## **Independent Constitutional Review**

The New Zealand Centre for Political Research, founded by a former ACT Member of Parliament Dr Muriel Newman, has established its own independent constitutional review and is promoting a declaration of equality in response to the constitutional review which states:

“There shall be one law for all:

- 1 We refuse to accept any reference to the Treaty of Waitangi or its principles in any constitutional document.
- 2 We require that such references be removed from all existing legislation.
- 3 We require that race-based Parliamentary seats be abolished.
- 4 We require that race-based representation on local bodies be abolished.
- 5 We require that the Waitangi Tribunal, which has outlived any usefulness it may have had, be abolished.”

## **Māori economic development**

As more iwi move into post-settlement phase and the Māori economy and asset base grows, there are increased opportunities for economic growth for Māori and the wider New Zealand economy. The Government announced that a unit addressing issues including Māori Economic Development will be established within the Ministry of Business, Innovation and Employment.

The Government’s Māori Economic Development programme began in 2009 with the Māori Economic Summit Conference, which established a Māori Economic Task Force. This year the independent Māori Economic Development Panel released a Māori Economic Strategy and Action Plan He Kai Kei Aku Ringa. The vision of the panel is that whānau, hapū, iwi and enterprises are actively seeking opportunities to sustainably develop their own resources to improve Māori economic performance. The strategy sets six goals for lifting the contribution of Māori to the economy through to 2040. These are:

- 1 greater educational participation and performance
- 2 skilled and successful workforce
- 3 increased financial literacy and savings

- 4 Government, in partnership with Māori, enables growth
- 5 active discussions about development of natural resources
- 6 Māori Inc as a driver of economic growth.

Tied to each goal are 26 specific and practical recommendations for whānau, Māori, the private sector and the Government, and they are outlined in the five-year action plan (2012 – 2017). The action plan includes three transformational changes for education, natural resources and Māori working together to drive growth:

- 1 Government and Māori work together to consider new models of compulsory schooling that better meet Māori needs
- 2 Government and Māori accelerate discussions on the development of natural resources
- 3 build relationships and manage logistics in export markets, particularly China.

## **Public attitudes to the Treaty**

Nearly two thirds (64%) of New Zealanders agreed that the Treaty “belongs to all New Zealanders” according to an annual poll conducted for the Human Rights Commission by UMR Research in November. This was up 14 per cent from the previous year and seven per cent higher than the previous high in November 2008. Somewhat less (54%) agreed with the statement: “The Treaty is New Zealand’s founding document” (up 1% from 2011). Only 23 per cent agreed that “the Treaty relationship between the Crown and Māori is healthy”, down two per cent from the previous year and 17 per cent from the high in 2008 – the fifth straight annual decrease.

The number of respondents who said they had a good knowledge of the Treaty was 38 per cent, down 11 per cent from November 2011 but about the same as November 2010. A good knowledge of human rights was declared by 47 per cent, down three per cent from 2011 but four per cent above two years ago. Declared knowledge of indigenous rights remained steady at 34 per cent.

## **Proposed Treaty museum and education centre at Waitangi**

The Waitangi National Trust announced plans for a museum and education centre to be built at the Waitangi Treaty grounds. The costs of the plans are around \$10 million which will be raised without government funding. It is anticipated that the museum will be completed by the 175th anniversary of the signing of the Treaty at Waitangi in 2015.



## The Human Rights Commission and the Treaty

One of the Human Rights Commission's functions under the Human Rights Act is to "promote by research, education and discussion a better understanding of the human rights dimensions of the Treaty of Waitangi and their relationship with domestic and international human rights law".

In February, the Commission published a discussion paper on human rights and water. In this paper, the Commission noted that the fact fresh water is taken for commercial use without payment has Treaty of Waitangi implications. It briefly outlined the spiritual significance of water to Māori, and detailed the involvement of iwi in the Land and Water Forum and the development of the National Policy Statement for Freshwater Management (NPS). As a result of this involvement, local authorities have been given specific NPS obligations to work with tangata whenua and address their rights and interests in water. The paper noted the mixed reaction to the NPS among Māori.

The discussion paper focused on the human rights of all New Zealanders in respect of water, raised Treaty issues and outlined iwi involvement in the development of a freshwater management regime. It did not, however, focus on the separate but related issue of proprietary rights. The Commission is currently working on a complementary paper on rights in water in New Zealand, which more fully explores rights and responsibilities associated with the authority and control of water.

In June, the Commission published its [Te Mana i Waitangi resource](#), which provides a basis for community dialogue about the Treaty. The resource was developed in light of the extensive programme of community engagement the Commission undertook between 2003 and 2006. During this period, the Commission held 45 regional symposia and over 200 community dialogues to engage a wide range of New Zealanders on their views about the Treaty. A workshop to explore what the Treaty actually says and what it means for New Zealand today was subsequently developed. The resource promotes the Treaty as:

- 1 a promise of two peoples to take the best possible care of each other
- 2 belonging to all of us
- 3 the founding document of Aotearoa New Zealand.

## 6 Tauriteritekore – Inequalities

### Overview

There was a substantial focus in 2012 on inequalities and disadvantage experienced by children and young people, particularly Māori and Pacific youth. There is a major discrepancy in the poverty rates for children and the elderly: whereas approximately 18 per cent of New Zealand children live in poverty, only three per cent of those aged 65 and over do so. This is largely due to the fact that successive governments have implemented policies to minimise deprivation among the elderly. In 2012, a range of experts and advocates highlighted the need to do the same for children, identifying the need for specific attention to overcoming inequalities for Māori and Pacific peoples.

Inequality – the gap between rich and poor – rose to its highest level, and low-to-middle household incomes dropped. An average of 15 per cent of the population lived in poverty at any given time. Child (income) poverty rates have remained stable but hardship (material deprivation) rates have risen from 15 per cent in 2007 to 21 per cent in 2011. In part, this reflects falling incomes for those households due to the effects of the global financial crisis. Half of all poor children are Māori or Pacific peoples. The unemployment rate rose slightly in the September 2012 compared with the previous quarter. The general unemployment rate is 7.3 per cent, rising to 15.1 per cent for Māori, 15.6 per cent for Pacific peoples, 10 per cent for Asian peoples, and 11 per cent for Middle Eastern/Latin American/African peoples. This is compared with an unemployment rate of 5.4 per cent for European or Pākehā New Zealanders. Over the latest quarter the seasonally adjusted NEET (not in employment, education or training) rate for youth (those aged 15-24) increased slightly, by 0.3 percentage points, to 13.4 per cent.

Persistent barriers to the achievement of ethnic equality were highlighted by the United Nations Committee on Economic, Social and Cultural Rights. It identified structural barriers causing inequalities in New Zealand and urged the government to address these. The Human Rights Commission completed its report [\*A Fair Go for All? Addressing Structural Discrimination in Public Services\*](#) and identified real and persistent structural discrimination (institutional racism) as an ongoing cause of ethnic inequalities in health, education, justice and the public service. A PHD research project by Heather Came found evidence of institutional racism in the Crown's public health policy-making and funding practices (Came 2012, Institutional Racism and the Dynamics of Privilege in Public Health, University of Waikato).

The Government set 10 high-level targets for the public sector known as [Better Public Services: Results for New Zealanders](#) (BPS). Many of these, which fall into five themes, affect children and young people. The targets provide agencies with key levers and opportunities to tackle some entrenched inequalities in the areas of social welfare, health, education, and crime.

Whānau Ora is a recent cross-agency initiative that adopts an inclusive approach to providing services and opportunities to all families in need, particularly whānau Māori. It is based on tying social services together to enable easier access for whānau in need. Whānau Ora also aims to empower whānau to provide for their own development. An initial assessment of the programme in 2012 reported promising results in terms of whānau satisfaction and services becoming more whānau-centred. It also highlighted some areas for improvement, particularly around certainty and sustainability for the programme.

The new Auckland Plan outlined a strategic vision for Auckland city, the largest and most ethnically diverse city in New Zealand, and set targets in a number of areas of existing inequality (e.g. housing, education, health). A dedicated children and young people's strategic plan is expected in early 2013.

In the areas of health, education, justice, and the public sector, the areas covered by *A Fair Go For All?*, there was evidence of both promising new initiatives (for example, the introduction of specific programmes such as that targeting rheumatic fever, a preventable disease disproportionately affecting Māori and Pacific children) and ongoing discrimination (for example, the Government's proposed Social Security [Benefit Categories and Work Focus] Amendment Bill containing reforms likely to have a disproportionate, negative effect on children in sole parent or beneficiary families).

## Child Poverty

The 2012 report [Household Incomes in New Zealand: Trends in Indicators of Inequality and Hardship 1982 to 2011](#), published by the Ministry for Social Development, showed that inequality has risen to its highest level ever and low-to-middle household incomes have dropped. An average of 15 per cent of the population live in poverty, identified as living on less than half of the median household income, at any given time.

Child (income) poverty rates have remained stable but hardship (material deprivation) rates have risen from 15 per cent in 2007 to 21 per cent in 2011:

"Poverty rates for those aged 15+ in the Māori and Pacific ethnic groups are consistently higher than for those in the European/Pākehā ethnic group (roughly double), whatever measure is used. For example, on average over the three Household Economic Surveys

2009, 2010 and 2011, using the AHC 60% fixed line measure, around one in ten European/Pākehā (aged 15+), around one in five Māori, and one in five Pacific were in households with incomes below this line.”

The report highlighted the systemic, disproportionate impact of poverty and hardship on children in sole parent and/or beneficiary families, particularly Māori children:

Poverty rates for children in beneficiary families are consistently around 65–75%, much higher than for children in families with at least one adult in full-time employment (9% in 2011). Since the benefit cuts in 1991, 65-75% of children in beneficiary families have been identified as "poor" in each Household Economic Survey. The figure was close to 70% for 2004 to 2009, and 65% in 2011.

Children in sole-parent families have a higher risk of hardship (46%) than those in two-parent families (12%). On average in 2010 and 2011 around half of poor children lived in sole-parent families and half in two-parent families.

On average over 2007 to 2011, around one in six European/Pākehā children lived in poor households, one in four Pacific children, and one in three Māori children (double the rate for European/Pākehā children). The higher poverty rate for Māori children is consistent with the relatively high proportion of Māori children living in sole-parent beneficiary families and households (e.g. around 43% of DPB recipients were Māori in the 2007 to 2011 period). (Perry, 2012)

In noting these findings, the Expert Advisory Group on Solutions to Child Poverty (EAG) highlighted the point that half of all children living in poverty are Pākehā/European. This means that child poverty is not simply a Māori or Pacific peoples issue. The EAG also noted that reliable data on the rate of child poverty experienced by smaller ethnic groups are not available.

Established in March 2012 by the Children's Commissioner, EAG is made up of experts in public health, public policy, education and business and of Māori, Pacific, and Pākehā ethnicity. The group examined international and New Zealand evidence and developed a package of proposals to reduce child poverty and mitigate its effects. EAG released its final report in December.

The report identified that some children are at greater risk than others, and specific attention needed to be given to overcoming inequalities for Māori and Pacific peoples. The EAG made 78 recommendations: some designed for immediate attention at a relatively low-cost (although their impact on poverty would be modest), and other more costly, long-term options aimed at reducing

poverty over time to a much lower rate. It made seven specific recommendations for Māori children in poverty and eight for Pacific children.

As a first step, the EAG urged the Government to adopt a strategic framework for addressing child poverty, ensuring accountability for outcomes. This would involve enacting legislation, requiring that child poverty is measured, setting short and long-term poverty-reduction targets, establishing various child poverty-reduction indicators, and regularly monitoring and reporting results. The strategy should adopt specific targets to ensure Māori and Pacific children achieve parity with poverty rates for other children. The EAG then determined eleven priority actions and one priority recommendation identified by children. These included: funding free primary care visits for all children; collaborative food-in-schools programmes; and increasing the number of social housing units.

The EAG highlighted the long-term impacts of poverty on children. New Zealand children living in poverty, especially Māori and Pasifika children, have poorer health and education outcomes than those living in households with average and higher incomes. For instance, compared with non-poor children, those living in poverty are:

- 1 at a 1.4 times higher risk of dying during childhood (Shaw et al., 2005)
- 2 more likely to die of Sudden Unexpected Death in Infancy (CYMRC, 2010)
- 3 three times more likely to be sick (Easton & Ballantyne, 2002)
- 4 over two times more likely to be admitted to hospital for acute infectious diseases (Baker M., et al., 2012)
- 5 at least 1.5 times more likely to be hospitalised (Craig, 2011)
- 6 less likely to eat fruit and vegetables (Walton et al., 2009)
- 7 more likely to skip breakfast and consume fast food regularly (MoH, 2006)
- 8 hospitalised at a 5.6 times higher rate for injuries from assault, neglect or maltreatment (Craig, 2011)
- 9 less likely to participate in early childhood education (MoE, 2012a)
- 10 less likely to leave school with NCEA level 2, the entry level qualification to skilled employment (MoE, 2012b).

The health effects of growing up in poverty persist into adulthood. Children in the Dunedin longitudinal study who grew up in poverty were more likely to have poor health outcomes in adulthood, including higher risk of heart disease, alcohol and drug addiction, and worse dental health at age 26.

These effects were independent of the children's initial infant health. Research in other countries has produced similar findings.

### **Inquiry into determinants of wellbeing of Māori children**

In March, Parliament's Māori Affairs Select Committee heard evidence from a range of submitters in its inquiry into the determinants of wellbeing for Māori children. The inquiry focused on historical and current wellbeing, whether public investment is adequate and equitable; what contributes to wellbeing; the role of whānau; and recommendations for policy and legislation. The Committee is yet to report back to Parliament.

### **Proposed sanctions for welfare beneficiaries**

In September, the Government introduced the Social Security (Benefit Categories and Work Focus) Amendment Bill. Amending the Social Security Act, this Bill is part of a package of reforms to shift the focus of the benefit system towards "encouraging and supporting" beneficiaries to move into paid work. Proposed reforms included introducing social obligations for beneficiaries such as requiring enrolment with a primary healthcare provider, and keeping up-to-date with the core Well Child checks. Failure to take all "reasonable steps" to meet these social obligations will be backed by sanctions for non-compliance. The proposed Bill is likely to have a disproportionately negative impact on children in sole parent and/or beneficiary families (a relatively high proportion of whom are Māori).

### **White paper on vulnerable children**

In October, the Government published a [\*White Paper on Vulnerable Children\*](#), following a process of public discussion. Focusing on preventing child abuse, it outlines a number of measures aimed at doing this. Actions include: measures to increase reporting of suspected abuse; strengthening agency collaboration; establishing a Vulnerable Kids Information system to better identify at-risk children (with a corresponding code of conduct on its use); establishing a child protection line and dedicated children's teams with a single multi-agency plan for each vulnerable child; and targeting measures to prevent high-risk adults from child abuse, including new Child Abuse Prevention Orders and increased powers for tracking and monitoring offenders.

A Children's Action Plan (CAP) was developed to accompany the *White Paper*. It sets measurable targets to 2016 in areas including better reporting, better cross-agency collaboration and improved child-centred practices, particularly in relation to child abuse and neglect. The Government will introduce a Vulnerable Children's Bill in 2013 to make the legislative changes needed to give effect to proposals in the *White Paper*.

## The Auckland Plan

The *Auckland Plan*, a strategy to guide Auckland's future over the next thirty years, was adopted by the Auckland Council in March. Addressing a multitude of challenges facing Auckland, the plan includes a focus on improving the prospects of children and young people. In addition to the 5000 young people who submitted during the plan process itself, a youth advisory panel, made up of young people from around Auckland, was established to identify and communicate the needs of young people in strategic planning. A children and young people's strategic plan is expected to be developed by March 2013.

The plan also contains a Southern Initiative, focusing on South Auckland, one of the most deprived areas in the country with a high concentration of Māori and Pacific peoples.

Targets detailed in the plan are directly aimed at reducing ethnic inequality, for example, "there will be no gaps in life expectancy between European, Māori, Pacific and Asian ethnicities by 2040".

The Southern Initiative includes targets explicitly focused on ethnicity, and targets for unemployment and youth not in employment, education, or training.

## Structural discrimination

In 2012, the Commission continued its project on structural discrimination (institutional racism) in public systems and services. The project asked whether all New Zealanders, regardless of ethnicity, are able to have their rights to education, health, and justice realised in New Zealand's public services. This involved an analysis of the public education, health and criminal justice systems, as well as exploration of the public service as a system in itself.

In July, the Commission published [\*A Fair Go For All? Addressing Structural Discrimination in Public Services\*](#). It found that:

- 1 entrenched ethnic inequalities exist across systems and are not solely caused by socio-economic factors
- 2 structural discrimination has a cumulative effect within systems
- 3 even where culturally-aware and responsive policies are in place, practitioners may exhibit biased practice
- 4 a policy focus on universal provision of public services assumes everyone has equal access to services and doesn't account for barriers
- 5 insufficient, patchy or poor data-collection on ethnicity shows a lack of commitment to addressing inequalities for particular population groups
- 6 inaction is a form of structural discrimination.

The report looked at case-studies of promising responses to structural discrimination in each of the four areas:

- 1 **Health:** cultural competency and cultural safety initiatives, and the Whānau Hauora Village at Te Matatini o te Rā, the national kapa haka competition
- 2 **Education:** Te Kotahitanga professional development programme
- 3 **Justice:** neighbourhood policing in Counties Manukau, Rangatahi and Pasifika Youth Courts, and Māori Focus Units in prisons
- 4 **Public service:** the New Zealand Police Ethnic Strategy Towards 2010.

Analysing these, the Commission noted the following common elements in addressing structural discrimination:

- 1 collaboration between and within government agencies in the design and implementation of policies and programmes
- 2 cultivating an organisational understanding of what structural discrimination is, and a commitment to developing initiatives to address it
- 3 meaningful partnership and consultation with Māori, Pacific and ethnic communities to develop and sustain effective interventions
- 4 use of targeted programmes with clear objectives
- 5 developing and sustaining evaluations processes to measure the impact of initiatives
- 6 adequate resourcing, both human and financial.

Further developments in 2012 in each of the four sectors covered by the report – health, education, criminal justice and the public service – are addressed in more detail later in this chapter.

An accompanying web resource A Fair Go for All was developed and went live in October. It is accessible online at <http://www.hrc.co.nz/key-projects/a-fair-go-for-all> and will be updated with news and resources in 2013.

The Race Relations Commissioner, Chief Commissioner and Commission staff met with senior management in government agencies to discuss the findings of the report and ask what they were doing to address the issues raised. Meetings were held with the New Zealand Police, Ministry of Justice, New Zealand Qualifications Authority, Education Review Office, Treasury, Ministry of Women's Affairs, Department of Corrections, and Ministry for Social Development. Further meetings are planned for 2013, and the Commission plans to monitor developments in this area.



## Better Public Services

In June, the Government set ten high-level targets for the public sector entitled [Better Public Services: Results for New Zealanders](#) (BPS). Many of the 10 targets, which fall into five themes, impact on inequalities and children and young people. They are intended to provide agencies with key levers and opportunities to tackle some entrenched inequalities in the areas of social welfare, health, education, and crime. The BPS targets are also expected to improve government accountability in these 10 result areas. They are, however, generic targets and do not explicitly target inequality by ethnicity.

The 10 *Better Public Services* targets set by the Government are:

### Reducing long-term welfare dependence

1 Reduce the number of people who have been on a working age benefit for more than 12 months.

### Supporting vulnerable children

2 Increase participation in early childhood education.

3 Increase infant immunisation rates and reduce the incidence of rheumatic fever.

4 Reduce the number of assaults on children.

### Boosting skills and employment

5 Increase the proportion of 18 year olds with NCEA level 2 or equivalent qualification.

6 Increase the proportion of 25-34 year olds with advanced trade qualifications, diplomas and degrees (at level 4 or above).

### Reducing crime

7 Reduce the rates of total crime, violent crime and youth crime.

8 Reduce reoffending.

### Improving interaction with government

9 New Zealand businesses have a one-stop online shop for all government advice and support they need to run and grow their business.

10 New Zealanders can complete their transactions with the Government easily in a digital environment.

In the second half of 2012, key agencies developed result action plans designed to meet the relevant targets. In October, for example, the Ministers of Health, Education and Social Development outlined their plans for how the BPS targets would be met to support vulnerable children. The [Supporting Vulnerable Children Result Action Plan](#) (SVCRAP) sees the Ministries of Social Development, Education and Health work alongside the Police and the Social Sector Forum to achieve results in three areas. In each area, the SVCRAP identifies the locations and groups most impacted by the target and tailors a suite of actions to address them. The SVCRAP is also closely linked to the Government's *White Paper on Vulnerable Children*.

## Whānau Ora

Whānau Ora is an inclusive inter-agency approach to providing services and opportunities to whānau across New Zealand. Initiated in 2008, it aims to empower whānau as a whole, rather than focusing separately on individual whānau members and their problems. Thirty-four provider collectives – representing 180 providers – offer wrap-around integrated services to whānau. Many whānau are assigned a kaiārahi (navigator) to work with them to identify their needs, develop a whānau plan to address these, and assist them to access a range of health and social services.

In June, Te Puni Kōkiri (TPK) released the first phase results of its monitoring of Whānau Ora. Information was collected from seven provider collectives, including whānau-satisfaction surveys of over 50 whānau, and a collective report.

During the quarter ending 30 June 2012, 333 whānau representing 1301 individuals were engaged with Whānau Ora services within these seven collectives. Of those individuals who engaged with these services 72.9 per cent were Māori, 12.6 per cent were Pacific peoples, and 14.5 per cent were of other ethnicities. The whānau satisfaction survey suggested improvements to whānau through engagement with Whānau Ora e.g. greater whānau connectedness, improved exercise, reduced rate of smoking, greater confidence in parenting/caregiving, improved housing situations, and improved confidence in tikanga. Collectives also identified enhanced outcomes linked to the BPS targets in immunisation and ECE attendance, among other things. Other outcomes included:

- 1 increased whānau capacity and strength to pursue their aspirations
- 2 positive cultural, social and economic outcomes
- 3 navigators successfully engaged with whānau to develop plans and access services
- 4 delivery of a wide-range of holistic and strength-based services that are contributing to measurable Whānau Ora gains
- 5 increased intersectoral collaboration and systems gains.

Building the capacity and capability of whānau will be the focus of key Whānau Ora stakeholders during the next phase of implementation.

## Health

### Asian Health Needs Assessment released

An Asian Health Needs Assessment was published by the Northern District Health Board Support Agency in 2012. A Health Needs Assessment (HNA) involves collecting and analysing data about a population's demand and need for health services (rather than individuals) in order to help prioritise health needs and services and determine strategic priorities for the medium and long term. Collecting information also involves talking to people about their priorities and gaps in services. The New Zealand Public Health and Disability Act requires that District Health Boards (DHBs) regularly assess the health and disability service needs of local populations.

The Asian HNA aims to "identify the health needs, including inequalities in health status, of the main Asian ethnic groups living in the Auckland region" and is an acknowledgement of the size of the Auckland Asian population (22% of the total population in the Auckland region). Three hundred and ten thousand Asian people live in the Auckland region, made up of 127,000 Chinese, 100,000 Indians, and 84,000 "Other Asian" people according to 2010 figures. These numbers are expected to increase, so that Asian peoples will make up more than 60 per cent of the total population in the Auckland region by 2026. Asian people comprise 9.2 per cent of the total New Zealand population and are seen to have similar or better health than European New Zealanders.

The HNA addresses the importance of differentiating between "Asian" population groups, and identifies particular health concerns for different groups, focusing on Chinese, Indian and "Other Asian" groups. The report indicates that, for the first time, mortality rates from cardiovascular disease among Auckland Indians have risen above the rates noted among the majority of the Auckland population. Diabetes continues to be a common issue among Indians in Auckland, but is also increasing among Other Asian communities and older Chinese people in the Auckland region. Healthy lifestyle practices, such as following a healthy diet, exercising regularly and being smoke-free, were highlighted by health service providers interviewed for the report as important factors in preventing further deterioration in chronic disease rates among Asian communities in Auckland. It has noted some access issues in primary care and lower cervical screening coverage compared with European/Pākehā. Asian people have lower access rates to mental health services, disability support services and aged residential care.

The HNA made an extensive series of recommendations to the three DHBs covering the Auckland region. Among them were actions aimed at promoting greater understanding of Asian health

needs (e.g. better ethnicity data collection and refinement of categories); promoting better health (e.g. targeting specific health needs and enabling health literacy); offering targeted health services for Asian peoples within mainstream services; reducing cultural and linguistic barriers to healthcare; and improving community consultation and collaboration.

## **Diversity in the aged care sector**

The Commission's [\*Caring Counts\*](#) inquiry into equal employment opportunities in the aged care sector found that while clients are predominantly Pākehā, there was increasing diversity in the sector's clients. The Commission noted an absence of Māori clients in conventional care facilities and looked into care services provided by Māori providers. At Whakatū marae in Nelson, for example, services include supported housing in kaumātua flats attached to the marae, cultural awareness education for rest homes, and a navigator service that links people to services, coordinates appointments and take clients to clinics and treatments.

The Commission concluded:

“As increasing numbers of Māori age and require support, the importance of developing culturally responsive services is necessary. The small proportion of Māori in residential care require care and support that is appropriate to their needs ... Home-based services ... also need to be delivered in a different way, with greater emphasis on supporting families to care for their kaumātua.”

There was an identified need for more skilled Māori staff who could provide appropriate care for Māori clients.

*Caring Counts* also found that the aged care sector is heavily reliant on Māori and migrant women as carers, and identified a range of issues including pay parity, fair travel costs, and the need for better working safety standards and working conditions.

Elsewhere, elderly migrants have found that traditional care homes do not sufficiently cater to their needs. The Bhartiya Samaj Charitable Trust, for example, has identified an issue for elderly South Asians – people from India, Sri Lanka, Pakistan and Bangladesh – in rest homes. Problems faced relate to culturally appropriate care, including having to adapt to a new diet, language barriers, limited companionship, and difficulty in getting to their places of worship. The Trust plans to establish a more culturally appropriate rest home for them.

## **Relationships help improve access to health services**

A relationship initiated by Waikato District Health Board staff and community health workers in the Huntly area has helped improve better access to health services for Māori. Allied Health's

Ngāruawāhia-based team have significantly decreased their "no show" numbers and gained a better uptake from many Māori whānau by linking with Waikato's Raukura Hauora O Tainui disability support team, chronic disease management nurse, and community health workers. Community Health social work uses a strength-based perspective, assisting people to help themselves with existing resources and sourcing new ones.

The Raukura team help DHB staff meet with clients who are reluctant, shy or difficult to contact. "They help us to contact and establish positive working relationships with whānau in the community," Allied Health occupational therapist Andrew Parkin says. "They are able to address specific barriers to whānau when accessing services, help to explain our roles and the treatments we offer." This means forming a relationship with the patient, and addressing the person as a whole.

Raukura Hauora O Tainui have identified benefits for them by linking with the DHB team, working together to solve problems and link their clients to other services as necessary, and getting to the heart of clients' issues. Raukura health care worker Max Noda says a trust has built up. Processes and criteria are explained and it also helps with pre-screening of available DHB services.

## Other developments in Health in 2012

- 1 The Government allocated an additional \$12 million to tackling rheumatic fever rates and introduced a new school throat swabbing programme as part of a \$24m five-year campaign to reduce rheumatic fever, a preventable disease that disproportionately affects Māori and Pacific children.
- 2 A study of young people found that Pacific peoples, Asian, Māori and other ethnic participants were significantly more likely to report discrimination by health professionals than European/Pākehā participants. Those who experienced ethnic discrimination were more likely to report poor health and experience significant depressive symptoms. (Crengle et al, 2012)
- 3 Another study found evidence of racial discrimination in health care was associated with lower odds of breast and cervical cancer screening among Māori women.
- 4 The *Te ohonga ake 2: The Health Status of Māori Children and Young People in New Zealand* report found that while progress has been made in a number of areas (e.g. reductions in hospital admissions for meningococcal disease, infant mortality and some types of injury death), hospital admissions for a number of infectious and respiratory diseases (e.g. acute rheumatic fever, serious skin infections, asthma) have continued to increase. Further, large disparities remain, with hospital admissions and mortality for many conditions

remaining much higher for Māori than for non-Māori and non-Pacific children and young people.

- 5 *Tupu Ola Moui Pacific Health Chart Book 2012* provided a series of indicators for the health of Pacific peoples, identifying socio-economic determinants and risk factors and urging action by the health sector to address their specific needs.
- 6 The Ministry of Health released *Refugee Health Care: A Handbook for Health Professionals* for World Refugee Day on 20th June.
- 7 The New Zealand Nurses Association found that experienced Filipino nurses were being brought to New Zealand and bonded in lower-paid and lower-status caregiving roles in rest-homes.
- 8 Heather Came's PhD research on the Crown's public health policy-making and funding practices found evidence of institutional racism. Māori providers were found to experience systemic disadvantage when compared with Primary Health Organisations, Public Health Units and other non-governmental organisations in a range of areas, including: access to funders and decision-makers; representation on Crown agency steering and advisory groups; contract time-frames; contract monitoring and auditing practices; and financial accountability and compliance costs.
- 9 In June, the Ministry of Health released a free online cultural competency tool. It is a foundation, online cultural competency course that provides a basic understanding of cultural competency and health literacy for workers in the New Zealand health sector. The multimedia voluntary programme provides an understanding of New Zealand's culturally diverse population, with an emphasis on Māori culture.

## Education

### Education Review Office makes success for Māori a priority

The Education Review Office (ERO) has made the success of Māori students at school a matter of national interest and priority. Reporting in its *Promoting Success for Māori Students* national evaluation in 2010, ERO Chief Review Officer Graham Stoop said “ERO does not consider any school to be high performing unless it can demonstrate that the majority of Māori learners are progressing well and succeeding as Māori.” ERO regards schools as high performing only when they can demonstrate that Māori learners are actively engaged in their learning, are progressing and achieving, and succeeding as Māori.

Following this report, ERO developed a different approach to reviewing how schools are promoting educational success for Māori. This approach intends to highlight good practice by promoting Māori student success as Māori. In March 2012, ERO announced that all education reviews of

schools and kura would include ERO's new approach to evaluating educational outcomes for Māori as Māori. ERO asked schools to describe:

- 1 what Māori student success looks like in each school/kura
- 2 the critical factors that contribute to success for Māori as Māori
- 3 the interdependent roles of the school and whānau in promoting success for Māori.

ERO gathered stories from students, whānau of Māori students, teachers, principals and senior leaders, trustees, observation and school documentation. It identified four critical factors as necessary to the development of good practice: relationships, emotional wellbeing, cultural aspects and educational needs.

ERO has found, however, that despite schools being able to describe many practices they consider effective in promoting success as Māori, they are seldom able to provide sound evaluative evidence of the difference these practices have made to outcomes for Māori learners. ERO will sharpen its focus on the outcomes of school practices that promote success for Māori as Māori during 2013, with the aim of publishing examples of good practice.

### **Report on Māori tertiary experience urges action on blocks to student success**

Ako Aotearoa, the National Centre for Tertiary Teaching Excellence, has an ongoing programme of research into the tertiary experiences of Māori and Pacific students called *Success for All*. Ako Aotearoa's research programme is a significant part of a growing body of research evidence about what works for Māori and Pacific learners in tertiary education. The Tertiary Education Commission has indicated that it expects all tertiary providers to familiarise themselves with this research and, where appropriate, actively contribute to it, support its dissemination and share best practice.

In March, researchers published the findings of their research on the experiences of Māori students in tertiary education in health-related degrees as [\*Tātou Tātou Success for All: Improving Māori Student Success\*](#). The researchers found a need for tertiary institutions to provide additional Māori student support services, with a particular focus on fostering cultural bonding between students and their peers.

The researchers found that the undergraduate programme the students were enrolled in was at times unsafe, hindering success for Māori students. Key success factors included the ability of educators to develop relational trust, demonstrate cultural safety, and utilise high quality teaching and learning methods while having an excellent grasp of the content required. The researchers *also identified the need to explore notions of a "hidden curriculum" that may operate within clinical*

and non-clinical health professional training programmes. They concluded that quality tertiary teaching for Māori students within health programmes should:

- 1 use effective teaching and learning practices
- 2 provide culturally appropriate academic support
- 3 provide culturally appropriate pastoral support
- 4 provide a culturally safe learning environment
- 5 encourage cohort cohesiveness.

Another research project, *Success for All: Improving Māori and Pasifika Student Success in Degree Level Studies*, is ongoing.

## Workforce diversity

Current analysis of the teaching workforce shows that diversity of culture, ethnicity and gender is significantly out of step with trends in the student population. There are concerns about the limited number of teachers of Māori or Pacific descent given the priority placed on raising the achievement of learners from these communities. These limited numbers in the workforce means there are very few Māori and Pacific adults to role-model success in education for learners from these communities. In particular, there is ongoing difficulty ensuring an adequate supply of teachers fluent in te reo Māori for Māori-medium education.

In response to this issue, the Ministry of Education has focused recruitment and retention incentives on this area and cross-Ministry initiatives – such as the *Pasifika Education Plan*, *Tau Mai Te Reo*, the work of the Māori Medium Workforce Reference Group and Ka Hikitia – include a workforce component.

## Other developments in Education in 2012

- 1 The first school national standards data was published, showing high levels of performance in reading, writing and arithmetic, but also revealing gender and ethnic inequalities. Ngā Whanaketanga Rumaki Māori data will be available in 2013.
- 2 A study of student success in Māori-medium education showed that only 3 per cent of kura students leave without a formal qualification and 92 per cent get Level 1 NCEA.
- 3 The Office of the Auditor-General began an inquiry into education for Māori that will focus on whether or not the education system is supporting Māori students to fulfil their potential.
- 4 The Government launched *Success for All – Every School, Every Child*, its vision and work programme for a fully-inclusive education system.
- 5 The Ministry of Education consulted on a refreshed Māori Education Strategy, now *Ka Hikitia – Accelerating Success 2013-2017* with the education sector, whānau, iwi and communities.



- 6 The Tertiary Education Commission (TEC) developed a Framework for Māori Learners *Tū Māia e te Ākonga 2013–2016* aimed at improving tertiary education sector performance for Māori. Tū Māia aligns with *Ka Hikitia* and *Tau Mai Te Reo: the Māori Language in Education Strategy 2013–18*, which was also released for consultation in 2012.
- 7 The TEC have developed greater performance commitment targets for tertiary education providers to increase Māori and Pacific peoples' participation. These will be further developed as part of the 2013 Investment Plan process.
- 8 The New Zealand Qualifications Authority (NZQA) launched a new Māori strategy *Te Rautaki Māori 2012–17* with the aims of accelerating the success of Māori learners and advancing the use of mātauranga Māori.
- 9 NZQA published *Conversations on Mātauranga Māori* to inform and guide the sector and began to implement its Mātauranga Māori Evaluative Quality Assurance Framework.
- 10 The Pasifika Education Plan 2013–2017 was released, following consultation with Pasifika communities, setting three measures of success in respect of participation in early childhood education (ECE), achieving NCEA Level 2 or equivalent and tertiary achievement.
- 11 An early learning taskforce was established to improve access to ECE, with a focus on Māori and Pacific participation.
- 12 The Waitangi Tribunal reported on an urgent claim by the Te Kōhanga Reo National Trust that government policies were having a detrimental impact on their services (see the Reo/Language chapter of this report for further details).
- 13 An Education Review Office report *Improving Education Outcomes for Pacific Learners* found that schools are making little progress in improving the achievements of Pacific students despite being priority learners.
- 14 School groups called for the abolition of decile rankings after Ministry of Education figures showed that the number of European/Pākehā students in low-decile schools had halved between 2000 and 2011, leading to claims of “white flight”.
- 15 There were protests at proposed school closures and mergers, particularly those in Christchurch.
- 16 The former Secretary of Education, Lesley Longstone, received considerable criticism for reporting that New Zealand's education system “is still under-performing for Māori learners and Pasifika learners, and learners from communities with significant social and economic challenges. While our education system continues to under-perform for these learners, we are not entitled to call ourselves world-class”.
- 17 Youth Law, an organisation providing free advice to young people and their parents on a variety of education-related, reported on the negative effects of exclusions, stand-downs, suspensions and expulsions. In its report *Out of Sight, Out of Mind*, exploring ethnic, gender

and socio-economic disparities, Youth Law called for an Independent Education Review panel to ensure that the suspension, exclusion or expulsion of any student is both necessary and legally justified.

## Criminal Justice

### Addressing the Drivers of Crime

The Minister of Justice and Minister of Māori Affairs co-lead the *Addressing the Drivers of Crime Work Programme* (DOC). This is a whole-of-government approach to DOC and is particularly focused on reducing the disproportionate number of Māori in the criminal justice system. The DOC work programme continued in 2012, focusing on early intervention and prevention programmes in education and health, and the implementation of alcohol and other drug assessments and interventions.

The Ministry of Justice reports progress in improving frontline services to priority groups as a result of the DOC work programme. Examples include more participation by at-risk children and families in Well Child checks and parenting programmes; substantial increases in the percentage of school leavers attaining NCEA level 2 since 2005, with growth highest among both Māori (87%) and Pacific (68%) from schools who draw their students from communities with the highest levels of disadvantage (deciles 1 and 2); and increased access for offenders to alcohol and other drug interventions, restorative justice conferences and pre-release prisoner reintegration services.

### Māori and Police launch *The Turning of the Tide* crime prevention strategy

A new crime and crash prevention strategy, [\*The Turning of the Tide\*](#), has a bold vision: that all Māori will live full and prosperous lives, free from crime and road trauma. The strategy represents almost six years of work by the Commissioner's National Māori Focus Forum and Police staff. It brings together many years of discussions with Māori leaders, as well as information from individual Iwi Crime and Crash Prevention Plans, into one national plan that will set the framework for local initiatives and interventions.

*The Turning of the Tide* sets the following targets to be reached by June 2018:

- 1 10 per cent decrease in the proportion of first-time Māori youth and adult offenders
- 2 20 per cent decrease in the proportion of repeat youth and adult victims and offenders who are Māori
- 3 25 per cent decrease in Police apprehensions of Māori resolved by prosecution
- 4 20 per cent reduction in the proportion of Māori casualties in fatal and serious crashes.

Police Commissioner Peter Marshall says: “Everyone recognises that current levels of victimisation, offending and traffic crashes among Māori need to be addressed. The [Turning of the Tide](#) is really significant because it’s the first time Police and Māori have jointly developed and agreed on a national plan, with Māori-specific targets, to tackle the issues.”

Naida Glavish of Ngāti Whātua says the strategy is designed so iwi can help their own: “We’ve waited a long time for this, now yes we can help ... we will be working alongside Police ... decreasing Māori youth offending and the rate of Māori injured in accidents are other themes.”

## **Kōti Rangatahi initiative expands and a Matariki Court is established**

Ten judicially-led Rangatahi Courts are now operating, along with two Pasifika Courts, and are well supported by their respective marae and local communities. As at August 2012, 845 cases had been seen in either a Rangatahi or Pasifika Court. The sustainability of these courts relies on ongoing collaboration across government, marae, government agencies and service providers, community and whānau.

A Matariki Court has been operating in Kaikohe since late February 2012. This court offers all offenders an opportunity to have a section 27 Sentencing Act sentence hearing to hear any person(s) they call to speak, on the personal, family, whānau, community, and cultural background of the offender and the way in which that background may have related to the committing of the offence. The Court also facilitates offender access to wrap around services and alternative pathways to address the underlying causes of offending via section 25 of the Sentencing Act. To date, the Court has held four section 27 hearings, with a further four awaiting reports to be provided to the Judge before the scheduled sentence hearing date.

An evaluation of the Rangatahi Courts was published in December. It found that rangatahi (young people) who had engaged with the courts experienced positive early outcomes, as did whānau, agencies and marae committees. Both rangatahi and whānau reported positive perceptions of the courts. While some challenges were identified, the evaluation found that the Courts have been successfully implemented to date.

## **Other developments in Justice in 2012**

- 1 “The Urewera Four” detained during the Operation 8 anti-terrorism raids in 2008, were sentenced, with two of the four imprisoned on firearms charges.
- 2 The Police Commissioner expressed regret for the impact of the Operation 8 raids on the predominantly Māori Ruātoki community but did not apologise.
- 3 A cross-agency, early-intervention *Youth Crime Action Plan* is being developed to reduce offending by, and victimisation of, children and young people. The plan's terms of reference

has six key objectives, including improving efforts to intervene in youth offending earlier, particularly with young Māori, and creating a framework to help whānau and community groups develop innovative local solutions.

- 4 The Ministry of Justice is developing a Victims' Code to provide victims of crime – among whom Māori are disproportionately represented – with information on available services, their rights, and the duties and responsibilities of government agencies.
- 5 The development of specific action programmes for violence in Māori whānau and Pacific families as part of the Government's taskforce for [Action on Violence within Families](#).

## Public Service

The State Services Commission (SSC) released its annual [Human Resource Capability survey of the public service](#), monitoring diversity in the public service workforce. It provides information about trends in the public service workforce with a focus on changes over the 12 months to 30 June 2012.

The report shows little change in ethnic representation in the public service. The ethnic composition of the public service broadly matches the ethnic composition of the New Zealand population, based on Census 2006 information. There were significant ethnic inequalities in the Public Service; in the ethnic diversity of public sector senior management and the ethnicity pay gap.

The ethnic profile of senior leaders did not change significantly in the period covered by the report. There has, however, been a small increase in the proportion of Māori, Pacific and Asian senior leaders. Despite this, the report concluded that: "minority ethnicities are under-represented in senior leadership when compared to their representation across the rest of the public service."

The report also found evidence of a steady ethnicity pay gap of 11 per cent for Māori, 19 per cent for Pacific peoples, and 12 per cent for Asian peoples. The SSC found that the ethnic pay gap can exist because of the occupation profile of a particular ethnic group. Māori, Pacific and Asian public servants are more highly represented in the lower-paid occupational groups – such as social health and education workers, contact centre workers and clerical and administration workers – rather than in senior management.

2012 is the first year that SSC has publicly reported diversity information by department. Government agencies that generally meet or exceed the ethnic demographics of the general population, based on the 2006 Census, include the Ministries of Justice and Social Development, and the Department of Corrections. Agencies that are much less ethnically diverse than the general population include the Canterbury Earthquake Recovery Authority, the Department of

Prime Minister and Cabinet, the Treasury, the Ministry of Defence, and the State Services Commission.

## 7 Te hekenga me te whakatau – Migration and settlement

### Overview

Although the number of immigrants to New Zealand has remained relatively steady over recent years, the increasing number of emigrants means there was a net migration loss of 3200 people in 2011–2012. Arguably, emigration, predominantly to Australia, now represents more of a concern than immigration.

The newly formed Ministry of Business, Innovation and Employment took over the functions of the previous Department of Labour, including the responsibility for immigration and settlement. Other changes in the sector included the depressed economic climate driving rationalisation, funding reductions and even closures. Refugee Services Aotearoa merged with the New Zealand Red Cross, the Ministry of Social Development's Settling In Programme (for migrant community development and integration) faced severe cutbacks, and Auckland's OMEGA migrant business mentoring programme closed due to lack of funding.

In April, the Immigration Amendment Bill was introduced into Parliament intending to deter the mass arrival of boat people in New Zealand, despite the absence of any current activity and the unlikelihood of this in the future. The provision for the detention of groups of more than 10 asylum seekers arriving together by boat has been widely criticised, including by the UN High Commissioner for Refugees, as being in breach of New Zealand's obligations under the Refugee Convention. The number of asylum seekers continued to decline with the introduction of stricter sanctions on airlines not complying with passenger travel documentation requirements.

The numbers of refugees being resettled in New Zealand under New Zealand's Refugee Quota Programme quota system is returning to the annual quota of 750 after a decrease due to the impact of the Canterbury earthquakes. The Government approved a Refugee Resettlement Strategy, which will be implemented in 2013. A decision was made to retain the Māngere refugee resettlement centre.

In September, immigration officers were given new powers of detention, entry and search as a result of the coming into force of provisions in the Immigration Act. Other provisions of the Act came into force in 2011.

Although migrant labour in the horticultural and viticultural sectors is generally managed effectively under the Recognised Seasonal Employer Scheme, there are continuing reports of exploitation of

migrant workers in other sectors. The report of an inquiry into the treatment of people on foreign charter fishing vessels operating in New Zealand waters was released in February and included wide-ranging recommendations to improve their situation.

## **Migration trends**

A total of 40,448 migrants were approved for residence in the year ended 30 June 2012, similar to the 40,737 in the previous year. The UK provided the largest group of migrants (15%) followed by China and India (13% each). Although the number of migrants approved for residence has remained relatively static since 2007, higher rates of departure mean that net permanent and long term migration showed a loss of 3200 people in the year ended June 2012.

Migration continues to play a significant role in the New Zealand labour market and economy. Following the 2010/2011 earthquakes in Canterbury, a significant demand for skilled workers is predicted for the region as reconstruction gathers pace – it has been estimated that employers will need to bring in about 16,000 workers for the Canterbury rebuild. Significant initial source countries have been the UK, Ireland and the Philippines.

A recent study by the Ministry of Business, Innovation and Employment (*Migrants in New Zealand: Retention and Onward Migration, 1998–2011*) indicates that migrants who come through the Skilled/Business and Capped Family streams are less likely to remain in New Zealand than migrants who come through the Uncapped Family and International/Humanitarian streams.

The Government continued to accept refugees for resettlement under its refugee quota programme of 750 people per annum. In 2011–2012 a total of 679 refugees arrived for resettlement under the programme, up from 527 in 2010–2011 (when numbers dropped due to the Canterbury earthquakes). However, the number of asylum seekers continues to steadily decline. In 2011–2012 305 claims were lodged for asylum, down from 337 the previous year. One hundred and nineteen of these claims were successful. In the first six months of the 2012–2013 financial year 149 claims were lodged. This trend is directly correlated to policy and legislative developments. In April, the Government announced a new sanctions regime for airlines breaching their obligations under the Immigration Act to ensure passengers possess the correct documentation for travel to New Zealand. The new regime entered into force in July, enabling the immediate imposition of penalties ranging from \$500–5,000, removing the previous requirement for Court prosecution.

## **Immigration Amendment Bill 2012**

The Government introduced an Immigration Amendment Bill to Parliament in April, establishing new procedures in the event of 10 or more asylum seekers arriving in New Zealand by boat. The

measure was described as a means of deterring people smuggling and enabling the effective and efficient management of a mass arrival of “illegal immigrants”.

The amendments proposed by the Bill will inter alia:

- 1 establish a definition of “mass arrival” in the Act
- 2 allow detention under a group warrant for an initial period of up to six months
- 3 enable further detention on group or individual warrants for periods of up to 28 days
- 4 allow regulations to be made to suspend processing of particular asylum claims
- 5 limit some review and appeal rights.

The Bill is accompanied by two significant policy changes. Individuals forming part of a mass arrival are precluded from gaining permanent residence until after a reassessment of their claim for refugee or protected person status. This reassessment will take place three years after the initial grant. In addition, the availability of family reunification for individuals forming part of a mass arrival is limited to immediate family.

The Bill was referred to the Transport and Industrial Relations Select Committee in May for consideration. The Committee received 33 written submissions from interested groups and individuals. Overwhelmingly submitters, including the UN High Commissioner for Refugees, Amnesty International, the Asia Pacific Refugee Rights Network, the New Zealand Law Society, the Human Rights Commission, and the International Detention Coalition, opposed the Bill, raising serious concerns about its compliance with New Zealand’s international obligations.

Submitters almost unanimously agreed that there was no need for the Bill as the current Immigration Act achieves a careful balance between border control and rights protections. This Act, which has only recently been through a major revision, provides sufficient avenues and mechanisms to deal with a mass arrival situation within a human rights framework. However, the Committee, in its report back to Parliament, recommended by majority that the Bill be passed with some minor amendments. These amendments do little to address the human rights concerns raised by submitters.

At the end of the year, the Bill remained before Parliament awaiting its second reading.

## **Powers of Detention under the Immigration Act 2009**

The majority of the provisions in the Immigration Act came into force on 29 November 2010. However, provisions relating to new powers for immigration officers, including powers of detention, and entry and search, did not take effect immediately. These powers entered into force on 3 September 2012.



Specifically, immigration officers may now:

- 1 detain a person until the earliest of the following:
  - the person is arrested and detained by the Police
  - the person is delivered into custody under the Act
  - the person is no longer liable for arrest and detention
  - the purpose of detention is achieved, or
  - four hours have elapsed (s312)
- 2 enter and search a building for the purpose of serving a deportation liability notice or executing a deportation notice (s286)
- 3 enter and inspect records of education providers (s278)
- 4 enter and search places and craft at the border and in territorial waters (ss283-285); and
- 5 take photographs, fingerprints, or other identifying information for the purpose of arranging their entry or transit requirements to another country (s287).

The power of an immigration officer to detain is limited and subject to a number of safeguards. Immigration officers must inform the person of the reason for the detention, the maximum period of detention, and their right to seek legal advice. An officer may only use such force as the officer has reasonable grounds to believe is necessary to prevent the detainee from harming any person, damaging property or escaping, or to re-capture the person. In addition, officers have been given specialist training developed in conjunction with the New Zealand Police. Complaints procedures are available through the existing internal Client Complaint Resolution Process and through the Office of the Ombudsman.

Notwithstanding these safeguards, significant concerns have been raised by immigration and refugee lawyers about the potential for abuse of these new powers, suggesting that there is a need for more stringent checks and balances. Acknowledging that it is early days, the implementation of these new powers will need to be monitored over the next 12 to 18 months.

## **Migrant workers**

The role of migrant workers is substantial within New Zealand, particularly in the horticulture, hospitality and aged care sectors. For example, as at the 2006 Census, a quarter of carers in the aged sector were born overseas. The principal source countries were the Pacific Islands, the United Kingdom and Ireland. Since then, significant numbers of migrant workers have also come from Asia and Latin America.

There are continuing reports of migrant workers working long, irregular hours for lower pay than non-migrants. In 2012, for example, eight former workers at a central Auckland liquor and

convenience store lodged a complaint about working conditions and pay rates as low as \$3 and \$4 an hour.

Concern over the exploitation of migrant workers received increased media attention following a series of cases relating to wage abuses and enforced fees to secure jobs or visas. In one case, a Chinese man took a job as a chef. The job provided him with a New Zealand work visa, but his employers made him pay \$13,000 “to help with the business” by threatening his job security and work visa. In eight months of employment, he was paid five times and he was not informed when the business closed down.

The Employment Relations Authority (ERA) found that the man’s employers had breached employment law by failing to pay him regularly, failing to keep and provide wage and time records, and forcing him to pay an illegal employment premium. It also found that he had been unjustifiably dismissed, and ordered that he be paid \$33,328 in unpaid wages and compensation. Further, the company was fined \$14,000. In another case, a Chinese woman was required to pay her own wages to support her permanent residency application.

Such breaches of the rights of migrant workers continue because workers are afraid to speak out against their employers. In 2011–2012, the Commission undertook an inquiry into equal employment opportunities in the aged care workforce. The Commission’s report notes the particular vulnerability of migrants with respect to work visas. It was told that “work permits are used as a threat to gain compliance on work conditions such as hours of work and pay”. Union members, the Commission spoke to, were seeking national standards about how migrant workers are employed, and seeking better monitoring by Immigration New Zealand. Immigration New Zealand is undertaking a review of its operational policy to ensure that migrants who come forward to report exploitation are not disadvantaged by making their concerns known.

In August, FIRST Union established a migrant workers network (UNEMIG) to support, provide information to, and advocate for migrant workers. The former Minister of Labour, the Hon. Kate Wilkinson, also committed to investigating claims migrant workers are being exploited and underpaid by small-business owners. Some individual claims have been investigated and where appropriate action has been taken. In December, five people were arrested and charged in relation to exploiting migrant workers. The Opposition Labour Party has called for an urgent investigation into the continued and widespread incidence of migrant exploitation.

## **Foreign Charter Fishing Vessels**

The treatment of people on foreign charter fishing vessels in New Zealand waters came to public attention in May 2011, when seven Indonesian crew members walked off the Korean vessel *Shin*

*Ji* in Auckland. A month later, 32 Indonesian crew walked off the *Oyang 75* vessel in Christchurch. All 39 crew complained of verbal and psychological abuse, and the underpayment or non-payment of wages. Some also alleged sexual harassment, physical abuse and inhumane punishment. Both vessels were chartered by New Zealand companies.

In response to these allegations, and with increased media coverage of conditions faced by some workers, the Ministers of Fisheries and Labour established a ministerial inquiry into the use and operation of Foreign Charter Vessels (FCVs). The inquiry panel considered:

- 1 the application of New Zealand's legislative regime to the use and operation of fishing vessels, and in particular FCVs, with respect to labour, immigration, maritime safety and fisheries management and the compliance with that regime by such vessels and their operators
- 2 whether acceptable and equitable labour standards (including safe working environments) are, or can be, applied on all fishing vessels operating in New Zealand's fisheries waters within the Exclusive Economic Zone (EEZ).

The panel released its report in February 2012, outlining a package of recommendations. The panel's recommendations can be broadly grouped around three key areas; monitoring and enforcement; legislative and policy amendments; and international conventions. Measures proposed to improve monitoring and enforcement of FCVs include:

- 1 placing a fisheries observer on all FCVs in the EEZ (with legislative changes to allow observers to report on broader issues, including work and safety standards)
- 2 introducing systems to enable Maritime New Zealand to take more direct responsibility for safety audits of FCVs
- 3 implementing an improved immigration audit system for FCVs
- 4 tightening up the Code of Practice on Foreign Fishing Crew, which prescribes minimum standards for foreign crew
- 5 proactively informing FCV crews of their rights and FCV operators of their responsibilities
- 6 reducing timeframes for FCV operators to remedy problems.

In order to clarify the application of New Zealand law to FCVs, the panel recommended amendments to the Fisheries Act, the Health and Safety in Employment Act, and the Maritime Transport Act. In addition, it was suggested that the Maritime Rules be revised to ensure that they apply to FCVs as well as New Zealand ships. Specifically, it was recommended that the Fisheries Act be amended to restrict registration to vessels on demise charter, and that the New Zealand

charter party must be the employer of the FCV crew under a New Zealand employment agreement.

Noting that New Zealand has not ratified a number of conventions enhancing the protections of migrant fishers, the panel has recommended the Government consider the merits of ratifying the Torremolinos Protocol, the International Maritime Organisation Convention STWV-F, and ILO Convention No. 188. ILO Convention No. 188 is the instrument developed by the ILO to ensure that people employed in the fishing industry have decent conditions of work on board fishing vessels.

The Government accepted all of the Inquiry recommendations related to improving the monitoring and enforcement of the immigration policies for foreign fishing crew. Changes to the Approval in Principle process (where New Zealand charter parties seek immigration approval to bring foreign crew to New Zealand) supported the implementation of the improved audit process. Clear guidelines for responding to audit findings were also put in place, requiring operators to remedy problems within specific timeframes or risk losing the ability to employ foreign crew. The Code of Practice was also reviewed. In consultation with industry and crew representatives, the obligations previously enforced through the voluntary Code of Practice were moved into Immigration Instructions and extended to apply on domestic vessels as well as foreign charter vessels. Changes include a number of provisions to better protect the interests of foreign crew members, including:

- 1 requiring all wages to be paid directly to crew members, preferably in a New Zealand bank account
- 2 prohibiting the payments of any fee by crew to manning agents, making recruitment costs the responsibility of employers or chartering companies
- 3 mandating that a New Zealand company chartering a vessel be responsible for guaranteeing crew wages on that vessel in case of default by the foreign employer.

The new Immigration Instructions were introduced in December 2012 and will apply to all requests for approval in principle to recruit foreign workers received after that date. Key changes, such as direct payments to crew, were also added as conditions to approvals in principle granted before the December implementation to protect crew coming in for the 2012–2013 fishing year.

In addition, it has committed to take a stronger line on the operation of fishing vessels in New Zealand waters by requiring the reflagging of foreign-owned fishing vessels to New Zealand. Although this goes further than what was recommended by the Inquiry, it was considered necessary to mitigate risks to New Zealand's international reputation. Reflagging will provide

greater protection to the crew by making all New Zealand legislation applicable on board, including the Health and Safety in Employment Act and all labour and employment standards.

To acknowledge the complexities of such a dramatic change, a four year transition period will apply.

## **Refugee Resettlement Strategy**

Since 2010, the Government has been working with non government agencies and refugee communities to design a new resettlement strategy, targeting support to improve settlement outcomes. A new outcomes-based Refugee Resettlement Strategy was released in December.

This strategy aims to ensure:

“[r]efugees are participating fully and integrated socially and economically as soon as possible so that they are living independently, undertaking the same responsibilities and exercising the same rights as other New Zealanders and have a strong sense of belonging to their own community and New Zealand.”

It is focused around five key goals:

- 1 self-sufficiency – all working-age refugees are in paid work or are supported by a family member in paid work
- 2 participation
- 3 health and wellbeing
- 4 education – particularly English language skills
- 5 housing – refugees live in safe, secure, healthy and affordable homes, without needing government housing assistance.

## **New Zealand refugee resettlement strategy: Outcomes**

### **Self-sufficiency**

- Increased proportions in paid employment (after six months, two years, and five years)
- Reduced proportions receiving unemployment-related benefits (after six months, two years, and five years)

### **Housing**

- Reduced housing subsidy for refugees (after two years and five years in New Zealand)

### **Education**

- 67 per cent of refugee school leavers with five years in the New Zealand education system achieving NCEA Level 2 by 2014

### **Health**

- Increased Quota Refugee children receiving age-appropriate immunisations (six and twelve months after arrival)
- Increased utilisation of general practitioner services
- Increased access to mental health services

### **Participation**

- Improve adult refugees' achievement of English language.

The strategy will come into force from July 2013. Initially it will apply to refugees resettled to New Zealand under its Refugee Quota Programme. Although no timeframes have been specified, it is anticipated that it will apply more widely to include all refugees in the future.

## **Settlement Support**

The Ministry of Business, Innovation and Employment (MBIE) is the lead agency for achieving the Government's settlement outcomes. The Ministry provides settlement information, supports employers and migrants in the workforce, and funds settlement programmes in the community.

The Ministry jointly leads two regional settlement strategies with local government in Auckland and Wellington. Action plans to implement the strategies are currently focused on supporting economic growth.

The Ministry also supports 18 local settlement support centres throughout New Zealand which provide a first point of contact for both newcomers and employers of new migrants. A review is currently underway to determine the most effective delivery model for settlement support and to identify any changes that may be required to the current model and delivery. A final report is due in early 2013.

The Ministry's settlement support services for migrants are rated highly by users. Ninety-two per cent of newcomer clients are satisfied with the services and 90 per cent said the services exceeded their expectations. Ninety-three per cent of employers also said they were satisfied with the services and 73 per cent said that, as a result of their contact with settlement support services, were now better able to work with migrants.

## **Support in employment**

In 2012, the Ministry published an information toolkit for employers to help with supporting and retaining their migrant employees. The toolkit comprises of a series of cards that can be used as a quick reference guide for employers or managers in one-to-one conversations with new migrants, or in their teams. The cards inform employers about the settlement process, and the complexities of different cultural work and management styles, as well as how to address any issues that may arise.

*A Guide for Newcomers* was also published as a companion to the *Employer Toolkit*. The aim of the Guide was to raise migrants' awareness about the challenges of settlement, and what newcomers might expect to be different when they work in a New Zealand workplace.

Two sector specific guides were developed for dairy farm employers and migrant dairy workers in response to concerns regarding the welfare of migrant dairy farm workers. The aim was to develop guides collaboratively with industry stakeholders to support the settlement of migrant dairy workers and provide improved support for employers from immigration, safety, health and employment relations perspectives.

The Office of Ethnic Affairs provides an Intercultural Awareness and Communication training programme designed to teach participants effective communication across cultures in the workplace. The Office has also published the [Riding the Wave](#) booklet that presents innovative strategies helping New Zealand organisations to integrate intercultural awareness and communication into every facet of their business.

## **Settling In Programme faces uncertain future**

The future of the Ministry of Social Development's highly successful Settling In programme was in jeopardy at the end of 2012 as a result of government requirements for departments to find savings. Established in 2003, the programme had initial funding of \$1.4 million over four years to promote community-based cross-sectoral social services to migrants and refugees. Administered by the Ministry's Family and Community Services branch, the programme was based on a community development approach, working closely with migrant and refugee communities to develop and deliver services identified as being needed by those communities. It received a boost

in 2010 of an additional \$1 million per year for three years. The additional funding runs out in June 2013, with serious consequences for the viability of migrant centres, newcomers' networks and other community building projects around the country.

Settling In has convened inter-agency and community working groups in centres such as Whangārei, Auckland's North Shore, Tauranga, Hawkes Bay, Palmerston North, Nelson/Tasman, West Coast, Marlborough, Christchurch, Ashburton, Timaru, Oamaru, Dunedin and Gore to raise awareness of the increasing diversity of those communities and the importance of addressing the needs of migrants. The ensuing reports have resulted in the establishment of migrant service centres, newcomers networks, action plans and capacity building projects that have created a strong base for migrant settlement and integration. The Settling In programme has been able to provide limited funding for migrant services and newcomers' network coordinators to support this ongoing work. Migrant centres have also been given support in a number of areas, particularly in the provinces. Settling In has also worked to build capacity in refugee communities.

Communities have expressed concern at the prospect of losing the support of workers, centres, networks and projects supporting migrants and refugees, and many face closure or radical reduction in services as a result.

In 2012, Settling In completed reports on the needs of migrant and refugee communities in Dunedin, Eastern Southland, Waitaki and Nelson and helped with the implementation of report recommendations. Reports are also in preparation for Aoraki, Tasman and Ashburton. Migrant coordinators and centres were supported in Albany, Tauranga, Palmerston North, Nelson, Blenheim, West Coast, Ashburton, Oamaru, Dunedin and Gore. The number of newcomers' networks supported by the programme grew to 23 with the establishment of a new network on the Chatham Islands.

### **OMEGA migrant mentoring scheme closes in Auckland**

An award winning mentoring scheme was forced to close its doors in 2012 due to a lack of sustainable funding support. OMEGA was founded by the Committee for Auckland to engage the Auckland business community to address labour market concerns focusing, in particular, on improving the uptake of highly-qualified and experienced skilled migrants.

Their key project was a mentoring programme facilitating occupation-specific mentoring for skilled immigrants. TAP-In (*Talent Access Programme for Industry*), provided fixed-term work for skilled immigrants in their field of expertise through three to six month paid internships, or volunteer terms of several weeks. This programme also facilitated *Best Practice Forums* to improve workplace practice with regard to the recruitment, integration and retention of skilled immigrants.



OMEGA was presented with the NZ Diversity Award in 2009 for its outstanding contributions to diversity in New Zealand, and also received international recognition for its programmes.

## **Refugee Services Aotearoa merges with Red Cross**

In December, after more than 35 years as an independent organisation, Refugee Services Aotearoa New Zealand – the country’s leading refugee resettlement agency – merged with the Red Cross.

Refugee Services Aotearoa New Zealand had its origins in the Inter-church Commission on Immigration and Refugee Resettlement (ICCI), formed in 1976 to represent New Zealand churches in all aspects of immigration and settlement of refugees. The founding members included representatives from the National Council of Churches, the Catholic Bishops Conference, HIAS (Hebrew Immigration Aid Society) and the United Synagogues of New Zealand.

In 1986, the governance of ICCI was assumed by the Christian Conference of Churches of Aotearoa New Zealand (CCANZ). CCANZ continued its governance role until 1990 when the agency became an incorporated society and its name was changed to the Refugee and Migrant Commission Aotearoa New Zealand Inc. Its membership expanded to include representatives from other faiths, refugee communities and refugee-related agencies. Eventually the name of the agency was changed to RMS Refugee Resettlement.

In 2004, a restructuring of the Commission was begun culminating in the establishment of a new governance structure and the formation of a board. In June 2008, following a major rebranding exercise, the agency became Refugee Services Aotearoa New Zealand.

New Zealand Red Cross Refugee Services will continue to support all refugees who come to New Zealand through the Refugee Quota Programme. It is contracted by Immigration New Zealand to assist every refugee who comes to New Zealand under this system with their first year’s settlement.

New Zealand Red Cross President, Jenny McMahon, said that working with, and for, refugees, asylum seekers and their families was one of the long-standing activities of the Red Cross Movement throughout the world.

“This is a very natural partnership. Our national presence, global connections and experience will add opportunities to further strengthen an already world class programme, and bringing the operations of Refugee Services into New Zealand Red Cross will naturally deliver efficiency savings.”

## 7 Te reo – Language

### Overview

The 25<sup>th</sup> anniversary of the Māori Language Act in 2012 offered an opportunity to reflect on the significant progress made since the Waitangi Tribunal issued its landmark report on the Māori language claim in 1986. The future of te reo Māori remains under scrutiny following the 2011 publication of major reports by the Tribunal and a Ministerial Review Panel. The Tribunal's report on the kōhanga reo claim in 2012 presents further challenges to ensuring the survival and growth of te reo Māori. It is increasingly evident that the development of a new Māori Language Strategy is urgently needed to address issues raised in the reports.

Another welcome development in 2012 was the completion of the Pacific Languages Framework addressing the declining use of Pacific languages in New Zealand. A similar strategy for other community languages remains to be developed and the Community Languages Association of New Zealand continues to advocate for this. Conversations around a national languages policy gathered momentum, with the Royal Society of New Zealand due to release a paper on this in early 2013.

The Canterbury earthquakes and a biodiversity alert in Auckland proved important lessons for public agencies' communication with New Zealand's increasingly diverse cultural and linguistic communities. These events underlined the importance of agencies to be able to communicate messages to all its communities. These issues were captured in Christchurch's Community Language Information Network Group's [Best Practice Guidelines for Engaging with Culturally and Linguistically Diverse \(CALD\) Communities in Times of Disaster](#).

### Waitangi Tribunal finds treatment of kōhanga reo breached the Treaty

New Zealand's early childhood education system has failed to adequately sustain the nation's kōhanga reo (community initiated early childhood "language nests") as an environment for language transmission and whānau development, according to the Waitangi Tribunal. The Tribunal found that this constituted a breach of the Treaty principles of partnership and equity.

The report followed hearings on an urgent claim by Te Kōhanga Reo National Trust that a 2011 report by the Early Childhood Education Taskforce was published without consultation with them. The Trust believed the report had seriously damaged its reputation, and raised concerns that

government policy development based on it would cause irreparable harm to the kōhanga reo movement.

The Trust also alleged a number of Treaty breaches concerning the Crown's treatment of kōhanga reo over the past two decades. It said that the Crown had effectively assimilated the kōhanga reo movement into its early childhood education regime under the Ministry of Education, stifling the Trust's vital role in saving and promoting the Māori language. The Trust also claimed this has led to a decline in the number of Māori children participating in early childhood immersion in te reo me ngā tikanga Māori (Māori language and culture).

The Tribunal found that the Crown had failed to fulfil the partnership agreement it entered into in 2003 with Te Kōhanga Reo National Trust. It also acknowledged that an already difficult relationship existed between the Crown and the Trust, with frustrations on both sides, worsening following the Crown's failure to consult the Trust on the Taskforce's report.

The Tribunal expressed its deep concern at the vulnerable state of te reo Māori, and as a taonga, the Crown had a duty to actively protect the language. Accepting the expert evidence that early childhood immersion was an effective means of transmitting te reo me ngā tikanga Māori to the next generation, the Tribunal recognised that kōhanga reo were essential to the survival and revitalisation of te reo Māori. It also concluded that significant prejudice to the claimants had occurred as a result of the Crown's breaches of Treaty principles.

The Crown was called upon by the Tribunal to make a formal acknowledgement and apology for the Treaty breaches. It also recommended that the Crown appoint an interim independent advisor, based in the Department of Prime Minister and Cabinet, to redevelop the engagement between government agencies and the Trust. This would work to ensure early progress is made on resolving outstanding issues. These include the funding regime for sustaining quality in language transmission; the regulatory and performance reviewing framework; research on the effectiveness and educational outcomes of the kōhanga reo model; and information for Māori whānau on the linguistic and educational benefits of early childhood te reo Māori immersion.

Urgent attention is also needed to enable kōhanga reo to comply with the new early childhood regulations for additional capital funding. The deadline for this is 2014. As many as a third of kōhanga reo and more than 3000 children were at risk of displacement.

The Tribunal endorsed the conclusion of its 2011 report, *Ko Aotearoa Tēnei*, that urgent steps were needed to address recent Crown policy failures if te reo Māori is to survive. The Tribunal noted that survival requires both Treaty partners – Māori and the Crown – to collaborate in taking

whatever reasonable steps are required to achieve the shared aim of assuring the long-term health of te reo Māori as a taonga of Māori.

Te Kōhanga Reo National Trust celebrated its 30<sup>th</sup> anniversary this year. The first kōhanga reo, Pukeatua, was opened near Wellington in 1982. From 1982 to 1989, community initiated kōhanga reo flourished in an environment of excitement and celebration. One hundred were established by communities in the first year and growth continued until 1994 when the number reached 800, catering for 14,000 children. In 2011, there were 463 kōhanga reo catering for 9600 children.

The Crown is considering the findings and recommendations of the Tribunal's report. Cabinet will consider these, along with options for a Crown response; this is expected early in 2013.

## **New Māori language strategy awaited**

The original Māori Language Strategy was adopted in 2003 with a 25 year vision of development. The strategy required lead government agencies to draw up five-year plans and for Te Puni Kōkiri to monitor progress towards the 25 year goals at five-year intervals. The Auditor-General completed a performance audit of the strategy in 2007, and Cabinet directed that a review of the strategy be done in 2008–2009.

A comprehensive review by language experts of both the strategy and the infrastructure of the Māori language sector was initiated by the Minister of Māori Affairs in 2010. The Waitangi Tribunal pre-released a chapter on te reo Māori from its broader report on the Wai 262 claim to assist the review panel, which completed its report, *Te Reo Mauriora*, in 2011. Following a visit to New Zealand, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Professor James Anaya, called on the Government in 2011 to take steps to overcome the shortage of teachers fluent in te reo Māori and to continue to develop Māori language programmes.

Together, the conclusions of these reports pose a major challenge to current policy and practice relating to te reo Māori, consequently creating considerable uncertainty about the future direction of Māori language policy. At the end of 2012, a new strategy had yet to be completed. Race Relations Commissioner Joris de Bres commented that “The need for a coordinated and measurable approach to promoting and protecting te reo Māori through a new national strategy is becoming increasingly urgent.”

The 25<sup>th</sup> anniversary of the coming into force of the Māori Language Act, recognising te reo Māori as an official language of New Zealand and establishing the Māori Language Commission, was celebrated at the launch of Māori Language Week in July. The Act followed the landmark report of the Waitangi Tribunal in 1986 on the reo Māori claim, which concluded that te reo Māori was a

taonga guaranteed by the Treaty of Waitangi. Despite current challenges, it was recognised that significant progress had been made since 1987.

An emerging matter is the protection and promotion of te reo Māori overseas, particularly in Australia. Research released in 2012 by Victoria University shows the number of Māori living in Australia jumped 38 per cent in the past five years to 128,000. This equates to around 16 per cent of the global Māori population and is therefore an important constituency for te reo Māori regeneration. The population shift strongly suggests that the focus of any new Māori Language strategy must be global. A challenge for Māori language policy development is how to bring this within the mandate of New Zealand government agencies. Supporting expatriates to retain their language and culture in the country they have settled in is common practice for other governments.

In November, Māori Television announced it was negotiating with Australia's newly established National Indigenous Television Service (NITV) to share programmes such as *Native Affairs*, *Homai Te Pakipaki* and *Te Kāea* for Māori viewers in Australia. NITV was initially launched in 2007 as a pay-per-view service, however, the station began broadcasting free-to-air to around 22 million viewers in December.

## **Te reo Māori in education**

Around 20 per cent of Māori enrolments in early childhood education (ECE) are in kōhanga reo with just under 10 per cent of Māori school students in Māori medium education (where 51 per cent or more of instruction is in te reo Māori).

In its briefing to the incoming government at the end of 2011, the Ministry of Education noted that the Ministry's own arrangements for Māori language, while well meaning, had been reactive and ad hoc. It noted that a priority for the next three years was to complete and implement *Tau Mai Te Reo: The Māori Language in Education Strategy*. This would set the strategic direction, including funding investment, for Māori language in education from 2013–2017.

The draft of *Tau Mai Te Reo* was released for consultation in December 2012. It looks to focus on supporting and strengthening access to and the quality of Māori language in education provision. It considers all Māori language in education provision, from immersion settings to the learning of the Māori language as a subject in otherwise English medium settings. Māori language provision is supported across education from early learning, through to compulsory schooling and tertiary provision, as well as some home and community settings. *Tau Mai Te Reo* will:

- 1 provide a framework for better government investment in Māori language in education over the next five years
- 2 support the coordination of effort across Māori language in education activity in the Ministry of Education and across education sector agencies
- 3 create the conditions for learners to enjoy and achieve both educational and Māori language outcomes.

*Tau Mai Te Reo* supports the Ministry of Education's and education sector agencies obligations under the Government's current Māori Language Strategy. It also contributes to providing education that supports learner identity, language and culture, and Māori enjoying and achieving education success as Māori.

In May, the Government appointed an expert reference group to advise on how to increase the number of high-quality, te reo-fluent teachers in Māori-medium education. The reference group focused on teachers for Māori language immersion Level 1 (Curriculum is taught in/through the use of Māori language 81–100% of the time) and Level 2 (Curriculum is taught in/through the use of Māori language 51–80% of the time). The group also developed a vision for strengthening the Māori language teacher workforce and recommendations to achieve this vision.

## **Pacific Languages framework approved**

A Pacific Languages Framework was published in October, following public consultation by the Ministry of Pacific Island Affairs in 2011. The Ministry noted in its briefing to the incoming government, that promoting Pacific languages and culture was one of its four priorities, and that “vibrant Pacific languages and cultures will contribute to improved social and economic outcomes, and the cultural wellbeing of Pacific people.”

The Framework's vision is that “Pacific languages are flourishing.” It is guided by four principles:

- 1 support for language should be led and owned by communities
- 2 the decline in language skills should be reversed
- 3 language is vital to vibrant Pacific cultures
- 4 heritage language skills will contribute to positive outcomes.

Five interrelated intervention areas are identified:

- 1 **Status:** the position of a language in society. The status of a language has an impact on how it is viewed and used. Status interventions relate to developing a positive environment in which the language can flourish.

- 2 **Knowledge and acquisition:** the proficiency skills of speaking, listening, reading and writing. These skills are needed to sustain the language.
- 3 **Use:** the use of a language to communicate, which is essential for language revitalisation.
- 4 **Critical awareness:** levels of awareness and consciousness about the value of language and the implications of language choices for sustaining a language.
- 5 **Corpus:** the linguistic character of the language, its structure and functions. Corpus development involves the written, visual and oral resources of a language.

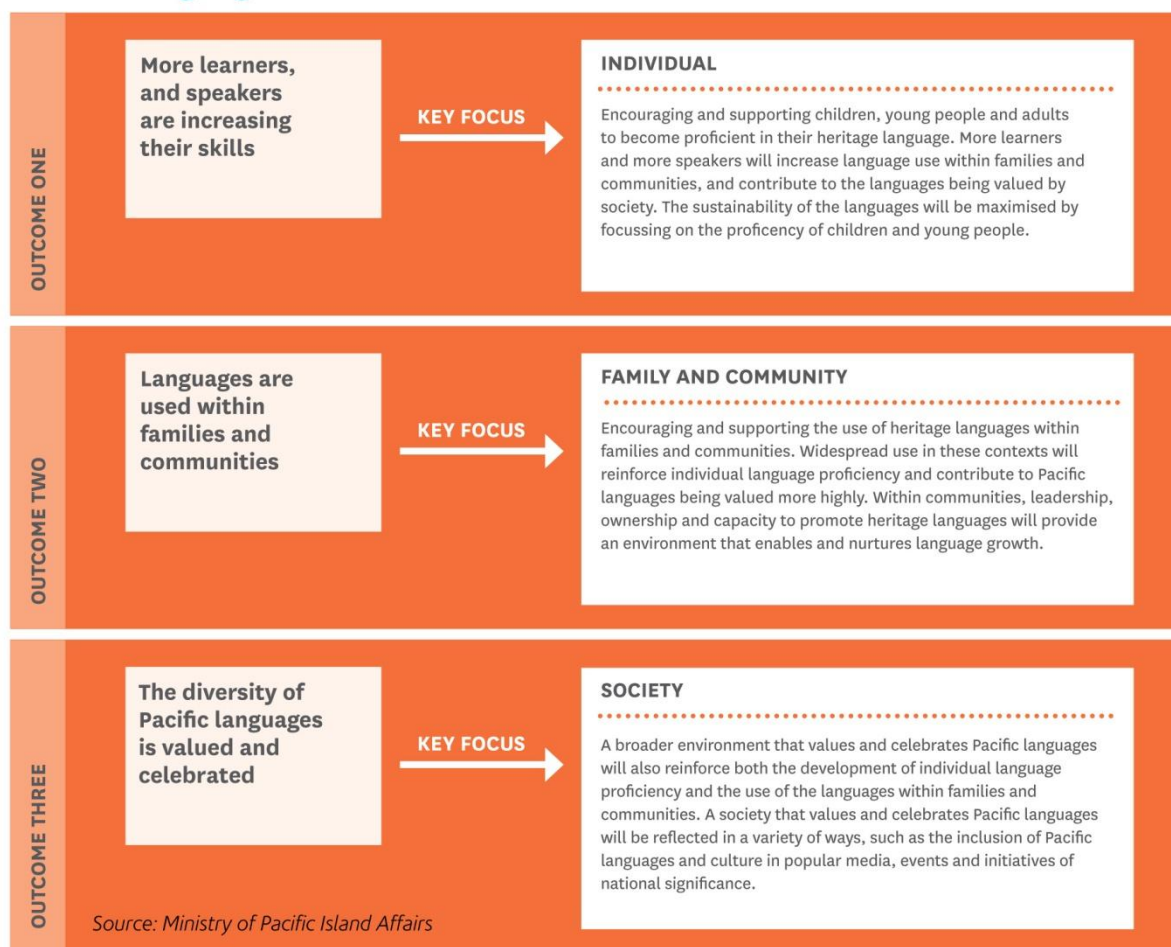
Implementation of the framework will be developed and led by Pacific communities. The Ministry will support communities to further develop and implement their Community Action Plans (CAPs). It is also preparing an online directory of government resources which can help promote and maintain Pacific languages. The directory will include information about, for example, translation services and Pacific language publications developed by government agencies.

A monitoring and evaluation plan will be developed to ensure progress in implementing the framework is measured, and that changes or improvements are evidence-based, timely and appropriate.

### **Select Committee inquires into Pacific languages in ECE**

Parliament's Education and Science Select Committee conducted an inquiry into Pacific languages in early childhood education. Public submissions were considered at a number of public hearings in Wellington and Auckland. The Committee's terms of reference were to investigate the current frameworks supporting Pacific language in early childhood education in New Zealand, including resourcing, capacity and capability; and the role and contribution of the Government, private sector, and community and voluntary sector to improve the prevalence and quality of Pacific languages in New Zealand. The Committee has yet to report its findings to Parliament.

## Pacific Language Framework Outcomes



## Language weeks celebrate and promote NZ languages

Following in the footsteps of the longstanding Māori Language Week, language weeks for New Zealand Sign Language and Pacific languages (including Samoan, Tongan and Cook Islands Māori) have also captured the imagination of communities as an opportunity to promote, celebrate and share their languages.

From April through to November 2012, the weeks featured a wide range of activities including cultural performances, speech competitions, workshops, language classes, school activities, library programmes, new publications, radio and television stories, newspaper features, YouTube videos and highly active Facebook pages.

Tokelau and Niue celebrated their languages for the first time in 2012 with successful language weeks. Tokelau, Niue and the Cook Islands are part of the New Zealand realm; with their peoples enjoying New Zealand citizenship. Significant populations of each of these Pacific nations live in New Zealand, and these particular languages are the most at risk. This further highlights the urgent need for a community languages strategy.



The Facebook page for Samoan Language Week grew to over 7500 fans, and the Māori Language Week page exceeded 5500. Dates for the seven language weeks were:

New Zealand Sign Language	April 30 – May 6
Samoan	May 27 – June 2
Māori	July 23 - 29
Cook Island Māori	August 6 – 10
Tongan	September 2– 8
Niuean	October 7 – 13
Tokelauan	October 29 – November 4

## Communication in a civil emergency

The Canterbury earthquakes and a biodiversity alert in Auckland highlighted the need for public agencies to be prepared to liaise with culturally and linguistically diverse (CALD) communities, in their own languages, in times of civil emergency and where important public messages need to be relayed to the whole community.

A coalition of Christchurch organisations (the Community Language Information Network Group – CLING) commissioned research to assess the preparedness of local and central government agencies in supporting Canterbury during and after the earthquakes. The research was used to develop *Best Practice Guidelines: Engaging with Culturally and Linguistically Diverse (CALD) Communities in Times of Disaster*, which were launched at the Diversity Forum. While primarily focused on improving the responsiveness of agencies in Christchurch to the city's diverse communities, the guidelines are relevant to any situation of civil emergency throughout the country. The group also published *Guidelines for using Language and Sign Interpreters: Useful Tips for Christchurch Agencies* in February.

CLING comprises representatives from Christchurch City Council, Christchurch Resettlement Services, Community and Public Health (CDHB), the Human Rights Commission, Interpreting Canterbury, Partnership Health Canterbury, Plains FM 96.9, and the Ministry of Pacific Island Affairs.

In May, a major biosecurity operation prompted by the discovery of a Queensland fruit-fly in the culturally diverse Avondale community in Auckland further emphasised the need for government agencies to be prepared to liaise with CALD communities. Early information was only available in English but it was translated a week later with print advertisements in Chinese and Korean, and radio advertisements in Cantonese, Korean, Mandarin and Punjabi.

## Language services continue to grow

Language Line, the free telephone interpreting service operated by the Office of Ethnic Affairs, added Bulgarian and Indonesian to its list of available languages. This takes the total number of languages offered to 44 with more than eighty public agencies now using the service.

Language Line responded to over 38,000 requests in the 2011–2012 year. The 10 most frequently requested languages (in order of demand) were Mandarin, Samoan, Korean, Cantonese, Tongan, Hindi, Spanish, Arabic, Japanese and Portuguese. The agencies which use the service the most include: Inland Revenue, Immigration Service, Identity Services, ACC, Housing NZ Corporation and the Ministry of Justice.

Citizen's Advice Bureau Language Link added Filipino, Tamil and Sinhala lines this year to support migrant and refugee communities with settlement issues. Citizen's Advice Bureau Language Link has been providing community support for over ten years. Primary Health Interpreting Services announced an extension of its interpreting services in Auckland.

## 9 Pāpāho – Media

### Overview

The development of social media in recent years has outpaced the national and international regulatory frameworks established to encourage and maintain ethical and human rights standards in the print, radio and television media. They have opened up new spaces for racial denigration and harassment contrary to the principles of the UN Convention on the Elimination of All Forms of Racial Discrimination and other international human rights treaties. The Law Commission published a major report in 2011, *The news media meets new media*, which considered rights, responsibilities and regulations in the digital age. It followed this with a briefing paper to the Minister of Justice in 2012 recommending legislative changes to regulate hate speech in the social media. Both the Human Rights Commission and the cyber-safety organisation Netsafe (New Zealand's national cyber safety not-for-profit organisation) have experienced an increase in complaints and public concern about racism on the Internet.

The number of complaints about breaches of media standards by traditional media remained small, but two rulings by the New Zealand Press Council upholding complaints of racial denigration in articles by prominent columnists the late Sir Paul Holmes and Michael Laws were particularly significant.

### The impact of social media on race relations

The number of complaints to the Human Rights Commission about race hate speech on social media sites has been a rising phenomenon this year reflecting the broad adoption of social media as a communications medium.

The Commission's experience is supported by research conducted on behalf of the Law Commission. In a nationwide survey of 750 New Zealanders aged 18–70, 10 per cent reported personal experience of harmful speech on the Internet. Māori and Pacific peoples reported much higher incidents, at 19 and 17 per cent respectively. Twenty per cent of those surveyed said they were “extremely concerned” about harmful speech on the Internet, with the figure rising to 32 per cent for Māori and Pacific peoples. Asked if they knew what to do in response, 42 per cent said they did not know.

Like any communications channel, social media sites are the medium and not the message. However, unlike traditional communication channels – television, radio and newspapers – the

regulation of content is self-managed with little or no direct engagement with those complaining about content considered offensive or racist or both. The major social media companies operate from countries outside New Zealand and the limited jurisdiction of New Zealand legislation complicates the response to pages containing offensive or racially divisive content. Monitoring non-English content can also be an issue for some media companies and regulators in New Zealand.

The Commission can progress complaints of this nature where the published comment is considered likely to incite racial disharmony. Section 61 of the Human Rights Act identifies such comment as being “threatening, abusive, or insulting” and “likely to excite hostility against or bring into contempt any group of persons in or who may be coming to New Zealand on the ground of colour, race, or ethnic or national origins of the group of persons.”

In practice, a race-related comment widely regarded as offensive can only be progressed as a complaint under the Human Rights Act if it can be seen as a probable cause of exciting racial hostility or contempt. How hostility and contempt are interpreted must also be balanced alongside the right to freedom of speech set out in the New Zealand Bill of Rights Act.

However, the Race Relations Commissioner has as part of his or her responsibility the dual goal of advocating and promoting respect for human rights and encouraging the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society.

The Commissioner made public comment on a number of occasions when racially offensive content was posted on social media sites. However, apart from public support for those upset and concerned, and advice to report offensive content promptly to the social media site, the Commissioner and Commission staff have limited ability to influence major global social media sites such as Facebook and YouTube.

The Commission has established a good relationship with New Zealand auction site Trademe. The company active and responsible in meeting legal requirements and community standards regarding content posted on its discussion forums and auction pages.

However, while overseas social media sites possess similar acceptable use policies there is no clear path for agencies from the Police through to a national human rights institution like the Human Rights Commission, to advocate for accountability and adherence to those policies.

Concern about the issue is widespread and in May, Justice Minister Judith Collins requested the Law Commission to provide advice. Released in August, the Law Commission's Ministerial briefing paper supported a tougher stance on social media. The paper's main recommendations were:

- 1 create a new criminal offence tailored for digital communication
- 2 make amendments to the Harassment Act, the Human Rights Act, the Privacy Act and the Crimes Act to ensure the provisions of these acts can be readily applied to digital communications
- 3 set up a Communications Tribunal "to provide citizens harmed by digital communications with speedy, efficient and cheap access to remedies such as takedown orders and 'cease and desist' notices."
- 4 introduce legal requirements for all New Zealand schools to help combat bullying of all kinds, including cyber-bullying.

In their submissions to the Law Commission, social media companies argued that self-regulation has worked, and they were doing a good job encouraging – and enforcing – responsible Internet use. However, other submitters told the Law Commission that using the reporting tools provided by websites and social media to alert administrators to the presence of offensive content could often be "a long and frustrating process".

"We were made aware of many cases where individuals had battled for months to have highly offensive content, including false Facebook pages, taken down," the briefing paper said.

Internet safety organisation Netsafe said in its submission that many people who came to it for help, felt defeated and distressed by the complexity of complaints systems and the lack of direct communication channels.

Netsafe supported the Law Commission's recommendations for a tribunal or commissioner, because they could set-up direct relationships with the major Internet companies to get hate speech or sites removed more quickly. The Human Rights Commission has also supported the Law Commission's briefing paper.

Netsafe technology officer Sean Lyons' view is that it is impossible to police all online racism but he has advised people to keep up with what is happening on Internet sites and see what others are saying rather than shunning it. Netsafe advocates for an engaged and informed approach, alongside teaching students to be responsible "digital citizens".

Results from a Victoria University paper about "race talk online" (released in 2012) suggested there was a need to educate people, children and adults alike, about how to interact using social

media where there is limited moderation. It advises that Internet etiquette cannot be the same as real life etiquette, if only because of the anonymity and lack of consequence. Those interacting on these sites cannot react as they normally would to racist and/or insulting comments.

### **Case study: Facebook page “Lets end the Māori race” taken down after protests**

Sometime on the weekend of September 22, a Facebook page was born: “Let’s End the Māori Race”. It did not receive much media coverage, but the message of racist incitement sparked complaints to the Human Rights Commission and Māori organisations, but mostly to Facebook itself via “Report story” buttons.

At first nothing happened. The page remained. More concerning, it sparked Facebook responses, like the “Let’s End the ‘Let’s End the Māori Race” page; a page almost as full of racially-motivated abuse and hatred as the original. This page was also reported.

Then, sometime in the afternoon of Tuesday, 25 September, the original page disappeared as Facebook decided “Let’s End the Māori Race” had breached its rule against posting “hate speech” and was taken down.

It had taken three days and the intervention of Netsafe to get the page removed. The potentially inflammatory response page remained, albeit with substantially less traffic. Following an approach from the Race Relations Commissioner, the authors of these pages agreed to take these down themselves.

Netsafe reports that it is dealing with increasing numbers of hate and gossip sites involving schools, and very often the comments involve racial slurs. In the most serious cases, the organisation (leveraging its national cyber safety organisation role) can contact influential Internet companies directly. If the sites breach the terms and conditions, they tend to be taken down within 12 hours, although Netsafe rarely receives any feedback.

Netsafe operations manager Lee Chisholm says the longer offensive material is available, the greater the harm.

“Things grow quickly across the Internet, so speed of getting stuff taken down is important. The general public is telling us there is room for improvement.”

In Australia, Facebook’s refusal to take down hate sites against the man accused of killing ABC journalist Jill Meagher led to a group, headed by Victorian Attorney-General, Robert Clark, being set-up to create national guidelines on social media. Victorian Police Commissioner Ken Lay

attacked Facebook in the *Sydney Morning Herald* for “inciting hatred and undermining the state’s legal system”. The worst site was eventually removed, Lay said, but it was the site’s creator – not Facebook – that made the decision.

Following publicity about the “Let’s End the Māori Race” page, the Human Rights Commission met with Facebook to discuss improved channels of communication in relation to complaints of racist content.

## **Principles underpinning a potential regulator**

The Law Commission’s ministerial briefing paper *Harmful Digital Communications: The adequacy of the current sanctions and remedies* includes a key recommendation for a Communications Tribunal to provide citizens harmed by digital communications with a speedy, efficient and cheap access to remedies including takedown orders and “cease and desist” notices. Within the draft bill, the new agency would be governed by a set of 10 principles about harmful communication.

Communication principles:

- 1 a communication should not disclose sensitive personal facts about an individual
- 2 a communication should not be threatening, intimidating, or menacing
- 3 a communication should not be grossly offensive to a reasonable person in the complainant’s position
- 4 a communication should not be indecent or obscene
- 5 a communication should not be part of a pattern of conduct that constitutes harassment
- 6 a communication should not make a false allegation
- 7 a communication should not contain a matter that is published in breach of confidence
- 8 a communication should not incite or encourage anyone to send a message to a person with the intention of causing that person harm
- 9 a communication should not incite or encourage another person to commit suicide
- 10 a communication should not denigrate a person by reason of his or her colour, race, ethnic or national origins, religion, ethnical belief, gender, sexual orientation, or disability.

## **Press Council upholds complaints against Sir Paul Holmes and Michael Laws**

Two rulings by the Press Council on complaints against columns by prominent commentators Michael Laws and Paul Holmes are arguably the most significant decisions it has made on race issues since it upheld complaints against the article *Asian Angst: Is it time to send some back home?* by Deborah Coddington in *North and South* magazine published in December, 2006.

Michael Laws' column, headlined "Cases made it a week for the ferals" was published in *The Sunday Star Times* in January. Laws traversed various crime stories over the previous week and linked the stories to a theme he has often argued that an increasing number of "feral families" pose a danger to New Zealand society. In the column, he made statements such as: "There is an antisocial destruct specifically within Māoridom that shows no sign of abating." The Council ruled his comments as inaccurate saying if he had added "within some Māoridom ..." it could not have been upheld. The Council said he offered no reason for such a statement and that his comment was unwarranted and uncalled for. As a result the complaint was upheld.

Sir Paul Holmes' column about Waitangi Day headlined "Waitangi Day a complete waste of time" was published in *The Weekend Herald* in February prompting seven complaints. The complainants were upset about his comments including the "hopeless failure of Māori to educate their children and stop them bashing their babies" and "usual neurotic Māori politics". The Press Council decision said the reference was to Māori generally and was inaccurate. "The inaccuracies upon which some of the opinions are based also make the opinions so extreme that in the Council's view they go beyond what is acceptable and become a gratuitous offence to Māori as a race."

The Council accepted that an opinion column does not usually require balance but said a newspaper does have an obligation when reporting on a long-running dispute that the opinion piece has to be fair and accurate.

The Press Council received two complaints about another race-related matter which it did not uphold. They concerned a cartoon published in *The Press* with crude and derogatory remarks about Zionists, which the complainants considered anti-Semitic. The Council said its principle relating to discrimination did not restrict content which referred to religion or race. These were legitimate topics where they were relevant and in the public interest as long as there was no gratuitous reference. In recent adjudications the Council had set a high bar in this respect to protect freedom of expression. The Council's principles gave scope to cartoonists to express very strong, even unpopular viewpoints.

A complaint about another cartoon published in *The Press* was not upheld. The cartoon depicted a floating container with hands protruding grasping bombs, knives, daggers and other offensive weapons, with a slogan on the side "refugees who commit crimes in New Zealand", and a buoy beside it with a flag saying "back where ya came from". The cartoon was published in the wake of a kidnapping and stabbing incident involving a Somali man of refugee background with mental health issues. The Council said it had long upheld the right of newspapers to publish cartoons which represent an extreme edge of public opinion, that cartoons were the work of one cartoonist,



could express strong opinions and frequently caused disquiet to certain communities, groups or individuals. It acknowledged that some people had been caused distress but upheld the right of *The Press* to publish it.

## Broadcasting standards

The Broadcasting Standards Authority considered four race-related complaints in 2012, one of which it upheld.

A *3 News* report on the trials of the “Urewera Four” referred to the 2008 police raids in Ruātoki and elsewhere (Operation 8) and incorrectly stated that 17 people had initially been arrested and charged under the Suppression of Terrorism Act. No one had in fact been charged under that act. The broadcaster acknowledged the error but failed to remove all reference to it on its website and this led to a repeat of the incorrect statement. Although the broadcaster apologised and sent a strongly worded email to its news centres around the country, the Authority found that the action was insufficient because the broadcaster should have broadcast a correction at the earliest appropriate opportunity.

The other complaints related to a “racial profiling” game broadcast by the *ZM Morning Crew*, an interview with two young Māori activists in Northland on TVNZ’s *Close Up*, and a report on TVNZ’s *Police Ten 7* programme describing a wanted offender as “possibly Māori but pale-skinned”. The Authority did not consider that standards of good taste and decency, discrimination and denigration, or controversial issues had been breached in these cases. It considered the game demonstrated the flaws in racial stereotyping; the *Close Up* reporter had played the role of devil’s advocate; and the Police report on *Police Ten 7* did not contain any invective and was simply a call for the public to help the Police based on their work on the case so far.

## Advertising standards

Eight race-related complaints were considered by the Advertising Standards Authority. Two concerned, what the complainants considered to be stereotypical, portrayals of a Māori boy acting dumb in two Vodafone advertisements. Others were about allegedly culturally insensitive or offensive portrayals of, or references, to Italians (Subway), Mongolians (Sky TV), Germans (Skinny Mobile), Australians (TSB Bank), and Punjabis (Instant Kiwi). A complaint about Accolade Packaging referred to its advertising that all their employees were New Zealanders as a reason to choose them as a supply source. The Chair ruled in each case that while the advertisements may have offended the people concerned, there were no grounds to proceed.

## 10 Rerekētanga whakapono – Religious diversity

### Overview

The US State Department's annual *International Religious Freedom Report*, published in July, commented favourably on the current state of religious freedom and interfaith relations in New Zealand. It referred positively to New Zealand's *Statement on Religious Diversity*, the Human Rights Commission's religious diversity network and Diversity Action Programme, and the NZ Police's work with faith communities.

New Zealand's interfaith movement continues to actively promote interfaith dialogue and cooperation, with the national interfaith forum in Hamilton drawing a record attendance in February. Faith leaders continue to act where necessary, to express solidarity when a particular faith community has been the target of a provocative action or hate crime, as with the publication of the film trailer *The Innocence of Muslims* on YouTube in September, and the desecration of headstones in the Jewish quarter of an Auckland cemetery in October. Fortunately such incidents are rare, and reaction to them is moderated by interfaith and community solidarity.

Other interfaith initiatives included the publication of the Commission's guide to religious diversity in the workplace, a landmark national interfaith statement on family violence, signed by representatives of over 40 faith community leaders in December, and further public discussion on religion in schools.

### Religious diversity network

The Commission continued to maintain its religious diversity network through its monthly e-newsletter *Te Korowai Whakapono* and the annual religious diversity forum held at the Diversity Forum in August. A significant number of faith and interfaith groups registered projects with the Commission's Diversity Action Programme. The Waikato Interfaith Council received one of the 12 annual New Zealand Diversity Awards for outstanding contributions to diversity.

The religious diversity forum focuses on a different aspect of the *Statement on Religious Diversity* each year. The statement itself was an initiative from an earlier forum, and previous years' topics have included religion and the state, the media, education, and the workplace. Many have resulted in follow-up work programmes, an example of this being the publication of guidelines on religion in schools.

The outcome of the 2009 forum, [Religious Diversity in the NZ Workplace: Questions and Concerns](#), was launched in March. This publication was a joint initiative of the Human Rights Commission and the Victoria University Religious Studies Programme, working with representatives of Business New Zealand, the Council of Trade Unions and the Department of Labour.

The 2012 forum considered religious diversity in the health sector and a working group was established to develop guidelines for this sector.

The Diversity Forum also featured the forum *Raising Awareness of Religious Diversity*, jointly hosted by the Auckland and Waikato Interfaith Councils, and covering a range of current issues and topics. The Commission also hosted *Rainbow Spirit and Interfaith*, a discussion with participants invited from the rainbow – lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) – communities and from varying faith traditions. It identified safe points of connection between rainbow people, faith traditions and the interfaith movement.

Each year the National Youth Forum on Cultural Diversity is held in conjunction with the Diversity Forum. In 2012, a tour of Auckland religious sites was included in the programme for the 60 participants. Places of worship on the itinerary included a mosque, a Buddhist temple, a Sikh temple and a Hindu temple.

## **National interfaith movement**

In February, the national interfaith movement received a major boost with the largest attendance recorded at the national interfaith forum. Hosted by the Waikato Interfaith Council in Hamilton, the event was attended by over 200 people. Dr Anna Halafoff from Monash University in Melbourne and religious broadcaster Chris Nichol were the keynote speakers at this event.

The forum offered a wide range of discussion topics including sessions on diversity, spirituality, education, human rights, pluralism and tolerance, and religion and the state . Other forum highlights included:

- 1 an interfaith film fest
- 2 a bus tour of diverse Hamilton faith centres
- 3 a preview of the DVD *Young People of Faith and Media 2012* (produced by the New Zealand National Commission for UNESCO)
- 4 the release of the Human Rights Commission's annual review of religious diversity
- 5 the launch of the religious diversity in the workplace guidelines.

It was also decided to establish NIFNANZ, a national electronic interfaith network to share news and information, at the forum.

A number of interfaith activities and groups support and promote interfaith relations throughout the country. Active interfaith councils operate in Auckland, Hamilton, Wellington and Christchurch, with less formal groups meeting in a number of smaller centres. There is also an Abrahamic faiths group in Dunedin, a Council of Christians and Jews, and a Council of Christians and Muslims. Academics from religious studies programmes at a number of universities contribute actively to ongoing dialogue. In May, the Council of Christians and Jews hosted an international conference on the *Twelve Points of Berlin – the international charter for Jewish-Christian relations*.

Other interfaith activities included:

- 1 The Catholic Bishops' Committee for Interfaith Relations published a guide to interfaith dialogue for church members.
- 2 The Federation of Islamic Associations held its annual Islam Awareness Week in September. It focused on care for the environment with a number of tree planting and beach clean-up activities with an interfaith focus.
- 3 The Hindu Council opened up a dialogue on Hinduism and Māori spirituality at the inaugural conference of people of joint Māori and Indian descent in Rotorua in October. The Council also published a guide to celebrating the festival of Diwali in workplaces and communities.
- 4 The Waikato Interfaith Council accepted an invitation from Tainui to take part in a blessing of Wairere Drive in Hamilton. The blessing included contributions from Muslims, Baha'i, Quakers, Anglicans, Catholics and Jewish faiths.
- 5 An important role of interfaith groups has been to express solidarity and support when particular religious faiths suffer religious discrimination or abuse. Several interfaith groups publicly expressed their concern about the release of the film trailer *The Innocence of Muslims* on YouTube in September and their support for the Jewish community when headstones were desecrated in the Jewish quarter of an Auckland cemetery in October.

### **Regional dialogue on interfaith cooperation**

In March, a group of New Zealand faith representatives attended the fifth Asia Pacific regional dialogue on interfaith cooperation in Semarang, Indonesia. Bringing together multi-faith delegations from 15 countries in South East Asia and the Pacific, the dialogues are jointly sponsored by the governments of New Zealand, Indonesia, the Philippines and Australia. Strengthening collaborative communities to promote regional peace and security was the theme for 2012 and the NZ delegation made a number of recommendations arising from the dialogue.

These included support for:

- 1 participation in an Indonesian government scholarship programme for faith leaders, and a regional workshop for young journalists
- 2 development of a regional women's interfaith network
- 3 a programme for young emerging religious leaders including collaborative interfaith projects and an Asia Pacific Youth Interfaith Celebration Day
- 4 sister school relationships to foster mutual understanding through face-to-face contact and online technologies
- 5 development of a core group of interfaith exponents who have expertise and experience in both their own religious traditions and interfaith dialogue
- 6 effective use of social media both to strengthen the networks forged at the regional dialogue and promote the vision of the regional dialogue process
- 7 initiatives to address family violence.

## **National Statement against Family Violence**

A Faith Communities' National Statement against Family Violence was published on Human Rights Day, 10 December. This statement was facilitated by the Children's Commissioner following an approach by delegates who had attended the Asia Pacific Interfaith Dialogue. Representatives from over 40 faith communities signed the statement (text in full below) committing themselves to take action.

### **Faith Communities against Family Violence**

#### **A National Statement**

Family violence in our communities is one of the most significant moral, spiritual and social challenges that we currently face as a country. As communities of faith in Aotearoa New Zealand, we believe it is our responsibility to take a stand and address this challenge.

Family violence is completely unacceptable and is never justified. Often the most vulnerable victims of violence are children, and it is here that we are taking a stand. Our children deserve the best we can offer them.

Accordingly, we have come together, as communities of faith, to declare the following:

- 1 We recognise that children are our future and as such are a significant and precious gift to society today.
- 2 We understand that our beliefs, values and traditions will live on through our children.
- 3 We accept that the wellbeing of children is our responsibility.

- 4 We acknowledge that children deserve our compassion, kindness, love and care.
- 5 We believe we can make a difference in the lives of children and families.

In light of these declarations we commit our communities to:

- 1 Accept our responsibility to stand up for our children, women and families. Refuse to tolerate violence within our families or communities or turn a blind eye to it.
- 2 Strive to provide places of safety and nurture for the children and families of our community.
- 3 Encourage our communities to report family violence, hold perpetrators accountable and provide support for victims.
- 4 Ensure that our staff are trained to respond safely to family violence and are well supported with appropriate policies and resources.
- 5 Partner with community organisations to ensure that families experiencing violence are referred appropriately and we will advocate with government for policies and resources to address family violence.

## **Public Issues**

### **Whanganui dispute over council prayer comes to an end**

A long-running dispute came to an end in Whanganui when the district council voted to stop opening its meetings with a Christian prayer. The dispute was sparked in 2011 when a councillor, on behalf of a constituent, questioned the practice. When Mayor Annette Mains suggested removing references to God as a way of respecting all faiths, disagreement erupted over whether prayer was appropriate at all as an item of business on the agenda. Before the Council could formally decide the issue, a complaint was laid with the Human Rights Commission. Subsequent mediation failed to resolve the matter, which was then referred back to the Council to decide.

### **Women only exhibit sparks controversy**

An exhibition on new ways of looking at documentary- making at Lower Hutt's Dowse Museum came in for public criticism in August because one of the 105 works by 17 artists was off limits to men. The video, *Cinderazahd: For Your Eyes Only*, by Qatari writer and film-maker Sophia Al-Maria, showed female friends and relatives preparing for a family wedding without their hijabs or veils. Al-Maria asked for the video to be viewed only by women, as it was filmed in a female-only area of the home.

The Dowse said it chose to include the work because the three minute home movie gave "insight into another culture, so often portrayed to the West only as a stereotype. It features a lively group of women getting dressed-up for a relative's wedding. Much like any group of women in any part of

the world, hair and make-up is a focus and the women are seen chatting, laughing and playing with their children. Because the work has been filmed in female-only quarters, the artist has requested that only women and their young children view the video, a request that The Dowse will respect by providing a private viewing space behind its reception area. Like many Western conventions (men's and women's changing rooms, gentlemen's clubs, hen's and stag parties), The Dowse asks that New Zealanders respect the privacy of the women in the video.”

The Commission received thirteen complaints about the exclusion of men from the exhibit and facilitated a meeting between the museum and some of the complainants. The reasons for the exclusion and the grounds for the complaint were explored at the meeting, and the complaints were not further proceeded with.

Wellington's *The Dominion Post* ran the story with the sensationalist headline: *No men allowed!* Featured on the front page of the weekend edition, the story was illustrated with a half-page image of a Muslim woman accompanied by the sub-heading “controversial edict”. It was later archived on the newspaper group's *Stuff* website with the image changed, and the headline amended to *Men will be banned from Muslim exhibit*. The online article did not refer to a “controversial edict”.

## **Response to anti-Islam film trailer on YouTube**

The posting of a clip from the film *The Innocence of Muslims* on YouTube sparked global protests in October. In Australia, a demonstration ended with some protestors clashing with police outside the US consulate. In New Zealand, Christian, Muslim and Jewish faith leaders spoke out to condemn the trailer and the violence that followed its release.

A joint statement condemning the clip was signed by Archbishop John Dew (Catholic), Archbishops David Moxon and Brown Turei (Anglican), Bishops Justin Duckworth and Richard Randerson (Anglican), Federation of Islamic Associations President Anwar Ghani and Wellington Regional Jewish Council Chairperson David Zwartz, supported by Race Relations Commissioner Joris de Bres.

It stated that “the film was dishonestly made and presented, and designed to mislead, provoke hate, and cause harm. We unequivocally condemn the making and promotion of this irresponsible and inflammatory film and the resulting violence, which has seen the loss of innocent lives. We call on all faith communities in New Zealand to remain calm and to strive to foster mutual understanding, counter hate, and promote dialogue, within and between our communities.”

The Federation of Islamic Associations called the film “reprehensible, insulting and disrespectful” to Muslim people and Islamic culture. It also said that it was “equally saddened at the destruction and loss of lives that have followed” the protests around the world. In the interests of the “peace

and harmony we enjoy in New Zealand”. The Federation successfully advocated for a reasoned response from the Muslim community.

## Religion in schools

The longstanding provision in the Education Act for religious groups to provide religious education (traditionally called “Bible in Schools”) in primary schools came under media scrutiny on a number of occasions during the year. Subject to the agreement of school boards and parents, these classes can only take place if the school is officially closed, although the classes do occur during normal school hours. The main provider of these classes, the Christian Education Commission, offers “values education” by Christian volunteers.

Schools must offer an alternative programme for children whose parents object to them taking part in these lessons. Media have reported a number of instances of parents objecting to their children’s school allowing Christian education in a secular education system or not providing their children with adequate alternatives.

A Secular Education Network was established to pursue the issue. The Commission’s *Religion in Schools: Questions and Concerns*, sets out the legal and human rights issues for parents and school boards and is helping to inform the public debate.

## Media standards

The Broadcasting Standards Authority considered a complaint about a panel discussion on Radio New Zealand’s *Afternoons with Jim Mora* programme, where the host and panellists discussed the release of a controversial collectors’ edition Barbie doll. A panelist suggested there was a market in the Muslim world for “terrorist Barbie”, and in response the host suggested “suicide bomber Barbie”. The authority declined to uphold the complaint ruling that the comments were intended to be satirical, and clearly commentary and opinion rather than statements of fact.

A clip on the New Zealand Herald website showing the Russian feminist punk band Pussy Riot performing a protest song in a Moscow cathedral, was brought to the attention of the New Zealand Press Council. The complainant asked for the clip to be removed because it was extremely offensive in showing a sacrilegious act. The Council dismissed the complaint saying that while the performance was sacrilegious, the clip was brief and did not gratuitously dwell on the performance, which was part of an important story about the band’s arrest. It said that:

“in the overall context of an important political development, the video was useful in giving the viewer a fuller understanding of the issues. We must, perhaps, accept that in



understanding the world we will at times be offended, horrified, appalled. The more honest the reporting, the worse it may be.”

In November, *The Waikato Times* published a column by former MP Michael Cox seriously maligning the Muslim community. Supported by the Human Rights Commission and local faith and interfaith groups, local Muslim and Waikato Interfaith Council member Anjum Rahman sought a meeting with the editor to express her concern. She drew attention to a recent Press Council decision concerning a column about Māori by media personality Sir Paul Holmes in *The Weekend Herald*. In this decision, the Council found that “the inaccuracies upon which some of the opinions are based make the opinions so extreme that in the Council’s view they go beyond what is acceptable and become a gratuitous offence to Māori as a race.” The editor apologised for the offence caused, invited Rahman to contribute a column from a Muslim women’s perspective and agreed to remove the offending column from the newspaper’s website.

# 10 Te rangahau whānui o te rerengakētanga – Diversity Research

## Overview

*Contributed by Professor James Liu, Co-Director, Centre for Applied Cross-Cultural Research, Victoria University of Wellington*

A very diverse portfolio of research encompassing large numbers of contributions from the University and Government sectors focused in 2012 on application, engagement, and increasing subjective and economic wellbeing. The research is characterised by strong relationships between the Government and tertiary sector, and significant investments by many research actors aimed at increasing wellbeing for Māori, Pacific peoples, and new migrants. The major limitation of this body of work is that there is less evidence of beneficial outcomes than intent to produce them (as in previous years, as much of this is research in progress). As this has been noted in previous reports, we recommend that a concerted effort be undertaken at a high level to synthesise and integrate the literature by assessing actual benefits of the programmes of research reported in this and previous editions of this report.

## Diversity Research in 2012

*Compiled by Matthew MacDonald, School of History, Philosophy, Political Science and International Relations, Victoria University of Wellington*

## University Research and Research Units

### Centre for Academic Development, Victoria University of Wellington

#### Using Evaluations and other management data to improve Pasifika student success

This project explores how academics and managers are using course and student feedback (evaluations) data to improve Pasifika student success. The University evaluations system (managed by CAD) provides student feedback on individual courses and on teacher performance. In addition, richer Management Information Reporting (MIR) data is now available which allows academics and managers to gain a fuller picture regarding student retention, progression and completion, including by equity groupings. Using the datasets together should provide valuable insights into teaching and learning practices which might affect Pasifika success, thereby allowing improvements to practice to be fully considered and planned. The project builds on work undertaken by University Teaching Development Centre in 2009–2010 on Strengthening

Pathways for 100–level students, and is supported by the Assistant Vice-Chancellor (Academic) and the Assistant Vice-Chancellor (Pasifika).

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## **Centre for Applied Cross-Cultural Psychology (CACR), Victoria University of Wellington**

### **Intercultural Awareness for New Zealand Police**

In light of New Zealand's increasing cultural, ethnic, linguistic, and religious diversity, the New Zealand Police have identified a need to expand training for sworn and non-sworn staff on intercultural awareness. The CACR has been contracted to develop curriculum materials for a 5–day intercultural training programme for the Royal New Zealand Police College. This new intercultural training package utilises hands-on experience and practice to address the knowledge, awareness and skills required for intercultural competence. Early stages of the project involved researching both Police needs and the needs of ethnic communities in New Zealand. Through focus groups, interviews, and “ride alongs” with the Police, CACR researchers gained insights into the issues that brought ethnic communities into contact with the Police. The new course will be taught for the first time in April 2013 at the Royal New Zealand Police College by CACR trainers, and in later sessions by police trainers.

**Researchers:** Jaimee Stuart, Aidan Tabor, Colleen Ward, Claudia Recker

**Contact:** Aidan Tabor [Aidan.Tabor@vuw.ac.nz](mailto:Aidan.Tabor@vuw.ac.nz)

### **Mapping the epidemiology of bicultural policy attitudes using Latent Class Analysis**

This paper in press with the European Journal of Social Psychology uses latent class analysis to identify response profiles of bicultural policy attitudes (attitudes involving the relationship between Māori and the Crown) across a national sample of New Zealanders (the NZAVS). The most prevalent profile among NZ Europeans was bivalent, with high support for symbolic policy items, and opposition to resource-based biculturalism, whereas a more moderate bivalency characterised newer migrants. Māori were most likely to be pro-bicultural, whereas older NZ Europeans tended to be over-represented in the anti-bicultural profile. Latent class analysis enables the research analyst to construct groups on the basis of their responses to items rather

than use a priori demographic categories. The data show that bicultural attitudes are very diverse within each ethnic group, even though there were unique patterns prevalent among each.

**Contact Persons:** Chris Sibley [c.sibley@auckland.ac.nz](mailto:c.sibley@auckland.ac.nz) or James Liu [James.Liu@vuw.ac.nz](mailto:James.Liu@vuw.ac.nz)

## **The Peculiar Case of New Zealand: International migration decision-making and destination selection**

How do people make the decision to migrate internationally, and why do they choose New Zealand? To explore these questions, semi-structured interviews were conducted with 20 pre-departure and 26 post-arrival migrants from India, South Africa and the United Kingdom/Ireland, including both couples and individuals. The findings support the view that the migration decision process contains three distinct decisions: whether to go, where to go and when to go.

Regarding the question of whether to go, Indian and British participants had very similar reasons for leaving their country of origin: lifestyle and work/life balance, opportunities for work and children, as well as the environment. South Africans were overwhelmingly concerned with quality of life, particularly safety and lifestyle. Nearly all the migrants had considered and rejected the idea of moving to Australia and/or Canada. New Zealand was selected as a destination of choice due to quality of life, climate, accessibility of nature, career opportunities, visa process transparency, cultural similarity and the perception that migrants were welcome. Unlike much of the decision-making in the research literature, this decision process was a negotiation between partners that occurred over a long period of time, quite often years. The negotiation continued into the settlement period for most of the couples as they considered return or onward migration. Implications from this study focus on how New Zealand can attract skilled migrants.

**Researcher:** Aidan Tabor, PhD Candidate

**Advisors:** Taciano Milfont and Colleen Ward

**Contact:** Aidan Tabor [Aidan.Tabor@vuw.ac.nz](mailto:Aidan.Tabor@vuw.ac.nz)

## **Subjective Multiculturalism**

This research includes the development of a measure of perceived multiculturalism, that is the extent to which a country acknowledges and respects cultural diversity and engages in policies and practices that promote maintenance of diverse cultural heritages and fair and equitable participation in society. The project goes on to explore the ways in which subjective

multiculturalism is associated with psychological wellbeing, social adaptation and intercultural relations.

**Researchers:** Jaimee Stuart, Colleen Ward, Adrienne Girling

**Contact:** Colleen Ward; [colleen.ward@vuw.ac.nz](mailto:colleen.ward@vuw.ac.nz)

### **Culture and Identity**

The research examines the ways in which immigrants and members of ethnic communities form and maintain their identities, in particular how they balance identification with traditional heritage culture along with identification with their national society. The project explores the constructs of “hybrid identity,” that is blending identities that come together in a novel way, and “alternating identities,” that is, fluid identities that are dependent on context.

**Researchers:** Colleen Ward with Caroline Ng Tseung-Wong and Uma Bhowon (University of Mauritius)

**Contact:** Colleen Ward [colleen.ward@vuw.ac.nz](mailto:colleen.ward@vuw.ac.nz)

### **Does the motivation of migrants to maintain their heritage culture and to explore the culture of New Zealand influence their adaptation?**

What happens when people move to a different culture? Do they adhere to the cultural norms they are used to, or do they try to learn as much as possible about the new culture, and does this affect how well they adapt to living in a new country? This research attempts to answer the question whether the motivation to maintain the heritage culture and the motivation to explore the host culture influence the behaviour of migrants and psychological wellbeing, satisfaction with life (psychological adaptation), and the ability to “fit in” and “learn the rules” of the host society (sociocultural adaptation). One of the main conclusions is that both the motivation to maintain the heritage culture and the motivation to explore the culture of the new country of residence are linked to positive adaptation outcomes for migrants in New Zealand. Therefore, the findings contribute to our understanding of the mechanisms that influence the wellbeing and cultural learning of migrants in an unfamiliar cultural environment.

**Contact:** Claudia Recker [claudia.recker@vuw.ac.nz](mailto:claudia.recker@vuw.ac.nz)

## **Raising the Bar: Virtual role model mentoring UNESCO literacy project**

The UNESCO Literacy audio-visual teaching resource is designed for teachers seeking to engage youth at risk of underachieving in literacy. It includes lively interviews of young people that teenagers can identify with, relating how they have overcome obstacles to realise their dreams. The project uses proven oral storytelling methodologies to integrate the significant lessons learned by these role models. The mosaic of stories responds to the range of needs and challenges that youth face by offering them access to positive role models to learn from. The role models interviewed come from diverse backgrounds, including Māori, Pasifika and intercultural audiences as well as youth with learning or physical disabilities. It is essential to palliate for the lack of role model available to these subgroups.

**Contact person:** Annick Janson [annick@egl.ac.nz](mailto:annick@egl.ac.nz)  
<http://cacr.victoria.ac.nz/people/people/annick-janson>

**More Information:** <http://tinyurl.com/UNESCO-2012-Peer-Learning>

## **Self-learning resource for secondary students**

The Ecosynergy Group carries out a number of storytelling research projects in the Education sector. Its aim is to identify the narrative elements that optimise impact on its audience. This methodology was developed in a foundational research project and its findings supported key reports, such as the 2011 Mayoral Taskforce on youth employment. These reports outlined that youth want to be exposed to, and learn from diverse peer role models. Over 30 positive young role models told their stories on camera about how they successfully overcame the range of challenges they encountered throughout teen years. These stories empower youth in developing goals to help them make effective personal and professional decisions while raising self-confidence and self-esteem.

This research is supported by the Todd Foundation and run in collaboration with AIESEC New Zealand.

**Contact person:** Annick Janson [annick@egl.ac.nz](mailto:annick@egl.ac.nz)  
<http://cacr.victoria.ac.nz/people/people/annick-janson>.

## School of Linguistics & Applied Language, Victoria University of Wellington

### Language in the workplace project

The research focus for the Wellington Language in the Workplace (LWP) team in 2012 has been on *Culture as a Resource* (funded by Victoria University Research Fund Grant).

Successfully integrating into a new workplace requires navigating new group norms as a cultural outsider. While existing research seems to view "otherness" as a problem, this project takes an appreciative inquiry stance to investigate ways in which cultural distinctiveness can be embraced as a resource. In the process, it aims to challenge fixed understandings of 'culture' in favour of a more dynamic and negotiable view of group identity. The project tracks professionals as they enter new workplaces to establish how 'the way things are done around here' is linguistically enacted and (re)negotiated.

The LWP team has also been involved in a project aimed at assisting new migrants, especially refugees, to learn the English they need for the NZ workplace, called *Developing teaching and learning resources for migrants and their employers* (funded by the Ministry of Business, Innovation and Employment, formerly the Department of Labour).

The LWP team collected spoken data on a construction site and in an eldercare facility. A presentation and a report based on this data were provided to the Department of Labour's Settlement Division. The LWP team also provided advice regarding materials prepared for use with employers, including the development of a new website.

**Contact:** Janet Holmes [Janet.Holmes@vuw.ac.nz](mailto:Janet.Holmes@vuw.ac.nz)

[www.victoria.ac.nz/lals/lwp](http://www.victoria.ac.nz/lals/lwp) and <http://worktalk.immigration.govt.nz/>

## Auckland University of Technology

### Māori Youth Employment: Internship report

This report introduces quantitative analyses of Māori youth employment and occupational status using data from the New Zealand General Social Survey (NZGSS) issued by Statistics New Zealand (SNZ) in 2008 and 2010. This research project was conducted as part of a larger project entitled *Ways of being Māori updated: Characteristics, attitudes and behaviours of urban Māori* led by Professor Charles Crothers.

**Report:** <http://www.maramatanga.ac.nz/sites/default/files/12-IN-06%20Web%20ready.pdf>

**Contact:** Nimbus Staniland [nstanila@aut.ac.nz](mailto:nstanila@aut.ac.nz)

## Centre for Migrant & Refugee Research Projects, AUT

### A comparative study of immigrant settlement in New Zealand and Canada

Immigration and settlement are complex processes. This pilot study seeks to compare how immigrants in New Zealand and Canada engage in everyday activities, a key part of navigating settlement. Findings will further develop theory on settlement processes from an occupational perspective, and inform the construction of policy and services to support immigrants arriving in a new country.

**Funded by:** National Institute for Public Health and Mental Health Research, AUT and the International Research Award, University of Western Ontario, Canada

**Principal Researchers:** Shoba Nayar, Suzanne Huot, Debbie Laliberte-Rudman, Clare Hocking

Contact: Centre for Migrant & Refugee Research Projects, AUT

### Optimising health: Elder immigrants' participation in community

Older migrants from the Chinese, Indian and Korean communities in Auckland will be interviewed in relation to their participation in their community and how they perceive their contributions relate to their health and wellbeing. This issue is important because of New Zealand's growing ethnically diverse ageing population.

**Funded by:** Faculty of Health and Environmental Sciences Contestable Grant

**Principal Researchers:** Valerie Wright-St Clair, Shoba Nayar

**Contact:** Centre for Migrant & Refugee Research Projects, AUT

## Project Collaborations

### A validation and norming study of the *Strengths and Difficulties Questionnaire* in the New Zealand context

The New Zealand Before School Check (B4SC) programme aims to promote health and wellbeing in preschool children by screening for behavioural, developmental or other health concerns that may affect the child's ability to learn in the school environment. As part of this programme, children's emotional and behavioural strengths and difficulties are assessed using an assessment tool: parents/whānau are asked to answer questions from this tool, if their child attends early childhood education/kōhanga reo the child's teacher/kaiako is also asked to answer these questions. This project aims to evaluate how appropriate the assessment tool is for the New



Zealand setting. This will be explored in group and individual interviews with parents/whānau of 4-5 year olds (for the following groups: New Zealand European, Māori, Pacific, Asian and other migrant parents), teachers/kaiako and providers of the B4SC programme.

**Principal Researchers:** Paula Kersten, Kathryn McPherson, Hinemoa Elder, Shoba Nayar, Alain Vandal, Melody Oliver, Margaret Dudley

For more details, visit the Person Centered Research Centre.

**Contact:** Prof. Max Abbott [max.abbott@aut.ac.nz](mailto:max.abbott@aut.ac.nz)

## Centre for Asian and Migrant Health, AUT

### Doing it for ourselves and our children: Refugee women on their own in New Zealand

Little is known about the experiences of women who enter New Zealand through the Women at Risk category identified by the Office of the United Nations High Commissioner for Refugees (UNHCR). The Women at Risk category constitutes up to 75 places (10 per cent) of New Zealand's annual refugee quota of 750 applicants. The purpose of this project was to examine the resettlement experiences of women who entered New Zealand through this category or who became sole heads of households as a consequence of their resettlement experiences. A focus on strengths and principles of social justice, community development and capacity building were central. The project had a transformative agenda, which was to enhance the wellbeing of refugee women by focusing on the roots of inequality in the structures and processes of society rather than in personal or community pathology. Within this frame, the project is committed to constructing refugee women as assets rather than as burdens for the receiving society.

**Contact:** Ruth DeSouza [ruth.desouza@monash.edu](mailto:ruth.desouza@monash.edu)

## Ngā Pae o Māramatanga, Centre of Research Excellence hosted by University of Auckland

### He Whakaoranga Kia Puta Kia Ora

This research project explores the relationship between cultural connectedness and wellbeing (as a social determinant of health). The research will provide evidence relating to wellbeing and cultural connection within and between whānau with the intent to develop an aspirational model for Waikato-Tainui. The supervisor is Jonathan Kilgour.

**Contact:** Ngā Pae o te Māramatanga,  
[info@maramatanga.ac.nz](mailto:info@maramatanga.ac.nz)

## **Protective factors impacting Māori and Pasifika student success in higher education**

Māori and Pasifika students are under-represented in higher education. Despite important interventions, such as The University of Auckland's Tuakana programme, Māori and Pacific students are still under-represented in the student body. This project will rely on focus group interviews with Māori and Pasifika students from both sexes at different university educational levels. It will work with Tuakana personnel and University of Auckland administrative offices to identify Māori and Pasifika students who are succeeding educationally. Potential research participants will then be invited to partake in focus group interview sessions.

**Contact:** Ngā Pae o te Māramatanga,  
[info@maramatanga.ac.nz](mailto:info@maramatanga.ac.nz)

## **Orotokare: Art, Story, Motion Trust, Tāmaki Herenga Waka**

Tāmaki Herenga Waka is the over-arching theme for a series of activities aimed at building a positive Māori consciousness and a more dynamic and connected community in Auckland city.

The principle of the proverb dating from 1840 behind the name “Tāmaki herenga waka” (Tāmaki moored canoes) was to see an end of conflicts in the region and that Auckland city would be reputable as a safe haven for all people. The three initiatives are Makaurau Sessions which are events for creative people to come together, perform and communicate; Tāmaki Tākaro (traditional Māori games) which involves regular sessions to teach skills and heighten awareness of tākaro; and in 2013, there will be a series of te reo Māori immersions based in Auckland.

**Contact:** Professor Charles Royal [c.royal@auckland.ac.nz](mailto:c.royal@auckland.ac.nz)

## **Social Psychiatry and Population Mental Health Research Unit, University of Otago Wellington**

The Unit has been working on a number of research projects looking at Pacific peoples and mental health. Pacific mental health research is now one of the Unit's core research areas and is led by Ms Nandika Currey (Associate Dean (Pacific); Research & Development Manager). The Unit provides supervision to postgraduate Pacific students, mentoring and support, and works with Pacific organisations and communities to improve the capacity and capability of NZ's Pacific mental health workforce.

**Contact:** Ms Nandika Currey; Associate Dean (Pacific), Research & Development Manager,  
[nandika.currey@otago.ac.nz](mailto:nandika.currey@otago.ac.nz)

## **Ongoing projects include:**

### **Developing a Pacific mental health intervention: What is therapeutic?**

The aim of this three-year post doctoral research project is to develop a culturally credible and clinically effective Pacific mental health intervention. It involves three phases. In the first year (phase one) a range of people will be interviewed (Pacific consumers, their families and informal carers, Pacific mental health professionals and Samoan and Tongan traditional knowledge holders). Each group has different expertise and experiences but they will all be asked a common question: “what is therapeutic” in a Pacific health context? In the second year (phase two) the knowledge gathered will be translated into an intervention with the assistance of an expert group and in consultation with several groups of community stakeholders. In the third year (phase three) the acceptability and feasibility of the intervention will be tested.

### **Delivering responsive, sustainable Pacific mental health services in Aotearoa – New Zealand**

Research suggests that Pacific peoples experience mental disorders at higher levels than the general population. This disproportionate mental health burden is met with service trends of: low utilisation, late presentation, high rates of emergency referral, longer stays and the highest average cost of adult inpatient and community episodes. Current evidence points to the limits of existing services to respond effectively to the Pacific mental health context. This is the first in-depth systematic investigation of Pacific mental health service provision and delivery in Aotearoa – New Zealand. Knowledge gained from this research will assist in improving service delivery to meet the needs of Pacific peoples.

This is a doctoral research project by Ms Nandika Currey, funded by the Ministry of Health.

### **Community reintegration of male Pacific prisoners with mental illness**

Prisoner reintegration is a widely used term for defining ex-prisoners re-entry, transition and resettlement from prison to the community. It is centred on social and personal disadvantages that create obstacles to successful participation to the community. The reintegration framework suggests that the risk of re-offending is high if social and personal barriers are not reduced and removed. Reintegration promotes social inclusion and the adoption of positive lifestyle that leads to successful return from prison and becoming a productive member of the society. The Masters research project will examine the obstacles to the community reintegration of Pacific prisoners (males) with mental illness, when they are released from Rimutaka prison to the Wellington region. The research question to be explored is: “What are obstacles to community reintegration of male

Pacific prisoners with mental illness?” Key issues to be explored are the interfacing issues between Corrections and District Health Boards mental health systems.

This is a Masters research project by Mr Sione Feki, funded by the University of Otago Wellington.

### **Improving Pacific people’s access to mental health services**

Pacific peoples experience mental disorders at higher levels than the general population. Even if their disorder is serious, Pacific peoples have been found to be much less likely to access mental health services compared to the general population. Improving Pacific people’s access to mental health services has been identified as a high priority. Currently, however, there is a paucity of data and literature on Pacific mental health. This Pacific Summer Studentship project seeks to identify ways of improving Pacific people’s access to mental health services.

This is a Pacific Summer Studentship project by Ms Malsha Kularatna, funded by the University of Otago Summer Studentship Funds.

For more information visit [www.otago.ac.nz/sopop](http://www.otago.ac.nz/sopop)

## **University of Canterbury**

### **Ka Awatea: An iwi case study of Māori students experiencing success**

This Ngā Pae o te Māramatanga project will incorporate most of the secondary schools and wharekura within the Rotorua school zone. From the literature, data gathered, and the matching and discussion of this information; the research team’s aim is that educators, parents and whānau will better understand the nature of teaching, learning and home socialisation patterns that support Māori student success. Interviews, focus group discussions and surveys involving successful Māori students, their whānau, teachers and principals will enable examination of the multiplicity of factors that support Māori student achievement. The findings will be disseminated widely to offer examples of student, whānau, teaching and school practices that support Māori educational success.

**Researchers:** Professor Angus Hikairo Macfarlane (University of Canterbury), Dr Melinda Webber (University of Auckland), Hīria McRae (Victoria University of Wellington), Dr Candy Cookson Cox (Ua-Cox Consulting Ltd, Rotorua)

**Contact:** Professor Angus Macfarlane [angus.macfarlane@canterbury.ac.nz](mailto:angus.macfarlane@canterbury.ac.nz)

## Lincoln University

### **Networks of support for Māori mental health: The response and recovery of Tāngata Whaiora through the Ōtautahi earthquakes**

This research looks at how the recent earthquakes in Ōtautahi (Christchurch) have affected Māori mental health communities. The research team, led by Dr Simon Lambert, will focus on how the support networks for Tāngata Whaiora (a term applied to Māori mental health clients that translates as people seeking health) and their whānau responded and recovered through the disaster. Tāngata Whaiora have expressed a desire to record their stories and the researchers will analyse and communicate how the experiences provide unique and significant perspectives on surviving and flourishing after devastating disruption and dislocation.

**Contact:** Dr Simon Lambert [Simon.Lambert@lincoln.ac.nz](mailto:Simon.Lambert@lincoln.ac.nz)

## University of Waikato

### **Engaging marginal groups in New Zealand public policy**

The *Engaging Migrants and Women* project has been underway since 2009 and is funded by the Royal Society of New Zealand's Marsden Grant. The project is a study of the politics of engagement between the Government and marginal groups. It examines the policy imperative of the New Zealand Government to consult, seek participation, create partnerships, and, in short "engage" with marginal groups as part of the process of policymaking. Using a critical-ideological lens, the study explores the underlying meanings, expectations, and discourses of the various actors and social contexts that inform these engagements. The study focuses on the following marginal groups and their engagement with the state: women, migrants and refugees, and Māori. Sub-components examine the practices and outcomes of engagements, issues of representation and identity.

**Principal Investigator:** Dr. Rachel Simon-Kumar, The University of Waikato, Hamilton

**Associate Investigator:** Prof. Catherine Kingfisher, University of Lethbridge, Alberta, Canada

**Additional research partners:** Sandy Morrison, The University of Waikato; Rebecca Fraser, The University of Waikato; Amanda Lowry, The University of Waikato

**Contact:** Rachel Simon-Kumar [rachelsk@waikato.ac.nz](mailto:rachelsk@waikato.ac.nz)

## **Tiakina Te Pā Harakeke: Māori childrearing within a context of whānau ora**

Tiakina Te Pā Harakeke is a project focused upon tikanga and mātauranga Māori (Māori knowledge) models of wellbeing for whānau, with Te Pā Harakeke being a metaphor for whānau wellbeing. The project seeks to share with whānau and others, knowledge about successfully raising children in ways that are grounded within tikanga Māori, and have been and continue to be, practiced for generations. The research team's approach will provide access to the wisdom and perspectives of a diverse range of people with in-depth knowledge of tikanga and childrearing practices. This research will support the wellbeing of tamariki and whānau by identifying and communicating positive cultural approaches to childrearing as practiced by tūpuna.

**Primary Investigator:** Dr Leonie Pihama

## **In pursuit of the possible: Indigenous wellbeing - A study of indigenous hope, meaning and transformation**

Many of the key elements for social transformation are known, but what is not known is how to actively stimulate them at the right time, pace and scale, with the appropriate self-correcting mechanisms and forms of resource support provided at moments of need. This research project aims to create a new tool, namely an internationally comparative model of indigenous wellbeing. To do this, the researchers (led by Professor Linda Smith) will conduct an international comparative study of the conditions, strategies, catalysts and meanings that indigenous people employ to realise their aspirations for wellbeing. In the initial stages, they will engage an international indigenous community and an iwi as example of a Māori community. Further communities will be engaged to test out the wellbeing model in the latter stages of the project.

**Contact:** Professor Linda Tuhiwai-Smith [tuhiwai@waikato.ac.nz](mailto:tuhiwai@waikato.ac.nz)

## **Aue Ha! Māori men's relational health**

This project addresses the crucial gap in previous research by studying the everyday lives and positive relationships of Māori men in the context of men's health. Māori men face many challenges in maintaining health and in developing meaningful and culturally patterned relationships. The project explores supportive relationships and positive social interactions among three diverse groups of Māori men: those engaged in traditional practices in their home settings (Ngāti Maniapoto kaumātua); those who have migrated to an urban centre and work to maintain links back home (Tūhoe ki Waikato); and those who are experiencing street homelessness (pani

me te rawakore). All three groups are engaged in practices that foster supportive relationships and positive social interactions.

**Contacts:** Mohi Rua [mrua@waikato.ac.nz](mailto:mrua@waikato.ac.nz); Professor Darrin Hodgetts [dhdgetts@waikato.ac.nz](mailto:dhdgetts@waikato.ac.nz)

## Apakura

Death, observed through the process of tangihanga, or tangi, is the ultimate form of Māori cultural expression. It is also the topic least studied by Māori, or understood by outsiders, despite the televised funeral rites of Māori leaders, and intrusive media engagement with more humble family crises. It has prevailed as a cultural priority since earliest European contact, despite missionary and colonial impact and interference, and macabre Victorian fascination.

Tangi, and actual death rituals, have yet to be rigorously examined in the oral Māori canon, and the archival and historic record which may be discarded or reinforced by current practice. The researchers are committed to studying tangi, conscious of the belief that such work in itself carries the inherent risk of "karanga aituā" or calling misfortune by drawing attention to it. Contemporary Aotearoa– New Zealand is constantly touched by tangi practice, through the popular media and through personal exposure; elements of tangi engage people every day. This volatile subject nevertheless demands careful and comprehensive scrutiny, to extend and enrich the knowledge base, to reveal the logic guiding ritual, and support the cultural, social, ritual, economic and decision-making processes of bereaved whānau, marae, and iwi communities.

Funded by The Royal Society of New Zealand Marsden Fund.

**Principal Investigators:** Professor Ngahua Te Awekotuku [ngahua@waikato.ac.nz](mailto:ngahua@waikato.ac.nz); Associate Professor Linda Waimarie Nikora [psyc2046@waikato.ac.nz](mailto:psyc2046@waikato.ac.nz)

## Massey University

### Integration of Immigrants Programme

#### *Ngā Tāngata Oho Mairangi*

New Zealand is experiencing significant population changes as mobility (immigration, emigration, internal migration) combines with an ageing population to impact on labour supply, community development and a sense of belonging or attachment. These demographic and economic changes vary considerably by region and have markedly different outcomes for rural and urban communities. This research provides a detailed model of the nature of these changes at the regional level over the period 1986 to 2013 and will provide projections out to 2036. In addition,

household members, employers and secondary school pupils provide their understandings of, and responses to, demographic and economic change in their communities.

The research seeks to answer questions such as what keeps individuals or households in a particular community or region? What investments do people make in education/training or employment, and how do these relate to current and future employment opportunities, especially locally? What impact does diversity have on social and economic notions of belonging and attachment, and how do employers respond? Answering these questions via complex models and statistical projections as well as interviews to reveal the subjective understandings and strategies of individuals and households will generate a multifaceted and nuanced understanding of demographic and economic change and the implications for New Zealand/New Zealanders.

**The research team includes:** Paul Spoonley, Robin Peace and Trudie Cain; and Jacques Poot, Natalie Jackson, Myk Cameron and Dave Mare.

**Contact:** Trudi Cain [T.Cain@massey.ac.nz](mailto:T.Cain@massey.ac.nz)

### **Marginalising Māori Parents: Internship Report**

This report was written while undertaking a Ngā Pae o te Māramatanga internship with Whāriki, SHORE and Whāriki Research Centre, Massey University. The review topic of marginalising Māori parents arose out of a report on rangatahi and sexual coercion, which included an examination of gender roles, Māori concepts around sexuality and parenting (Moewaka Barnes, 2010).

**Report:** [Marginalising Māori Parents](#)

**Author:** Elizabeth Jurisich Strickett

**Contact:** Associate Professor Helen Moewaka Barnes [h.moewakabarnes@massey.ac.nz](mailto:h.moewakabarnes@massey.ac.nz)

### **Fostering te pā harakeke: Advancing healthy and prosperous families of mana**

This research project aims to determine how whānau might flourish. The researchers, led by Professor Mason Durie, will focus on six themes – the characteristics of flourishing whānau; profiling the contemporary lives of Māori whānau; exploring the cultural realities of modern whānau; identifying the necessary resources (cultural, social, economic) for whānau to flourish; assessing the challenges facing whānau in 2025; and developing strategies that will enable whānau to flourish. The research will provide information that can be translated into action and will be especially relevant to iwi, central government, territorial authorities, local communities, services and whānau themselves. By identifying the characteristics of flourishing whānau and exploring



ways those factors can be replicated, the research has the potential to transform circumstances and to shift the focus from “what is wrong” to “what is right”. In the process a shift from a deficit to a strengths based approach will foster an associated attitudinal change that focuses on protective factors rather than risk factors.

**Contact:** Professor Mason Durie

## **Government Research and Research Units**

### **Office of Ethnic Affairs: Action on Diversity, Victoria University of Wellington**

#### **Reflections from our multicultural workplace – publication**

This booklet was published in late 2012 and contains a number of case studies showcasing the benefits organisations have gained from undertaking intercultural training and using ethnic diversity management resources provided by the Office of Ethnic Affairs. The booklet can be downloaded from the Office of Ethnic Affairs website: [www.ethnicaffairs.govt.nz](http://www.ethnicaffairs.govt.nz)

#### **Ethnic Diversity Management – MOU signed with the New Zealand Institute of Management**

The New Zealand Institute of Management (NZIM) and the Office of Ethnic Affairs have formally agreed to collaborate on an ethnic diversity management project. The Office of Ethnic Affairs is contributing subject matter on ethnic diversity management and intercultural awareness and ongoing consultative support. This will inform the design of management and leadership workshops that NZIM will deliver to their members. The objectives of the project are to enhance the capability of New Zealand business leaders to better manage ethnic diversity in the workplace; promote the benefits of ethnic diversity in the workplace; and assist international students and business migrants to better integrate into New Zealand’s economy.

**Contact:** Joy McDowall Joy.McDowall@dia.govt.nz

## **Ministry of Education**

### **Pasifika Education Research Priorities: Using research to realise our vision for Pasifika learners**

This resource was developed in collaboration with Pasifika academics and the Ministry of Pacific Island Affairs. This short report is intended as a reference for all researchers planning to undertake research with Pasifika peoples in Aotearoa and it sets out current priorities for Pasifika research in

education. It can be found at:

[http://www.educationcounts.govt.nz/publications/pasifika\\_education/107996](http://www.educationcounts.govt.nz/publications/pasifika_education/107996)

### **Te Piko o te Māhuri: The key attributes of successful Kura Kaupapa Māori**

The research project examines the key attributes of successful kura and how and why the attributes contribute to kura being successful. The research adopted a strengths based approach and focused on what is working, the strengths and resilience of kura, with the intention of promoting and building on the successes. The report addresses the outcomes and experiences sought and valued by whānau and iwi of the respective case study kura. This report is available in te reo Māori and English.

Contract research by Nuki Tākao, Denis Grennell, Kate McKegg and Nan Wehipeihana.

#### **Download the report:**

<http://www.educationcounts.govt.nz/publications/Māori/Māori-medium-education/80403/4.-research-findings>

### **Untapped Skills: Realising the potential of immigrant students**

New Zealand participates in the Programme for International Student Assessment (PISA) that regularly assesses how our 15 year-olds perform in reading, mathematical and scientific literacy in an international context. The focus of this thematic report is on the reading performance of immigrant learners in PISA 2009 and the related social and system factors. It is published by the Organisation for Economic Co-operation and Development (OECD).

Can be found at:

<http://www.oecd.org/edu/preschoolandschool/programmeforinternationalstudentassessmentpisa/pisa-untappedskillsrealisingthepotentialofimmigrantstudents.htm>

Many projects are underway in 2012, focusing on several areas of education and educational achievement for Pasifika.

Ministry of Education research publications are available at: <http://www.educationcounts.govt.nz/>

## Ministry of Business, Innovation and Employment

### Migration Research, Evaluation and Analysis

Three current programmes are the Longitudinal Immigration Survey New Zealand (LisNZ), Migration Trends Monitoring Programme and Immigration Survey Monitoring Programme that includes community and migrant surveys. The Ministry has a range of newcomer settlement indicators that describe settlement outcomes for new migrants. It also analyses labour market outcomes for migrants versus non-migrants, which includes benefit receipt and retention of migrants.

Publications completed in 2012 that discuss diversity include:

- 1 *New Land, New Life: Long-Term Settlement of Refugees in New Zealand*
- 2 *The Bhutanese Refugee Resettlement Journey*
- 3 *Labour Market Integration of Recent Migrants in New Zealand*
- 4 *Learning the Lingo: The challenge of gaining English proficiency.*

### **Client Satisfaction Survey (conducted by Premium Research, 2012)**

New Zealand is becoming an increasingly diverse country. Support for migrants and their families is a key priority for Immigration New Zealand and a focus for its settlement activities. Determining the effectiveness of its work is important to the Settlement Unit and it commissions an annual survey, based on the State Services Commission Common Measurement Tool, to measure customer satisfaction with its services. The survey for the year to June 2012 achieved a response rate of 43 per cent, with over 900 responses to the survey. Of these respondents, 92 per cent were satisfied with the services they received, and for 90 per cent the service exceeded their expectations; 91 per cent agreed they were treated fairly, and 83 per cent considered the service they used was good value for tax dollars spent.

In addition, service provider organisations and employers who have used Settlement Support New Zealand services are separately surveyed about their satisfaction with the service. The survey also ascertains the influence Settlement Support New Zealand has in increasing responsiveness of local services and employers to the needs of new migrants. Eighty-three per cent (93 per cent of employers, and 82 per cent of service providers) were satisfied with the service provided – slightly higher than 79 per cent in the year to 30 June 2011. A significant 69 per cent said that, as a result of their contact with Settlement Support New Zealand, they were now better able to work with

migrants. This last result is twice as high as the rating in the year to June 2011 (34 per cent) and is a promising signal for migrants entering Kiwi workplaces.

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## Auckland Council

### Funded Services to migrants and refugees in Auckland

International research on immigration has demonstrated that migrants' early settlement experiences contribute significantly to their subsequent economic and social outcomes. These studies have demonstrated a strong correlation between early settlement factors relating to the social and economic integration of migrants and their longer-term employment success and general wellbeing. The purpose of this project is to map the services provided to migrants and refugees in Auckland that support the settlement process. The results of the research are intended to inform the development of the Auckland Plan, the Economic Development Strategy and the Auckland Regional Settlement Strategy. In addition, it is meant to complement the Council's Community Asset Mapping of Settlement for Auckland (CAMSA) project that is looking at mapping both public capital and community (social) capital assets. The aim of this project is to provide a snapshot of funded services, along with any overlaps and gaps.

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## Ministry of Pacific Island Affairs

### Pacific Adolescent Career Pathways

The *Pacific Adolescent Career Pathways* project is, to date, the largest and only Pacific-specific longitudinal study designed to explore and address information gaps on the formative years of Pacific adolescent career planning. Improved understandings on factors influencing students' career aspirations and early subject choices can provide critical insights on causal pathways that lead to particular educational and vocational outcomes for Pacific students. The aims of the study are to follow a cohort of students from Years 9 to 11 and track career pathway development, aspirations and career management competencies over time. The project will also explore the major influence(s) and influencer(s) on career aspirations and early career decisions, as well as identify factors that impact on subject choices, school performance and achievement.

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## Families Commission

### **Pacific families and problem debt**

This research looks at how Pacific families manage their finances. The information can be used by government and providers as they design future initiatives with Pacific families. Problem debt is one symptom of financial hardship, and is a significant barrier to families enjoying a meaningful, rewarding life. Problem debt is defined as “unmanageable debt leading to financial strain”.

The research method was data drawn from a combination of literature reviews, interviews with individuals and focus groups, case studies, and drew on other Pacific research carried out by the Commission.

### **Tūpuna – Ngā Kaitiaki Mokopuna: A resource for Māori grandparents**

This resource explores the experiences of Māori grandparents in New Zealand. It describes the pleasures and pressures of grandparenting and the significant role grandparents play in the lives of whānau. This includes providing support, sharing resources, nurturing mokopuna, and teaching te reo Māori, whakapapa, history and tikanga. Many grandparents mentioned the aroha that they feel and express towards their mokopuna, and the joy of nurturing and observing their development. The relationships between grandparents and mokopuna generate significant benefits for both generations. Grandparents show resilience and flexibility in adapting and responding to changing family dynamics and other changes. Some of the pressures and challenges they experience could be alleviated through the provision of information and support tailored to their needs. Although Māori grandparents share many common characteristics, they also have differing ages, experiences and expectations and this diversity must be reflected in policy decisions that may affect their lives.

### **New Zealand Families Today – A brief demographic profile**

This brief demographic profile presents a broad overview of the make-up of the New Zealand family in 2011 and identifies trends over the past few decades.

### **He Ara Whakamua series**

*He Ara Whakamua* is one of three work-streams developed in the Whānau Rangatiratanga work programme. *He Ara Whakamua – Building Pathways to the Future Together* is a series of wānanga being held throughout the country with whānau, hapū and iwi and those who work with whānau across all sectors. The series provides a unique opportunity for the Families Commission to get alongside communities and engage in open and frank dialogue about what works with

whānau; what, and who, contributes to that success and more importantly how that success is measured. Many New Zealanders remain unaware of the true value of Māori cultural knowledge as a source of innovation and creativity as recognised in this workstream within the Families Commission. This work is differentiated from that of Whānau Ora as we continue to empower whānau, hapū and iwi from a position of strength and resilience.

Publications in 2012 were *Partnerships with Māori: He Waka Whānui* and *Te Pūmautanga o te Whānau: Tūhoe and South Auckland Whānau* (2012).

### **Partnerships with Māori He Waka Whānui**

He Waka Whānui is the partnership model underpinning the Families Commission's Whānau Strategic Framework. Drawing from the Families Commission Act 2003 (Section 7), the Families Commission takes a strengths-based approach to the work informing its Whānau Strategic Framework. For example, as a new way to reach whānau, the Board decided to develop a partnership model with iwi and Māori organisations, who have established relationships with whānau and Māori communities, and provide ideas about how the Commission can contribute to their work with whānau, and vice versa.

He Waka Whānui enables the Commission to achieve its outcomes while enabling whānau to have a say in the issues that directly affect them. The partnership relationships with iwi and Māori organisations were developed at the governance-to-governance level.

### **Te Pūmautanga o te Whānau Tūhoe and South Auckland whānau**

In order to better understand whānau resilience and strength in the face of financial hardship and adversity, the Families Commission carried out five case studies with 40 families and whānau in very different communities. *Te Pūmautanga o te Whānau: Tūhoe and South Auckland whānau* is the report of two kaupapa Māori case studies.

Research with Tūhoe whānau occurred through the Tūhoe Education Authority, with Te Kaokao o Takapau (Ruātoki) and the Hinepukohurangi Trust (Ruatāhuna) also interviewed to learn of the practices and processes embedded within Tūhoetanga, that they use while working with whānau.

Research with the South Auckland whānau was through the Manukau Urban Māori Authority. Their Kaitoko Whānau worker, along with the Aotearoa Credit Union, South Auckland Christian Foodbank and the Western Districts Budget Services were also interviewed to learn how these organisations work with whānau to better understand the challenges these whānau are facing.

The term *Te Pūmautanga o te Whānau* describes whānau resilience and strength, and draws on key cultural concepts that underpin protective factors within the Māori world. Through listening to

the voices of whānau, these case studies enable us to better understand what is currently working with whānau on a daily basis. They identify how whānau have drawn on kawa, tikanga and mātauranga whānau, hapū, iwi, and Māori down through the ages to shape strength and resilience. The case studies also show that when key factors are missing, whānau become vulnerable.

Building on the theme of *Whānau Taketake Māori: Recessions and Māori resilience*, this report identifies the resources that both Tūhoe and South Auckland whānau draw on daily to support their resilience in times of adversity. The report also identifies the concepts and practices that work and do not work with whānau.

This report was prepared for the Families Commission by Kahukore Baker, Haromi Williams and Colleen Tuuta and is part of a suite of work produced by the Families Commission to resource the Whānau Strategic Framework 2009–2012.

### **One Step at a Time: Supporting families and whānau in financial hardship**

This Families Commission research aims to better understand ways to support families and whānau in financial hardship, and to identify practical strategies for working with these families and whānau.

It explores, in depth, practices that community organisations use when working with families and whānau in financial hardship, and investigates how existing services can support families and whānau more effectively.

This research is interested in the role of culture, values and practices in relation to financial behaviour, and how services successfully work within a cultural context. It explores the realities of financial hardship for families, whānau and communities.

This is a Families Commission research report by Janine Couchman and Kahukore Baker.

### **Safety of Subsequent Children – Māori children and whānau A review of selected literature**

This literature review was a response to a request from the Minister for Social Development and Employment that the Families Commission undertake an “international literature review about parents who lose custody of children through a care and protection intervention who then have additional children who may be at risk ... [with particular focus on] ... what could be done with these families to prevent additional children coming into these families and being put at risk while the parents are still addressing their complex issues”.

The review considered:

- 1 what will assist families overcome their complex issues so that subsequent children are not at risk
- 2 what can be done to prevent subsequent children coming into families (while parents are still addressing their complex issues).

Throughout this review, the term "subsequent children" is used to refer to children coming into families at some point after a sibling was removed. The report argues that families who have subsequent children removed are a subset of "complex families", who have multiple needs.

This paper seeks to understand the confluence of factors placing Māori whānau at risk within our society and how these whānau can be supported in their parenting aspirations, especially if they have already had a child removed by Child, Youth and Family (CYF).

*The Safety of Subsequent Children: Māori children and whānau – a review of selected literature* was prepared for the Families Commission by Fiona Cram, Katoa Ltd.

This is a companion report to *Safety of Subsequent Children – International literature review*.

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## Health Research Council

### **Diabetes – The impact of maternal care disparities on Māori mothers and infants**

There are marked disparities in maternal and infant health in NZ with Māori babies more likely to die than non-Māori babies. Māori women are more likely to have Gestational Diabetes Mellitus (GDM) which is associated with a range of adverse health outcomes, including perinatal death. Timely identification and treatment of GDM significantly reduces adverse outcomes so it is an appropriate condition to examine for possible disparities in care. This study investigates whether Māori women with GDM and their babies have worse health outcomes than non-Māori, and whether they are receiving adequate screening using a retrospective cohort study design. Improving identification and management of GDM in Māori has the potential to reduce harm to mothers and to save babies from both harm and death.

**Principal Investigator:** Dr Beverly Lawton



## **Best Health for Māori: Te Hoe Nuku Roa – Housing, hazards and health**

Home hazards are a major cause of injury for Māori. This study will capitalise on an existing cohort of Māori houses which are participants in the *Best Outcomes for Māori: Te Hoe Nuku Roa* longitudinal study. Audits of 350 Māori houses (Manawatū, Wellington, Nelson) will be undertaken using the Health Housing Index developed by members of this research team. All houses will receive remediation: half of the houses will be randomly assigned to an intervention group where remediation of selected hazards will be undertaken by professional builders with the balance of the houses remediated at the end of the randomised control trial. Post-intervention audits will be carried out after the conclusion of this intervention study. We will also assess emergency preparedness for earthquakes determining structural and behavioural risks for Māori.

**Principal Investigator:** Professor Chris Cunningham

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## **Non-Governmental Research Units**

### **Motu Economic and Public Policy Research**

#### **Testing the validity and robustness of national wellbeing and sustainability measures**

This project addresses a fundamental question: "Are a country's policies and actions sustainably increasing its wellbeing?". Social scientists and ecologists have developed many indicators of national wellbeing and sustainability. What is lacking, however, is an overarching study that tests the adequacy and robustness of these aggregate measures for answering this fundamental question. The project will undertake multiple tests of the validity and properties of a range of aggregate indicators across a large sample of countries over time, and within New Zealand. It will pay particular attention to distinctions between Pākehā and Māori concepts of wellbeing and sustainability. The research will employ both community consultation methods and estimated empirical approaches to determine whether aspects that contribute to wellbeing differ between Māori and Pākehā within New Zealand, and what such differences might imply for policy development.

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## The Asia New Zealand Foundation

The Asia New Zealand Foundation continued in 2012 with its research on New Zealand's relationship with Asia through the Outlook Research Reports. The key reports launched in 2012 as part of the Outlook series were:

- *Getting to know Indian businesses*, by Dr Val Lindsay
- *Beyond Soldiers, Students and Sentiment*, by Dr Andrew Butcher
- *Indonesia and its significance for New Zealand*, by Frank Wilson
- *Close to Zero: New Zealand's economic integration with ASEAN*, by Professor Gary Hawke.

Further information on the Outlook research reports can be found on the Foundation's website:

<http://www.asianz.org.nz/our-work/knowledge-and-research/outlook-series>

The Foundation also released *New Zealanders' Perceptions of Asia and Asian peoples in 2011* survey results. It is an up-to-date snapshot of public opinion surrounding New Zealand's relationship with Asia and the importance of Asia to New Zealand's future, and public perceptions regarding the people of Asia and how they contribute to New Zealand. Further information on the Perceptions of Asia survey can be found on the Foundation's website:

<http://www.asianz.org.nz/our-work/knowledge-and-research/research-reports/social-research/perceptions-study>

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