

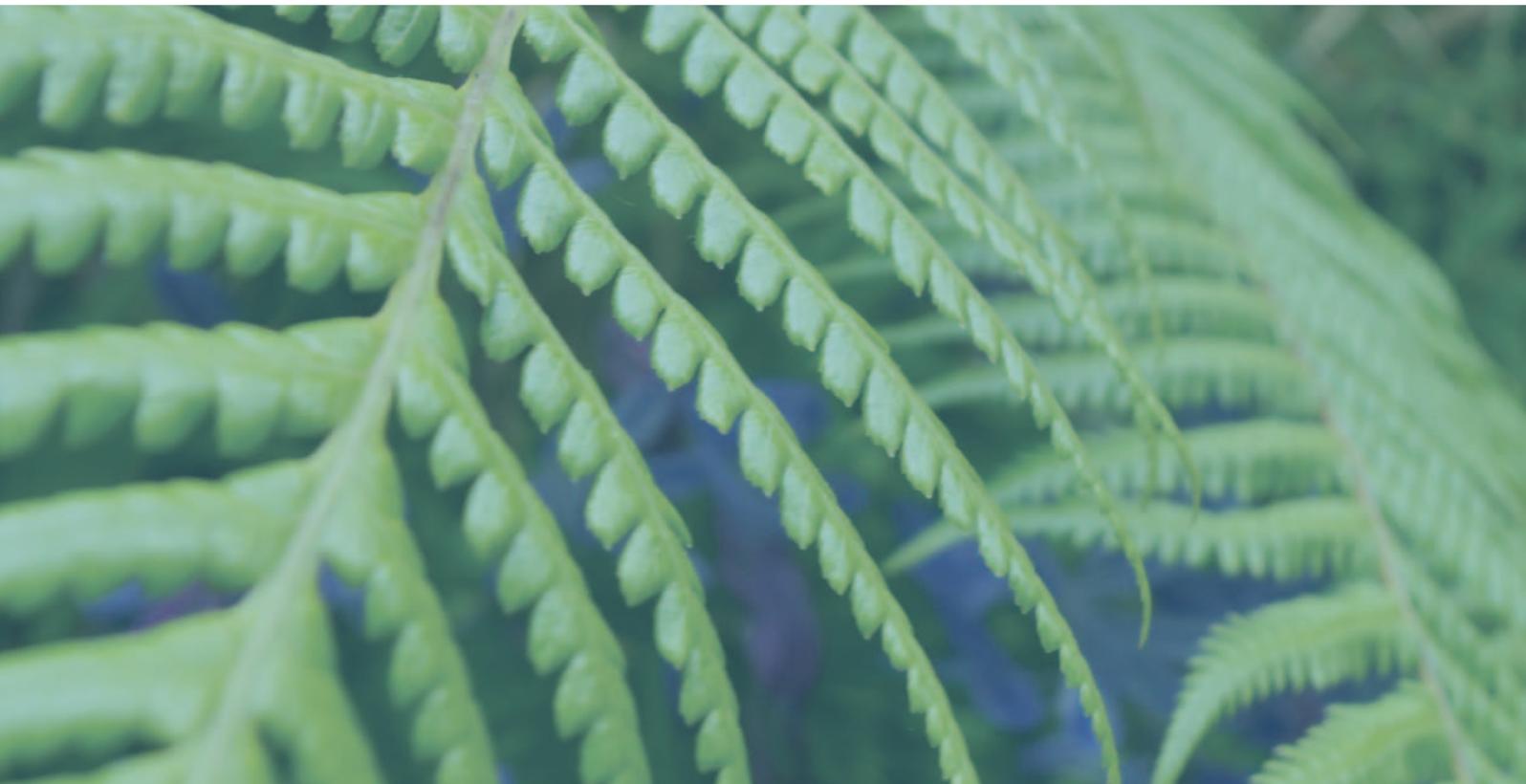


Human Rights  
Commission  
*Te Kāhui Tika Tangata*

# Tūi Tūi Tuituiā

## Race Relations in 2011

Aotearoa



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# Tūi Tūi Tuituiā

## Race Relations in 2011

The main functions of the Human Rights Commission under the Human Rights Act 1993 are to promote and protect human rights; to encourage the development of harmonious relations; to promote equal employment opportunities; and to provide a dispute resolution service for complaints of discrimination on the grounds (among others) of colour, race, and ethnic or national origins. The Act also provides for the appointment of a Race Relations Commissioner to lead the Commission, in conjunction with the Chief Commissioner, on matters relating to race relations. The Commission encourages the maintenance and development of positive race relations through a variety of programmes, including:

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

This report is part of the Human Rights Commission's contribution to the New Zealand Diversity Action Programme for 2012.

For more information on the programme, visit [www.hrc.co.nz/diversity](http://www.hrc.co.nz/diversity).



**NZ Diversity Action**  
te ranga tahi, together we grow

A scenic landscape featuring a wide river in the foreground, a dense line of trees in the middle ground, and rolling mountains in the background under a bright blue sky with scattered white clouds. The entire image has a light blue tint.

Aotearoa

# Ngā kaupapa

## Contents

<b>1. Kōrero whakataki</b>	<b>4</b>
Introduction	
<b>2. Whakawhanaungatanga ā iwi me ngā tiriti o te ao</b>	<b>7</b>
New Zealand race relations and international treaties	
<b>3. Mahi rerenga kētanga</b>	<b>13</b>
Action on diversity	
<b>4. Whakahāweatanga me te nonotitanga</b>	<b>23</b>
Discrimination and harassment	
<b>5. Te Hononga Tiriti</b>	<b>31</b>
The Treaty Relationship	
<b>6. Tauriteritekore</b>	<b>54</b>
Inequalities	
<b>7. Te hekenga me te whakatau</b>	<b>73</b>
Migration and settlement	
<b>8. Reo</b>	<b>81</b>
Language	
<b>9. Pāpāho</b>	<b>88</b>
Media	
<b>10. Rerekētanga whakapono</b>	<b>94</b>
Religious diversity	
<b>11. Te rangahau whānui o te rerenga kētanga</b>	<b>100</b>
Diversity research	

# 1. Kōrero whakataki

## Introduction

The year 2011 was dominated by the Canterbury earthquakes, the hosting of the Rugby World Cup, the environmental consequences of the foundering of the container ship *Rena* in the Bay of Plenty, and the General Election. Each of these major events had their particular race relations dimension.

The Canterbury earthquake in February demonstrated the common humanity of New Zealanders of all ethnicities reaching out to help each other, but also emphasised the need for public authorities to ensure that culturally and linguistically diverse communities are properly catered for in the response to civil emergencies.

New Zealanders again came together to welcome international teams and visitors to the Rugby World Cup, showcasing and celebrating our diverse cultures and in particular our strong Māori, Pacific and European traditions.

The grounding of the *Rena* on the Astrolabe Reef in the Bay of Plenty was a major environmental disaster. Māori had to actively assert their role as *tangata whenua* and *kaitiaki* in the immediate and longer term response to the damaged marine and coastal environment.

The General Election resulted in the return of a National led Government, with support from the Māori, United Future and ACT Parties. The confidence and supply agreement reached with the Māori Party is focused on a number of key race relations issues, including, in particular, the economic and social disadvantage experienced by Māori. Also significant was the outcome of the referendum on the Mixed Member Proportional (MMP) representation system for parliamentary elections – a clear majority favouring its retention. MMP has been responsible for a much more diverse Parliament since its introduction in 1996. Just over a quarter of all MPs in the new Parliament identify as Māori, Pacific or Asian, similar to the proportions in the previous Parliament. The number of Māori MPs remained the same at 21, the number of Pacific MPs increased from five to six, and the number of Asian MPs reduced from six to five. The new Cabinet has four Māori Ministers, including two on the front

bench. Cabinet was sworn in in December by the new Governor General, Lt General Jerry Mateparae, who is also Māori.

Each chapter of this year's report includes a brief look back over the past five years in order to inform the United Nations Committee on the Elimination of Racial Discrimination in conducting their five yearly review of race relations in New Zealand. Some of the features of that period have been:

- the growth of the New Zealand Diversity Action Programme, with around 250 organisations each year delivering a total of more than 3200 diversity projects
- the introduction of a new curriculum for schools emphasising the importance of the Treaty of Waitangi, cultural diversity and human rights
- the transition to a new “super-city” in Auckland with new structures and programmes to include its diverse communities
- the continuing experience by Asian New Zealanders of a higher level of discrimination and harassment than other groups
- significant progress in the hearing and settlement of claims by Māori of historical breaches of the Treaty of Waitangi by the Crown
- the persistence of disadvantage experienced by Māori and Pacific peoples in terms of social and economic rights
- an improved framework for immigration and settlement, and a more inclusive and strategic approach to refugee resettlement
- greater recognition of Māori language in the public and commercial spheres, the growth of Māori Television, and the development of a Pacific languages framework
- a wider appreciation of and respect for the increasing religious diversity of New Zealanders.

One thing that didn't happen in 2011 was the five yearly Census of Population and Dwellings. It was due to take place in March,

but was postponed for two years because of the effects of the Canterbury earthquakes. The data for school enrolments in 2011, however, gives an indication of the continuing demographic change in New Zealand. Notably, in the Northern region (Auckland and Northland) nearly 60 per cent of students are Māori, Pacific, Asian and other non-European; in the Central North region (South of Auckland and north of Turangi) nearly 40 per cent of the students are Māori, while in the Southern region (the South Island) over 75 per cent of the students are European. Overall, 55 per cent of students are European, 23 per cent are Māori, 10 per cent are Pacific, and 9 per cent are Asian. These figures indicate that in the future, no single ethnic group is likely to constitute a majority of the population.

Our definition of Kiwi needs to embrace the growing percentage of us that are Asian as well as Māori, Pacific and European. The concept of New Zealand as a nation located within the region and culture of the Pacific has now been widely accepted, and Pacific migrants are treated as part of "us". We have not yet extended this to include our location in the wider Asia Pacific region – Asian migrants are still seen as coming from elsewhere or "other". And yet one in ten New Zealanders is Asian, as is one in five Aucklanders. For them, people migrating from Asia are also coming from "home" or "where we came from".

### **Racial prejudice, inequalities and exclusion**

While progress continues to be made in many areas of race relations, there remain three major challenges. These are a continuing degree of racial prejudice, significant racial inequalities, and the exclusion of minorities from full participation in all aspects of society.

Racial prejudice is judging before we know. In that sense it includes; negative attitudes to the Treaty, to indigenous rights, to Māori, Pacific peoples, Asians, migrants and refugees. These prejudices are still far too prevalent, and compromise efforts to address race relations issues. They lead to discrimination, marginalisation, and the perpetuation of injustices and inequalities, and prevent the social and economic benefits of

diversity being fully realised. Racial prejudice in its many forms continues to frustrate the achievement of positive race relations in New Zealand.

Racial inequality is when members of some ethnic groups experience social, economic and political disadvantage compared to others. This is manifestly the case in New Zealand, and the inequalities are not only significant but also entrenched. Their continuation is unacceptable, and eliminating racial inequality needs to be a whole-of-government priority, addressing systemic discrimination, taking all necessary special measures to assist disadvantaged groups, supporting initiatives by them to assist and strengthen their own communities, setting targets and reviewing progress. To overcome racial inequality, we also need to address racial prejudice, because special programmes often attract racially prejudiced opposition.

Exclusion is when members of minority ethnic groups are not able to participate in decision making, are under-represented in employment, are unable to engage with the wider community and are marginalised by the media. Adequate settlement support for migrants and refugees is vital, barriers to employment need to be broken down, minority communities need to be supported to share their cultures, and we need to increase the participation of Māori and ethnic minorities in all aspects of Government, business, and community. To overcome exclusion, both racial prejudice and racial inequalities, which underpin it, need to be addressed.

### **Human Rights Amendment Bill**

The Government introduced a Human Rights Amendment Bill into Parliament in September which among other things proposes to replace the present position of Race Relations Commissioner with a generic Human Rights Commissioner who will have a lead responsibility for race relations in the Commission under the direction of the Chief Commissioner. The Bill will be considered by a Select Committee in 2012.



## Top ten priorities for 2012

Each chapter of this report identifies priorities for the coming year. Of these, ten are identified as having particular importance in the context of 2012:

1. *The safety and wellbeing of our children*: focusing on the rights of children, including through the Māori Affairs Select Committee inquiry into the wellbeing of Māori children, and the Government responses to the *Green Paper for Vulnerable Children* and the *Early Childhood Education* report.
2. *Reducing social and economic inequalities*: addressing entrenched inequalities across different sectors, with a focus on structural discrimination.
3. *Protecting beneficiaries and their families*: ensuring that reforms aimed at reducing welfare dependency do not adversely affect the welfare of beneficiaries and their families.
4. *Christchurch earthquake recovery*: developing central and local government capability to communicate with culturally and linguistically diverse communities in the Christchurch earthquake recovery, and in the event of future civil emergencies elsewhere.
5. *The constitutional review*: public discussion of New Zealand's constitutional arrangements including the Treaty of Waitangi.
6. *Inclusion*: actively focusing on inclusion in all aspects of New Zealand life as a means to break down discrimination against Asian New Zealanders and other minority ethnic groups.
7. *Refugee resettlement*: approving and beginning to implement the refugee resettlement strategy.
8. *Language*: approving and implementing the Pacific Languages Framework and determining of the future strategy for te reo Māori.
9. *Diversity in the media*: improving representation of diverse communities in the media, recognising the changing demographics of the New Zealand audience.
10. *United Nations review of New Zealand*: engaging with the United Nations Committee on the Elimination of Racial Discrimination in their review of New Zealand's compliance with the Convention on the Elimination of Racial Discrimination.

## Forty years of race relations legislation

2011 saw the 40th anniversary of the passing of the Race Relations Act, which established the Office of the Race Relations Conciliator. The Act came into force 40 years ago this year, on 1 April 1972. The Office was merged with the Human Rights Commission 30 years later by the Human Rights Amendment Act 2001. It has been my privilege to serve as Race Relations Commissioner for the past 10 years, treading in the footsteps of Sir Guy Powles, Harry Dansey, Hiwi Tauroa, Wally Hirsch, Chris Laidlaw, John Clarke, Rajen Prasad and Gregory Fortuin, as well as former Deputy Conciliator Judge Ken Mason and former Executive Officer and current Minister of Māori Affairs, Hon Pita Sharples. I will be retiring from the position later this year. In my final annual review of race relations, I pay tribute to all those people in the community, in Government and in the Commission who have worked so hard with me during my period of office to strive for cultural diversity, racial equality, harmonious relations and the fulfilment of the promise of the Treaty of Waitangi.

**Joris de Bres**  
Race Relations Commissioner  
Kaihautū Whakawhanaunga ā Iwi

## 2. Whakawhanaungatanga ā iwi me ngā tiriti o te ao

### New Zealand race relations and international treaties

#### Priorities for 2012

- Engage with the United Nations Committee on the Elimination of Racial Discrimination in their review of New Zealand's compliance with the Convention on the Elimination of Racial Discrimination
- Make provision for individual complaints of racial discrimination to the Committee on the Elimination of Racial Discrimination under Article 14 of the Convention on the Elimination of Racial Discrimination.

#### Five year review

The United Nations Committee on the Elimination of Racial Discrimination completed its most recent five-yearly review of New Zealand's compliance with the UN Convention on the Elimination of Racial Discrimination (CERD) in 2007. The full list of recommendations, and the Government's response in the years since, are included later in this chapter. In concluding the reporting process, the Committee welcomed the proposed inclusion of reference to the Treaty of Waitangi in the New Zealand Curriculum and urged the Government to enact the Immigration Bill quickly in order to allow access to education for undocumented children. The Bill was passed and provision made in the 2010 Budget to enable undocumented children to attend school. The Committee asked that the Government's next report, due in February 2012, include information on references to the Treaty of Waitangi in legislation and recognition of Māori customary title in the foreshore and seabed.

Under Article 14 of CERD the Committee on the Elimination of Racial Discrimination may consider complaints from individuals if the individual is within the jurisdiction of a state that has recognised the competence of the Committee to receive such complaints. New Zealand has not yet opted

into this process. At the end of 2011, it was reviewing this position. The Human Rights Commission has written to the Government urging it to recognise the individual complaints procedure. Recognition would reflect the Government's commitment to realising freedom from racial discrimination and upholding international human rights standards by providing this avenue to individuals.

Within the past five years, New Zealand has added two new international instruments to its existing international human rights commitments. First, New Zealand ratified the UN Convention on the Rights of Persons with Disabilities in 2008, submitting its first report to the UN Committee monitoring the Convention in March 2011. The report highlighted developments for Māori and Pacific people with disabilities but noted that they continue to experience disproportionate disadvantage compared to other disabled people. Second, New Zealand pledged its support for the UN Declaration on the Rights of Indigenous Peoples in 2010.

The UN Human Rights Council reviewed New Zealand's overall human rights performance in 2009 through its Universal Periodic Review (UPR) process. It made 64 recommendations, of which the Government accepted 38 and conditionally agreed to 18. The Government noted many of the recommendations focused on challenging areas. These included social disparities between Māori and non-Māori, the status of the Treaty of Waitangi in legislation, family violence, equal opportunity, over-representation of Māori in the criminal justice system and ratification of further human rights treaties.

#### New Zealand race relations and international treaties in 2011

The Government drafted its 18th, 19th, and 20th consolidated periodic report on New Zealand's compliance with CERD in 2011. The final report is due to be submitted to the Committee on the Elimination of Racial Discrimination in



early 2012. The Government consulted widely on the draft report including posting it on the Ministry of Justice website, meeting with interested individuals and non-government organisations and presenting it at the New Zealand Diversity Forum in August.

The Government accepted the UPR recommendation that New Zealand consider recognising the individual complaints procedure under Article 14 of CERD. It undertook public consultation on this issue at the same time it consulted on the draft consolidated periodic report under CERD.

The Government engaged with five separate UN treaty bodies on compliance with international human rights conventions, either through periodic reports or responses to questions raised by the various bodies. Many of the issues raised related to aspects of structural discrimination. For example, improving access to services for Māori and Pacific people; providing culturally appropriate services; and using forms of affirmative action to prevent discrimination. Other issues raised were Māori customary rights, especially in the marine and coastal area, and oil drilling in the Raukumara Basin.

In June, Race Relations Commissioner Joris de Bres was invited to address the UN Human Rights Council in Geneva on the New Zealand Human Rights Commission's role in combating racism, as an example of international best practice.

### Rights of the child

In February, the Committee on the Rights of the Child reported on New Zealand's protection of children's rights.

The Committee welcomed New Zealand's increase in expenditure on children and the tax-credit initiative to reduce poverty (Working for Families); efforts focused on improving outcomes for Māori; the abolition of the legal

defence allowing parental force for correction; efforts to tackle child abuse and neglect; free healthcare for children under six; encouragement of breastfeeding; and efforts to improve the standard of living.

However, the Committee was concerned about New Zealand's lack of a comprehensive policy on children's rights. The Committee recommended that the Government:

1. ensure full protection against any grounds of discrimination, including:
  - a. urgent measures to address disparities in access to services of Māori children and their families
  - b. strengthening prevention of discrimination, including affirmative action if necessary, for vulnerable children
  - c. ensuring all cases of discrimination are addressed effectively
2. prioritise elimination of violence against children
3. increase services to parents who need counselling in child-rearing, alcohol and drug related problems including culturally appropriate services for Māori and Pacific parents
4. establish mechanisms to monitor abuse and neglect; ensure people working with children are trained in their obligations to report suspected abuse; strengthen victim support and recovery; and report back on these efforts in the next periodic review. The Committee noted that it remains alarmed at the high prevalence of abuse and neglect of children and lack of a comprehensive strategy to address the issue
5. address inequalities in access to health services through a coordinated approach across government departments
6. increase provision of reproductive health services for adolescents

7. continue efforts to prevent suicide
8. support disadvantaged families to move out of poverty for the long term, and continue support for those who remain in poverty
9. ensure all children can access high quality early childhood education and care, at a minimum fee for socially disadvantaged children
10. continue efforts to reduce negative effects of ethnic and social background of children in their enrolment and attendance in school
11. invest additional resources in education for disadvantaged groups
12. reduce the number of exclusions from school and ensure the presence of social workers and other professionals to help at-risk children
13. intensify efforts to eliminate bullying and violence in schools
14. take measures to combat the exploitation of migrant girls in prostitution.

### **Rights of persons with disabilities**

New Zealand submitted its first report to the Committee on the Rights of Persons with Disabilities in March.

In preparing the report, the Government held meetings around the country in community centres and marae to gauge where disability support services were working and where gaps remained.

The report identified improvements made to support people with disabilities in health, education, employment and elsewhere. It cited initiatives like the Māori Disability Strategy and Action Plan and the National Pasifika Disability Action Plan that seek to improve the position of disabled Māori and Pacific peoples. It noted that Māori and Pacific providers were funded to deliver services to Māori

and Pacific people, and that health and disability service standards state that services for Māori and Pacific people must be delivered in a culturally appropriate way.

However, the degree of relative disadvantage is still greater for women, Māori and Pacific people. Māori identified their right to access Māori culture and language as not always being met. Marae are often not accessible and there are only three qualified trilingual interpreters (English-Māori-NZ Sign Language) in New Zealand.

The report is due to be examined by the Committee on the Rights of Persons with Disabilities in late 2012 or in 2013.

### **Civil and political rights**

In April, the Government responded to questions from the UN Human Rights Committee about the over-representation of Māori in prison, Operation 8, and the Foreshore and Seabed Act 2004.

In response to the question about Māori over-representation in prison, the Government outlined a range of initiatives to address and reduce Māori imprisonment and disproportionate representation in the criminal justice system. It highlighted the whole-of-government approach, Addressing the Drivers of Crime, which aims to reduce offending, re-offending and victimisation, particularly for Māori. It also identified Whānau Ora as a programme that aims to reduce Māori over-representation in the justice system in the longer term by ensuring Māori can access the support and services they need to improve their wellbeing across a range of outcomes.

The Government said that it was unable to comment on trials related to Operation 8, while they were underway, but that NZ Police continue to engage with the Ruātoki community to re-build the relationship. The Independent Police Conduct Authority is conducting an investigation into whether there was any misconduct or neglect of duty on the part of the police during Operation 8.



The Government described the review and consultation process undertaken to replace the Foreshore and Seabed Act 2004 with the Marine and Coastal Area (Takutai Moana) Act 2011.

The Committee reviewed the Government's response in 2011 and sought further information about each topic. The Government will respond in early 2012.

### **Economic, social and cultural rights**

In May 2011, the Committee on Economic, Social and Cultural Rights sent New Zealand an advance list of 20 questions which, amongst other things, related to:

- the extent to which refugees and asylum-seekers have equal enjoyment of economic, social and cultural rights compared with the rest of the population of New Zealand
- whether there have been amendments to the Immigration Act 2009 to allow children without appropriate permits to enrol at schools
- measures taken to enforce the minimum wage and what impact these are having, particularly for Pacific people
- Māori customary interests in the case of oil and gas drilling in the Raukumara Basin and the extent to which Māori can exercise these interests and enjoy their livelihood
- the extent to which legislation protects Māori interests in traditional land and resources, including in marine and coastal areas
- the response to the recommendations of the Waitangi Tribunal's Wai 262 report about promoting te reo Māori.

The Government submitted its response to the Committee's list of questions in November 2011. The Committee will consider the Government's report and compliance with the UN Covenant on Economic, Social and Cultural Rights in Geneva in May 2012.

### **Women**

The Committee on the Elimination of Discrimination Against Women asked the Government a number of questions in October, including more information about measures to make healthcare accessible for migrant women. The Committee asked the Government to explain why Māori women make up 60 per cent of all females in prisons. It also sought information on:

- new electoral law limiting the right of imprisoned women to vote and in particular how this impacts the political rights of Māori women in prison
- measures to retain Māori girls in school beyond NCEA Level 2
- teenage pregnancies and suicides and measures to address these issues, particularly among girls from lower socio-economic backgrounds, including Māori
- Māori women's access to healthcare services.

The Government will respond in early 2012 and the Committee will consider the report in July 2012.

### **Racial discrimination**

The Government is due to submit its 18th, 19th and 20th consolidated periodic report to the Committee on the Elimination of Racial Discrimination by February 2012. After the report is submitted the Government is required to send a delegation to present the report and answer questions that the Committee may have. Once the Government has presented its report, other organisations will have an opportunity to submit their own reports about racial discrimination in New Zealand.

The Committee last examined and made recommendations on New Zealand's compliance with the Convention on the Elimination of Racial Discrimination in 2007. Since then, the Human Rights Commission has monitored progress against the Committee's recommendations annually. The following table records progress on the recommendations to the end of 2011.

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

Recommendation	Status	Government response
Follow-up on HRC's Action Plan for Human Rights in New Zealand	The HRC completed a second review of human rights in 2010, with priority actions.	Under action
Entrench the New Zealand Bill of Rights Act (BORA)	Present BORA arrangements considered satisfactory, however, the constitutional status of BORA may be considered during the constitutional review.	Under action
Discuss constitutional status of the Treaty of Waitangi	The role of the Treaty of Waitangi in New Zealand's constitutional arrangements will be considered during the Constitutional review.	Under action
Incorporate Treaty into domestic legislation where relevant	Principles of the Treaty of Waitangi Deletion Bill 2006 were 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
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
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 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 HRC discrimination complaints procedures	The HRC 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
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 action

### Reports and responses to UN Treaty bodies due in 2012

- New Zealand will respond to the Committee on the Elimination of Discrimination Against Women's list of issues and questions in January. The Committee will consider the Government's report in April-May
- the Committee on Economic, Social and Cultural Rights will consider New Zealand's 3rd periodic report in May
- New Zealand will present its 18th, 19th and 20th consolidated periodic report to the Committee on the Elimination of Racial Discrimination in February
- New Zealand will respond to the Committee on the Rights of the Child's 2011 report and recommendations
- the Committee on the Rights of Persons with Disabilities will examine New Zealand's report on the rights of people with disabilities in New Zealand in late 2012 or 2013
- the Human Rights Committee will examine New Zealand's response to its request for further information about civil and political rights.

## 3. Mahi rerenga kētanga

### Action on diversity

#### Priorities for 2012

- Finalise and implement the Auckland Plan, including a focus on supporting cultural diversity, reducing inequality and enabling Māori aspirations
- Consider the Human Rights Amendment Bill and address community concerns about the loss of the special character and visibility of the role of Race Relations Commissioner.

#### Five year review

The United Nations Committee on the Elimination of Racial Discrimination, in its review of New Zealand's race relations performance in 2007, commended the Human Rights Commission's New Zealand Diversity Action Programme. The programme brings together organisations taking practical action to promote cultural diversity, racial equality, harmonious relations and effective observance of the Treaty of Waitangi.

The programme is indicative of the wide range of activities that take place in the community throughout New Zealand to maintain and develop cultural diversity and harmonious race relations. In the past five years, around 250 organisations have participated in the programme each year, delivering around 3200 diversity programmes and projects in total. The programme has promoted participation in diversity events such as Waitangi Day, Chinese New Year, Race Relations Day, Matariki, Diwali, and language weeks, as well as museum exhibitions, educational activities, research projects, migrant support programmes, workshops, publications, websites, festivals, and sporting and cultural events. Well attended annual New Zealand Diversity Forums and Diversity Youth Forums were held in Auckland, Wellington, Christchurch and Hamilton. Over 500 individuals and organisations have

been acknowledged by the Race Relations Commissioner for positive contributions to race relations, and 59 organisations received New Zealand Diversity Awards for outstanding contributions to cultural diversity and race relations.

The new New Zealand Curriculum for schools, launched in 2007, affirmed the Treaty of Waitangi, cultural diversity and inclusion (including non-racism and non-discrimination) as core principles, and diversity, equity, community, participation for the common good, and respect for human rights as values.

A national Statement on Race Relations, developed by the Human Rights Commission, was launched by the Prime Minister in 2008. It sets out ten basic human rights principles for positive race relations along with a commentary on each. It has been used as a tool for discussion and education.

Under the Local Government Act 2002, local authorities were required to have Long Term Community Plans by 2006. The plans generally include measures to value cultural diversity, welcome newcomers and maintain relationships with Māori. Libraries, museums and community development staff have been key players in delivering programmes that promote cultural diversity.

The amalgamation of eight local authorities into an Auckland "super city" made Auckland by far the most populous and diverse city in New Zealand, with large Māori, Pacific and Asian communities. The empowering legislation created a Māori Statutory Board and Pacific and Ethnic Advisory Boards as part of the Council's structure.

#### Action on diversity in 2011

A total of 251 organisations registered 697 diversity projects with the New Zealand Diversity Action Programme in 2011. Social networking through Facebook connected over 18,000 people to key projects such as the national Race Relations Day programme commemorating the International Day



for the Elimination of Racial Discrimination, the annual New Zealand Diversity Forum, and the various national language weeks. Twelve organisations were recognised in the 2011 New Zealand Diversity Awards for their outstanding contribution to cultural diversity and race relations.

The annual New Zealand Diversity Forum was held in Hamilton for the first time in August, co-hosted by the Human Rights Commission and the Hamilton Multicultural Services Trust. The forum was attended by several hundred people from around New Zealand and was preceded by an historic pōwhiri for 300 representatives of ethnic communities at Tūrangawaewae marae in Ngāruawāhia.

February's devastating earthquake in Christchurch saw diverse communities reach out to each other on an unprecedented scale through volunteering, fundraising and other forms of solidarity.

The 2011 Census of Population and Dwellings was postponed to 2013 as a result of the earthquake, meaning that up-to-date figures for the diversity of New Zealand's population are not available. However, figures for the ethnicity of children enrolled in New Zealand's schools in 2011 show that in the Northern region (Auckland and Northland) nearly 60 per cent of students are Māori, Pacific, Asian and other non-European; in the Central North region (south of Auckland and north of Turangi) nearly 40 per cent are Māori, while in the Southern region (the South Island) over 75 per cent are European. Overall, 55 per cent of students are European, 23 per cent are Māori, 10 per cent are Pacific, nine per cent are Asian.

Members of the new Māori Statutory Board and Pacific and Ethnic Advisory Boards were appointed by the new Auckland Council, and the Council's draft plan recognises the importance of cultural diversity in the new super city.

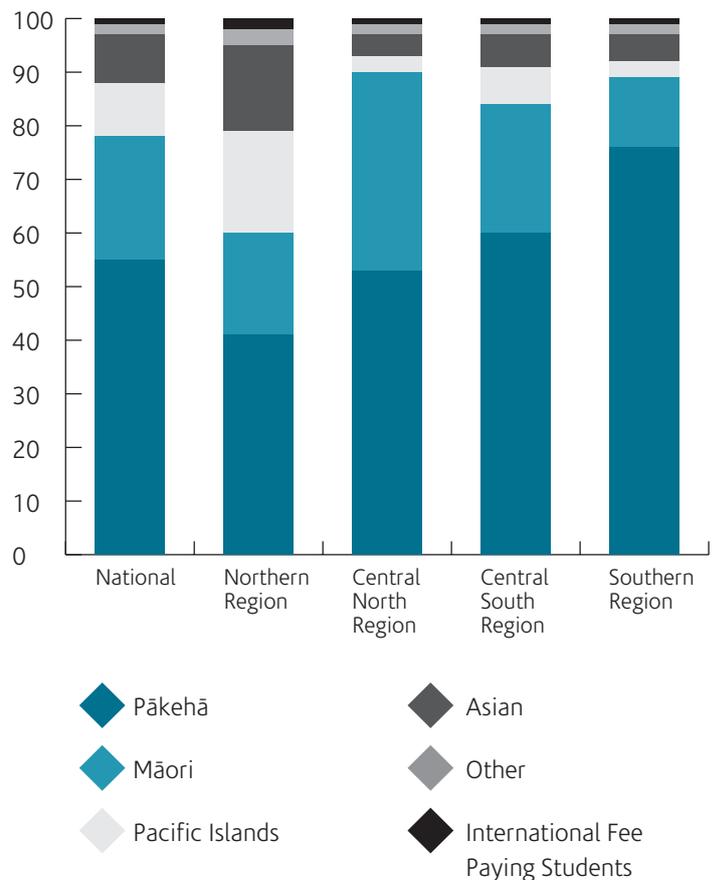
The Human Rights Amendment Bill introduced into Parliament in September proposes the abolition of the

position of Race Relations Commissioner, replacing it with a generic Human Rights Commissioner position with responsibility for race relations subject to the direction of the Chief Human Rights Commissioner.

**Schools reflect growing diversity**

Data from Education Counts, published in 2011 and shown in the graph below, shows the increasing diversity of New Zealand's school children. They also show the difference between New Zealand communities: schools in the northern region (Auckland and Northland) have a much more diverse roll than those in the southern region (South Island).

**Enrolments by ethnicity (as at July 2011)**



### **Bill proposes change to Race Relations Commissioner role**

The Human Rights Amendment Bill, introduced to Parliament by the Government in October, proposes to change the role of Race Relations Commissioner and replace it with a generic Human Rights Commissioner position tasked with “leading the work of the Commission on race relations”.

Whereas the current role is to act jointly with the Chief Commissioner and is not subject to the Chief Commissioner’s direction, the proposed Human Rights Commissioner with a responsibility for race relations will be “subject to the directions given by the Chief Commissioner” and be required to “lead the work of the Commission in any other priority area designated by the Chief Commissioner”.

The Bill proposes that the number of Commissioners be reduced from eight to five full or part-time Commissioners. Responsibility (among other potential portfolios) for race relations, equal employment opportunities and disability rights will be allocated to three of the positions.

Under the Bill, the current specific functions and appointment criteria for the Race Relations Commissioner will be deleted, as will his or her functions to supervise and liaise with the Executive Director and to call meetings of the Commission. These special functions and powers were introduced to the Human Rights Act in 2001 as part of the merger of the Office of the Race Relations Conciliator and the Human Rights Commission and to allay fears that the office was being downgraded. They will be replaced by general functions and criteria for the appointment of Commissioners with special responsibilities.

The reason given for these changes in the Explanatory Note to the Bill is that they will “reflect that Commissioners are first and foremost members of the Commission and operate at all times on behalf of the Commission”, and that by making “the functions of the Commissioners appointed or

designated to lead the work in priority areas ... subject to the Chief Commissioner’s management role”, the Bill will “better articulate the Chief Commissioner’s responsibility for managing the Commission”.

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. The Bill has yet to be debated, as it was only introduced the day before Parliament rose in October for the General Election. It is expected to be considered by a Select Committee in 2012.

The Commission welcomed the provision for the role of a fulltime Commissioner for disability rights but was concerned 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.

### **Auckland Council’s draft plan to support diversity**

The new Auckland Council finalised “the Auckland Plan” in December for public consultation, with translations provided in te reo Māori, Chinese, Korean, Samoan and Tongan. The plan includes steps to realise Auckland’s potential to become a successful culturally diverse city; reduce inequality; and enable Māori aspirations.

Auckland has over 150 different ethnicities and cultures. Fifty per cent of all working age adults in Auckland were not born in New Zealand. The plan recognises increasing numbers of people attending ethnic and religious festivals such as Pasifika and Diwali, but says “Auckland could do much more to leverage off the increasing diversity of its people for innovative and creative thinking about our common opportunities and challenges.”



Seventy per cent of new migrants to New Zealand settle in Auckland. However, many migrants cannot find jobs, or jobs matching their skills and experience. The plan notes that the Council can help migrants more by building on existing initiatives such as the Auckland Regional Settlement Strategy. The plan proposes to develop new initiatives through engaging with the Council's Ethnic Peoples Advisory Panel, relevant central government agencies and community-based organisations.

Addressing social and economic inequalities is a priority in the plan. It recognises that much of the poverty in Auckland is intergenerational and as such the focus will be on children and young people. The plan outlines initiatives in education, health and urban development to support that focus.

The plan also focuses on enabling Māori aspirations through measures such as reciprocal decision-making processes, partnerships with iwi and co-management of natural resources. The Human Rights Commission supported these measures in the plan, but recommended the Council discuss with Māori the option of establishing Māori seats on council.

### City dwellers value diversity

Diversity has improved New Zealand city dwellers' quality of life, according to the biennial Quality of Life survey. Over 6000 residents of Auckland, Hamilton, Tauranga, Porirua, Hutt City, Wellington, Christchurch and Dunedin were asked their views on diversity. The survey was conducted between November 2010 and March 2011 as part of the Quality of Life project, a partnership between city councils.

The survey found that around three fifths (62%) of residents feel New Zealand's increased diversity of people with different lifestyles and cultures from different countries makes their area a better place to live, with 18

per cent saying it is a much better place to live and 45 per cent saying it is a better place to live.

The most frequently mentioned reason for greater cultural diversity having a positive impact was diversity is good/brings a broader perspective/new ideas (51%). The next two most frequently mentioned reasons were it is good to learn about other cultures/it reduces racism (33%) and it is good to mix with different cultures (29%).

The most frequently mentioned reason for greater cultural diversity having a negative impact was a lack of integration into New Zealand society/don't mix (38%). The two next most frequently mentioned reasons were too many foreigners/too many different cultures (23%) and taking us over/taking our shops, jobs etc. (17%).

Comparing the latest survey with previous surveys, there is a steady increase in the proportion of residents who state that their region was a much better place to live or a better place to live due to greater cultural diversity (63% in 2010 compared to 59% in 2008 and 58% in 2006).

### Business and diversity

The OMEGA Trust, an Auckland based business organisation that supports skilled migrants, published its inaugural diversity perception audit in November. Vodafone NZ, Fuji Xerox Ltd, the Tindall Foundation and NZ Post Ltd sponsored the audit, titled "Diversity in Corporate New Zealand: Our Collective Opportunity". It gathered the views of New Zealand CEOs and HR directors about diversity. Its key findings included the need to measure diversity and the business impact and contribution of diversity within organisations; adapt corporate culture in a comprehensive way, not through haphazard changes; and make diversity management a priority.

### Ethnic communities welcomed at Tūrangawaewae

The 2011 New Zealand Diversity Forum in Hamilton in August was preceded by a pōwhiri for ethnic communities at Tūrangawaewae marae in Ngāruawāhia. The pōwhiri took place in the context of the celebration of the fifth anniversary of the coronation of Kiingi Tuheitia, and was attended by over 300 representatives of ethnic communities. The forum itself culminated in an awards night which included a tribute by leaders of diverse communities to the late Māori Queen, Te Arikinui Dame Te Atairangikaahu. The original tribute was screened at the New Zealand Diversity Forum in 2006, coinciding with her tangi. She was remembered as someone who personified hope for positive relationships between Māori, Pākehā and all ethnic groups. A copy of the tribute was presented to her son, Kiingi Tuheitia.

This year's forum was jointly hosted by the Human Rights Commission and the Hamilton Multicultural Services Trust, with support from the New Zealand National Commission for UNESCO, the Settling In Programme of the Ministry of Social Development, NZ Police, the Office of Ethnic Affairs and other partner organisations. It was attended by several hundred people from throughout New Zealand and featured over 30 separate workshops on diversity issues. A national youth diversity forum was held concurrently, with the 60 youth delegates meeting separately as well as



*Abigail Vogt of Auckland Libraries receiving an award from Kiingi Tuheitia.*

making valuable and thought provoking contributions at the wider forum.

### New Zealand Diversity Awards

On the final night of the New Zealand Diversity Forum, the Human Rights Commission presented awards to 12 organisations for outstanding contributions to cultural diversity and race relations. They were:

#### 2020 Communications Trust

The 2020 Communications Trust has worked to bring digital literacy to a wide range of local communities. Its projects Computers in Homes and Stepping Up help to bridge the digital divide. The Trust's Living Heritage programme is an online bilingual initiative that empowers schools to build



an online resource based on a heritage treasure in their community.

#### Auckland Libraries

Auckland Libraries deliver library and information services which are accessible, inclusive and responsive to the needs of the residents, diverse ethnic and community groups and organisations that make up the Auckland region.

A wide range of services are delivered through 54 community and four mobile libraries from Wellsford to Pukekohe, and a further 14 rural libraries run by volunteers. Auckland Libraries is the biggest public library network in the Southern Hemisphere, servicing the largest single city population and the most diverse in Aotearoa New Zealand.

#### Deaf Aotearoa NZ

Deaf Aotearoa works with Deaf New Zealanders to promote wider understanding of Deaf culture as well as promoting New Zealand Sign Language (NZSL). Each May, Deaf Aotearoa organises NZSL Week – a celebration of NZSL and a chance to raise awareness of this official New Zealand language. This year, more than 10,000 people nationwide got a “taste” of NZSL by taking part in demonstration classes. Fifty seven local NZSL events were organised and more than 75,000 NZSL resources distributed.

#### EEO Trust

The mission of the Equal Employment Opportunities Trust is to show that doing right by a diverse workforce is not only good for people, it’s good for business. The EEO Trust engages with employers, combining ideas and resources so everyone can make the most of New Zealand’s diverse workforce.

The Trust recently interviewed young Pacific people about their experience of work and how employers could best tap into their energy and creativity.

The EEO Trust Work & Life Awards celebrate leading employers who take innovative and flexible approaches to engaging their diverse workforces.

#### Hamilton City Council

Hamilton City Council was one of the earliest local authorities to appoint an Ethnic Development Advisor in 1997. Hamilton City works alongside the Hamilton Multicultural Services Trust, the Office of Ethnic Affairs, Waikato Multicultural Council, Settlement Support New Zealand and other agencies to enhance the social and cultural well-being of the diverse communities in Hamilton.

The Council supports the Hamilton Directory for New Settlers; Hamilton Youth Council and Hamilton Council of Elders; the Indigo Multicultural Festival; and the Recognyz Youth Awards, an event that acknowledges the achievements and contributions of Hamilton’s diverse youth population.

#### Pataka Museum

Pataka Museum of Arts and Cultures has become the cultural heart of Porirua City. In the 12 years since it opened, Pataka has developed a reputation for showcasing the best in Māori, Pacific Island, New Zealand, Asian and other diverse international contemporary art and culture.

Extensive recent exhibitions at Pataka have showcased Porirua City’s diverse communities including Tradition & Colour: Bindi – The Indian Dot, Take me to the river, Bamiyan, Spirit of Solomons, Ko Au Fiji Masi, Michel Tuffery: Siamani Samoa and The Moriori of Rekohu: T’chakat henu.



### Partnership Health Canterbury

Partnership Health Canterbury – Te Kei o Te Waka is a non-profit organisation launched in April 2004. It has the largest enrolled population of any Public Health Organisation in New Zealand with more than 367,000 people, among them over 22,000 Māori, 22,000 Asian and 8700 Pacific people. It has worked hard to provide primary health care to refugee and migrant communities. During 2010/2011, it created community language resources and websites to promote primary healthcare and services. It rolled out a free interpreter service for general practitioners. It translated information about where to seek help after the Christchurch earthquake and offered cooking classes and dental schemes for refugees and migrants.

### Rotorua Multicultural Council

The Rotorua Multicultural Council celebrated its fifteenth birthday this year. The Council comprises cultural groups, associations and communities who strive to keep alive multicultural traditions in Rotorua. One of its objectives is to promote and protect the interests of the many different cultural groups which make Rotorua a multicultural city and New Zealand a multicultural society. The Council organises activities that embrace cultural diversity, including Race Relations Day in March featuring U&I Football (an ethnic football tournament) and activities for national diversity events such as Waitangi Day, Māori Language Week and Samoan Language Week. It works closely with local businesses, tangata whenua, the Rotorua District Council, and the Rotorua Newcomers Network to support new migrants. The Council is affiliated to the New Zealand Federation of Multicultural Councils.

### Selwyn College REAF (Refugee Education for Adults and Families)

The REAF programme started in 2000 for Kosovo refugee families that settled near Selwyn College in Auckland. Their

adolescent children attended Selwyn and fathers attended tertiary institutions, but mothers with young children were unable to access English language classes. Principal Carol White, with the support of the Ministry of Education, provided local language classes with appropriate childcare. The first class started in a church hall with an attached playgroup. In 2004, The Carol White Family Centre, the centre of the REAF learning hub, was opened for refugee preschool children.

This year 150 adult refugee students from 26 different ethnicities attended 10 classes each day for 12 hours a week. The children are supported in their first language by former-refugee teacher aides. Multigenerational learning occurs, with as many as three generations attending. Classes include driving, sewing, gardening and craft. More than 800 students have been through the programme moving on to work experience, further education, full and part time jobs and to become New Zealand citizens.

### Tauranga Regional Multicultural Council

Tauranga Regional Multicultural Council is an incorporated society managed by a committed group of volunteers who have a desire to promote the interests of the ethnic groups that make up New Zealand's multicultural society.

The Council's regular events include the Tauranga Multicultural Festival, held in March every year to celebrate Race Relations Day; Living in Harmony evenings, a monthly event including a potluck dinner showcasing various ethnic groups; a Newcomers Network; and Ethkick, a football tournament held in October.

### Wellington Holocaust Research and Education Centre

The Wellington Holocaust Research and Education Centre teaches the history of the Holocaust through the lives of the survivors and refugees who came to Wellington, their stories creating an understanding of the need to preserve



the human rights of all, and to respect the difference that each individual brings to their society and to the country in which they live.

In the five years it has been operating thousands of schoolchildren have taken part in their programmes, which are taught in accordance with the New Zealand Curriculum.

#### Special Award: Tainui Group Holdings Ltd, Hamilton

Tainui Group Holdings is the commercial arm of the Waikato-Tainui iwi, and has a total asset portfolio in excess of \$650 million. Within this portfolio, The Base is the flagship investment. The Base is the first hybrid retail development in New Zealand but is also a centre of commerce imbued with the heritage of Waikato-Tainui. Its new mall, Te Awa, includes cultural reference points including whakataukī (proverbs), niho taniwha (tribal patterns), pou (carvings), and bi-lingual signage throughout the public areas.

#### Diverse ethnic and religious communities reach out to Christchurch

New Zealand's diverse ethnic and religious communities contributed significantly to the Canterbury earthquake response and recovery. The Race Relations Commissioner recognised them in his monthly acknowledgments of positive contributions for their courage, humanity, and solidarity after the devastating earthquake in February 2011.

"The diversity of Christchurch is evident in the names of the missing and the dead, and in the hands that have reached out amidst the devastation across all differences of belief, culture, ethnicity and nationality.

Throughout the country, marae, religious and community facilities have been opened to all for comfort, relief and accommodation. Christian, Buddhist, Hindu, Muslim, Sikh, Māori, European, Pacific, Asian, migrant, refugee and others too many to mention have rallied together, collected money, dispatched goods, welcomed people, sent helpers.

The national observance of two minutes silence in so many different places a week later spoke louder than words: when it comes to the crunch, in all our diversity, we share a common humanity. We will need to continue to show it in the months ahead, with generosity and without discrimination. Our thoughts



Local Bollywood performers celebrating Diwali. Asia New Zealand Foundation

are with everyone, everywhere, directly and indirectly affected by the disaster.”

Te Rūnanga o Ngāi Tahu sought to help affected whānau and the general community, including hosting people and organisations at their marae around Christchurch, circulating vital information, setting up the 0800 Kai Tahu helpline and co-ordinating community feedback on the draft city re-build plan.



*Auckland Lantern Festival 2012 opening ceremony. Asia New Zealand Foundation*

In November, the Federation of Multicultural Councils, Settling In and the NZ Police presented some 40 individuals and organisations from ethnic communities with certificates for their outstanding contribution. The ceremony was held at Rehua Marae, which had functioned as a relief centre after the earthquake.

### **Ten years of Asian festivals**

Tens of thousands of New Zealanders came together in October to celebrate the Asia New Zealand Foundation's tenth Indian Diwali Festival of Lights, organised in partnership with Auckland Council and Wellington City Council. In February 2012, thousands more will descend on Albert Park in Auckland and Hagley Park in Christchurch to enjoy the mellow atmosphere of the beautiful Chinese New Year Lantern Festival.

The value of these events goes far beyond the simple pleasure of being part of a good-natured crowd, sampling

great food, enjoying authentic cultural performances and learning something about another culture. Festivals are all of this, but they are also a means to change the way a society thinks about itself. Just as Auckland's Pasifika has raised the profile of Pacific Island cultures in New Zealand, so the Diwali and Lantern Festivals are helping New Zealanders to appreciate and take pride in the rich cultural traditions of our significant and growing Indian and Chinese communities – both of which have roots in New Zealand dating back to the mid-19th century.

The festivals are designed to bring together all the diverse sectors of these two communities, in a common celebration of what it means to be Chinese or Indian in New Zealand. Most importantly, they are a vehicle by which these communities can share their beliefs, traditions and talents with the wider community. Ten years after the Diwali Festival exploded into life in Auckland and Wellington, it is strange to think that this festival has actually been



celebrated in New Zealand for as long as there have been Indians here. The difference is that up until now Diwali was usually celebrated behind closed doors.

The events are a team effort involving hundreds of people who willingly donate their time and labour. Both Auckland Council and Wellington City Council have made major commitments to the festivals financially and in terms of staffing and resources, because both recognise the vital importance of celebrating New Zealand's growing diversity. The Auckland Lantern Festival is now perceived as one of the new Super City's two major "social anchor" events, along with Pasifika. For the same reasons, Christchurch City Council has increased its financial investment in the Christchurch Lantern Festival.

Another important part of the festivals is Asia:NZ's parallel schools programme. Each year, many schools have the opportunity to meet the festivals' international performers, and try their hand at all sorts of new skills, from learning dance steps to working with puppets – even having a go at Indian juggling. Asia:NZ also carries festival teaching units on its website which have proved very popular.

The crucial partnerships that underpin the festivals also embrace corporate sponsors and the funding trusts that have supported them. Without them, the events would not be possible.

### **Race Relations Day**

The International Day for the Elimination of Racial Discrimination, 21 March, is observed in New Zealand as Race Relations Day. The theme for 2011 was "People in Harmony".

The day was celebrated with events around the country. Affiliates of the Federation of Multicultural Councils held events ranging from a BBQ lunch on Auckland's North Shore, to a sports tournament and cultural festival in

Pukekohe, a football tournament in Rotorua, multicultural community festivals in Tauranga, New Plymouth, Upper Hutt, Lower Hutt and Nelson, a health forum in Wellington, multicultural concerts in Rangitikei, Oamaru, Timaru and Dunedin and a food festival in Invercargill. Multicultural councils also contributed to the extensive programmes of the Indigo Festival in Hamilton and the Festival of Cultures in Palmerston North.

Other events included a multicultural festival in Marlborough, an International Festival in Hastings, Holi Festivals in Rotorua and Waitakere, the massive international cultural festival in Auckland, a football tournament and BBQ in Gore, a cultural evening in Whangarei, and others in Johnsonville, Mangere East and Otara. There were also exhibitions, school events, council and other workplace activities, and theatre performances.

Secondary schools competed in regional Race Unity Speech competitions, speaking on the Race Relations Day theme of "People in Harmony". The competition is organised annually by the Baha'i community with support from the NZ Police, Office of Ethnic Affairs and the Human Rights Commission.

The Christchurch earthquake had an impact on some events. The annual Culture Galore festival and other activities planned in the city had to be cancelled, as did the annual Government Race Relations Day reception organised by the Office of Ethnic Affairs in Wellington. However, thousands of dollars were raised by collections at Race Relations Day events for Christchurch relief funds and for victims of the Japanese tsunami. Christchurch City Libraries commented on their blog for Race Relations Day: "This year Mother Nature has unfortunately put a stop to those events such as the Lantern Festival and Culture Galore which celebrate the wonderful diversity in our community. However, now more than ever it's important to remember the many cultures which call New Zealand home, and support each other."

## 4. Whakahāweatanga me te nonotitanga

### Discrimination and harassment

#### Priorities for 2012

- Actively focus on inclusion in all aspects of New Zealand life as a means to break down discrimination against Asian New Zealanders and other minority ethnic groups
- Consider a national reporting system on racial harassment for international students.

#### Five year review

The number of approaches<sup>1</sup> to the Human Rights Commission about racial discrimination, incitement and harassment has been relatively consistent in the past five years, with an average of 472 per year making up about a third of all approaches to the Commission. Approaches about race-related matters in employment were the most common.

Annual UMR Research surveys on perceived discrimination, undertaken since 2001, have consistently shown Asian people to be perceived as the most discriminated against. An average of around 75 per cent of survey respondents identified Asian people as suffering “a great deal” or “some” discrimination.

Incidents of racially motivated crime have been relatively rare, although the cases that were reported included serious assaults. The highest number of media reports of such incidents was 19 in 2008, dropping to five in 2011. The Government is yet to implement a system for collecting data on racially motivated crime, as recommended by the UN Committee on the Elimination of Racial Discrimination and the UN Human Rights Council. Until it does so, it is difficult to be precise about the extent of such crime.

Regional web-based mechanisms to report and resolve cases of racial harassment were established through

local initiatives in Christchurch and Nelson/Tasman. The Christchurch system, primarily aimed at international students, was discontinued in 2011, but there are hopes of a similar system being established for international students on a national basis in the future.

The number of approaches received under section 61 of the Human Rights Act (inciting racial disharmony) fluctuated greatly from year to year. This was due to a relatively large number of approaches on a single issue in most years. For example 752 approaches related to comments made by MP Hone Harawira in 2009 and 83 approaches related to comments made about the Governor-General and an Indian Cabinet Minister by broadcaster Paul Henry in 2010.

In 2010, the South African Rugby Union (SARU) and the New Zealand Rugby Union (NZRU) apologised for discriminating against Māori by excluding them from rugby tours to South Africa in 1928, 1949 and 1960 in deference to South Africa's racial policies at the time. The apology occurred in the centennial year of Māori rugby.

#### Discrimination and harassment in 2011

The number of approaches to the Human Rights Commission on race-related matters in 2011 was similar to previous years.

The highest number of approaches on a single issue related to the comments as reported in the media made by Auckland University Professor Margaret Mutu suggesting restrictions on immigration of white people with “white supremacist” attitudes. The Race Relations Commissioner, while deploring the comments, noted that the threshold for incitement of racial disharmony under the Human Rights Act was high in recognition of the importance of freedom of expression, and that academics also enjoyed protection of academic freedom under the Education Act.

<sup>1</sup> The term ‘approaches’ is used to cover all complaints, enquiries and expressions of concern made to the Human Rights Commission.

No clear themes were apparent in approaches about the policies and practices of public agencies. Some issues attracted three to four approaches each: medical services offered for free or at reduced rates for certain ethnic groups; a requirement to prove immigration status before receiving government services; a lack of interpreters, particularly in legal settings; and rules about not wearing jewellery, including religious or cultural jewellery/taonga in schools.

A case concerning a burial dispute between the deceased's spouse and his Tūhoe family was considered by the Court of Appeal. The family submitted that a High Court order in favour of the spouse had been discriminatory, as it disregarded their customary law. The Court of Appeal dismissed the appeal.

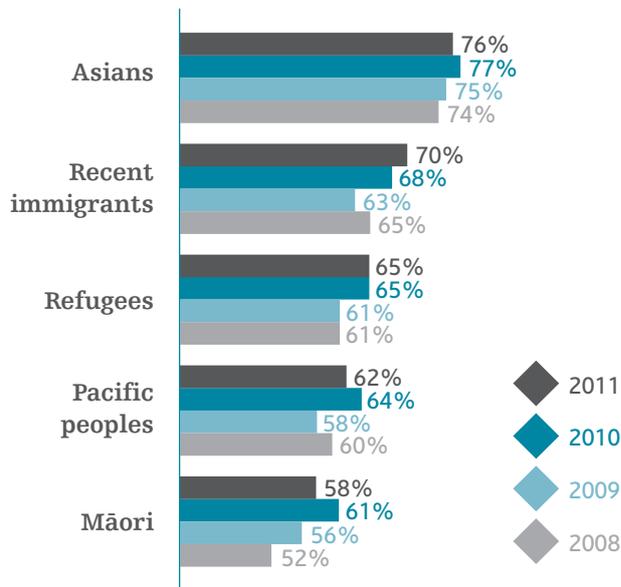
**Discrimination**

Asians continue to be perceived as the most discriminated-against group in New Zealand, according to the annual UMR Research survey commissioned by the Human Rights Commission. UMR Research conducted the survey in November. It asked un-prompted and prompted questions about who people perceive to be discriminated against.

In unprompted questions, 60 per cent of respondents first identified an ethnic group as the most discriminated against, similar to responses in 2009 and 2010. When asked which group are the most discriminated against in New Zealand today, 25.4 per cent said "Asians", 9.3 per cent said "Māori" and 9 per cent said "Pākehā", "White people" or "Europeans".

In prompted questioning, respondents were asked whether certain named groups were discriminated against. Seventy-six per cent agreed that "Asians" were (down from 77% in 2010); 70 per cent agreed "recent immigrants" (up from 68% in 2010); 65 per cent agreed "refugees" (the same as in 2010); 62 per cent agreed "Pacific peoples" (down from

**Who do you believe suffers "a great deal" or "some" discrimination?**



64% in 2010); and 58 per cent agreed "Māori" (down from 61% in 2010).

**Media reports of racially motivated crime**

There were sporadic media reports of racially motivated crime, although less than in previous years. They were:

- Three-metre wide swastikas were sprayed on the field and buildings at Okara Park in Whangarei before a Warriors pre-season rugby league match in February. (*Newstalk ZB*, 19 February)
- Two Thai women were verbally abused and one was punched in the face by two young women in central Nelson in May. The offenders were dealt with by Youth Aid and wrote letters to the Thai women to apologise. (*The Nelson Mail*, 6 May)
- A 34 year old man from New Plymouth was sentenced to 225 hours of community work and ordered to pay \$3407 to his Indian neighbours after he yelled at them and used a machete to scratch the panel work on their



two cars. He told the court he was angry that they were speaking a foreign language and that he acted in the way that he did because he wanted to get the message across in a way they would understand. (*Taranaki Daily News*, 3 September)

- A man and a woman were charged with encouraging their dogs to attack a Filipino man and a Japanese student in Christchurch at Easter. The woman pleaded guilty to assault in the Christchurch District Court, saying she was “trying to make a statement about immigrants” who she claimed were taking the jobs of New Zealanders. She was remanded for sentencing in March 2012. The man pleaded not guilty and was remanded to reappear at a later date. (*The Press*, 10 October)
- A woman was racially abused and had a lit firework thrown at her from a car by a group of European teenagers while jogging in a Rotorua suburb on Guy Fawkes Day. (*Rotorua Daily Post*, 7 November)

### Chinese student hospitalised after attack

In August, a Chinese man was the victim of racist comments and an attack at an Invercargill service station. Comments were directed at the man and his passengers by an 18 year old offender, Cory John Pile, a passenger in another car at the service station.

The pair exchanged words, then Mr Pile punched the man in the face. The force broke the man’s glasses and a shard of glass went into his eyelid, causing a laceration. He was taken to hospital and underwent surgery.

The man was an international student and as a result of the attack could not study and failed one of his classes. He has since returned to China.

Mr Pile was sentenced to six months home detention, 200 hours community work and ordered to pay \$1000 reparation.

### Report-it website closes down

A website that gave international students in Christchurch a safe and confidential way to report racial harassment closed down this year.

The Report-it website was established in 2008. It was a collaborative project sponsored by tertiary institutions, local government, NZ Police, Te Rūnanga o Ngāi Tahu and the Human Rights Commission.

The website was a pilot project. Its sponsors hope the idea will be adopted nationally in the future.

### Approaches to the Human Rights Commission

Approaches relating to race accounted for 31.8 per cent of all approaches received by the Human Rights Commission in 2011 about unlawful discrimination. It received 475 approaches involving race-related grounds in 2011, out of a total of 1492 approaches about all grounds. The proportion of approaches that were race-related was the same as last year.

Race-related approaches included approaches about: government policy; legislation and practice (Part 1A of the Human Rights Act); inciting racial disharmony (section 61); employment; racial harassment; and goods and services.

### Total race-related approaches and percentage of total approaches

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



### Court of Appeal decision in Takamore case

In November, the Court of Appeal considered an appeal relating to Tūhoe burial custom and the common law duties of an executor.

Jim Takamore, of Tūhoe descent, died in Christchurch, where he lived with his partner, Denise Clarke, and their children. Denise Clarke as the executor of Jim Takamore's will was intending to bury him in Christchurch. Contrary to her wishes the body was moved from Christchurch by his sister and other whānau members and buried in the urupā (burial ground) at his whānau marae in the Bay of Plenty.

In July 2009, Justice Fogarty of the High Court decided that the members of Tūhoe who had moved the body had done so unlawfully. He held that under the common law Denise Clarke, as the executor, was entitled to possession of the body and was entitled to make the final decision about the location of the burial.

Josephine Takamore, Jim Takamore's sister, appealed against the decision arguing that:

- the burial is governed by tikanga Māori (customary practices) because tikanga Māori is part of the common law of New Zealand; and
- the moving of the body was in accordance with Tūhoe burial custom.

The Court of Appeal dismissed the appeal. The Court reached this result by two different routes.

Justices Glazebrook and Wild noted that in order to recognise Māori custom as part of the common law of New Zealand, the custom must be long-standing, have continued without interruption since its origin, be reasonable, be certain in its terms, and not have been displaced by Parliament through clear statutory wording.

Tūhoe burial custom did not meet the criterion of reasonableness as the custom authorises the use of force (taking the body without agreement). Using physical force to settle private disputes is repugnant to a "root" principle of the legal system, the rule of law.

Their honours noted that a more modern approach is to integrate custom and common law. Executors should take indigenous practices relating to burial into account. So far as reasonably possible common law should be consistent with the Treaty of Waitangi and recognise the collective nature of indigenous culture (as recognised in particular by the UN Declaration on the Rights of Indigenous Peoples and by international human rights covenants).

Where the deceased is Tūhoe the executor should, if possible, facilitate culturally appropriate discussion and negotiation among the whānau as to the place of burial. All whānau members should have a full opportunity to participate, even if not Tūhoe. Where the wishes of the deceased's family conflict with the wishes of the deceased, it would not be unreasonable for the executor to bury the body in accordance with the deceased's wishes. Where consensus is not reached, common law will prevail and the executor should make the final decision.

Justice Chambers' judgement differed. He held that it was not necessary to determine the validity or reasonableness of Tūhoe burial custom. He held that Tūhoe burial custom could not apply because Jim Takamore had disassociated himself from Tūhoe culture. Consistent with the New Zealand Bill of Rights Act, customary law should not apply to a person who has made a choice to reject the custom.

The case is the subject of an application for leave to appeal to the Supreme Court.

### Government agencies

Part 1A of the Human Rights Act applies to the public sector and enables approaches to be received about perceived discrimination within government policy, legislation and practice in the public sector. Part 2 applies principally to the private sector.

Eighteen per cent of the 2011 race-related approaches were classified as Part 1A, which is the lowest proportion in the last five years. In the three previous years, Part 1A approaches accounted for 22 per cent of all race-related approaches, and in 2007 for 28 per cent.

There were no particular themes of complaint that received a high number of approaches in 2011. The most common themes, which received three or four approaches each, were:

- that subsidised or free medical treatment is available to certain ethnic groups for certain medical treatment, in particular cervical screening for Māori and Pacific women
- the requirement to prove immigration status before receiving assistance, in particular in medical settings
- a lack of interpreters, particularly in legal settings
- rules in schools banning the wearing of religious or cultural jewellery/taonga.

The number of race-related approaches about educational establishments was in line with the last five years, with 39 approaches received (8%). It is the highest number of educational establishment approaches received in the last five years, but only by a very small amount. In 2007, the Commission received 35 race-related educational establishment approaches (8%), 37 in 2008 (9%), 36 in 2009 (7%), and 34 in 2010 (6%).

### Racial disharmony

The issues that caused relatively high numbers of approaches in 2011 were in response to media reports of comments by

Professor Margaret Mutu of Auckland University that there should be a cap on the number of white migrants to New Zealand (80 approaches); and a comment about the Irish made in a letter to the editor of the *Dominion Post* by former Wellington Mayor Sir Michael Fowler (23). There were also approaches about Māori and Polynesian men made in a television interview by ACT parliamentary candidate John Banks (10) and approaches about right wing activists who had been posting anti-Asian immigration leaflets in Auckland and Christchurch saying "Stop the Asian Invasion" (seven approaches).



An anti-Asian leaflet distributed in Auckland and Christchurch.

### Professor Margaret Mutu

Eighty approaches citing racial disharmony were received after Māori academic Margaret Mutu was reported in media to have said that immigration to New Zealand by white people should be restricted because they pose a threat to race relations due to their "white supremacist" attitudes. Her comments were in response to a Department of Labour report which found Māori are more likely to express anti-immigration sentiment than Pākehā or any other ethnic group. She agreed with these findings and asked that the Government restrict the number of white migrants from countries such as South Africa, England and the United States, as they brought attitudes destructive to Māori. Race Relations Commissioner Joris de Bres responded that there was no justification for discrimination on the basis of colour, race or ethnic origin, but that the New Zealand Bill of Rights Act ensures New Zealand is a country where people are free to express an opinion and therefore the matter was not one on which the Commission was able to take any formal action under the relevant provisions of the Human Rights Act.



## Employment

As in previous years the most common areas for race-related approaches were obtaining or retaining employment with 154 approaches in this area. These accounted for 32 per cent of the total. They included approaches about being declined employment due to race/ethnicity; an overt ethnic bias in pre-employment; and language issues.

The most common type of complaint (40%) related to poor treatment, harassment or bullying on the job which the complainant felt was race-related. A further 12 per cent involved instances where racist comments or other verbal abuse by colleagues or customers was specifically noted.

## Racial harassment

The number of racial harassment approaches tends to fluctuate. It rose in 2011 with 68 approaches recorded as relating to racial harassment, accounting for 14 per cent of the total (compared with 59 approaches accounting for 11% in 2010).

For a matter to reach the threshold required by the Human Rights Act, it must be repeated, or of such significance that it has a detrimental effect on the person complaining. It must have occurred in one of the areas of public life where the Act applies. In most cases, the approaches did not reach the necessary threshold for the Commission to formally intervene. In such cases the Commission is, however, able to provide information and advice to assist complainants to address the issues themselves.

## Goods and services

Approaches about the provision of goods and services increased very slightly in 2011, with 53 approaches received (11%, compared with 51 approaches accounting for 9% in 2010).

The most common type of approach was from people who, as customers, felt they had been treated differently because of their ethnicity (20). These included five allegations of "racial profiling".

The number of approaches alleging racial profiling increased in 2011. Between 2002 and 2010, the Commission received a total of four approaches alleging racial profiling across all areas, none of which were in the provision of goods and services. In 2011, the Commission received eight allegations of racial profiling.

Other common themes of complaint were about racist or rude comments made towards the complainant by people providing goods or services (15). There were also 10 approaches by people who had been refused service or asked to leave a premises where goods or services were provided.

An example of a race-related complaint to the Commission about the provision of goods and services is the case of Sharon and her mother Mei. Sharon and Mei were doing their weekly household grocery shopping together. They went to a certain supermarket because it had a special on eggs. At the check out, the check out operator said they could not buy the eggs. "You've already bought eggs today. We have had enough of Chinese takeaway owners trying to rip us off". At mediation both parties' perspectives were discussed. The supermarket accepted that they made a mistake and apologised. They undertook to change their method of identifying people who purchased specials in bulk quantities.

### The mediation process

If a complaint to the Commission appears to meet the threshold for unlawful discrimination, the complaint may proceed to mediation by one of the Commission's mediators. The Commission's process of mediation is well suited to dealing with race-related approaches which can be sensitive and often more complex when different cultures and ways have come into conflict.

The mediation process can be adapted to take into account the various needs of the parties and the issues involved. The Commission has mediated on marae, in church and community halls, and with interpreters and community leaders present for support and guidance when needed.

Greater use is being made of telecommunications. During the year, video conferencing and Skype enabled participants from different ethnic groups throughout the country and the Pacific to participate in a discussion about language resources. The emphasis is on enabling discussion and mediation especially when face to face mediation is not feasible.

### Tribunal rules for employer in tā moko case

The Human Rights Review Tribunal ruled in favour of a catering company that asked an employee to cover her tā moko. The employee, Claire Haupini, regarded her tā moko as a profound expression of Māori identity. However, the Tribunal found there was insufficient evidence to make a ruling of unlawful discrimination or unlawful indirect discrimination in this particular case.

The case was the first time the Tribunal had considered tā moko as a potential basis for discrimination. The decision was finely balanced with the Tribunal finding that the employer did not appreciate the racial significance of the tā moko to the employee.

The Tribunal had to consider whether "indirect discrimination" was evident: whether the requirement that Ms Haupini should cover her tā moko was one that had a disproportionate negative effect on her because she is Māori. Her lawyers argued that the request disrespected her and that "Māori experience the rule as disrespectful of their whakapapa, cultural tradition and custom. A non-Māori person would not experience such detriment as a result of a 'no tattoos' policy."

The case for indirect discrimination was not upheld on the grounds that no evidence could be presented about the proportion of Māori who would be offended by being asked to cover up. The Tribunal did not accept non-Māori would not experience detriment, and dismissed the case because of insufficient evidence of indirect discrimination.

The Tribunal ruling noted that although in this case the claim was dismissed, it should not be seen as setting a precedent. It should do little to inform the assessment of any other case in future.

The Commission received five other approaches about being denied service because of facial moko over the year. As at the end of 2011, the Commission had begun work with representatives of Hospitality NZ and the security industry to develop guidelines on tā moko for use by Hospitality NZ members and in training for security staff.

In the tā moko case, Ms Haupini was represented before the Human Rights Review Tribunal by the Office of Human Rights Proceedings (OHRP). The OHRP provides free legal representation to applicants who complain of breaches to the Human Rights Act. Decisions on legal representation are made by the Director of the OHRP. In 2011, the Director responded to six applications from the previous year involving race, colour, or ethnic or national origins (race-related grounds). Of those six applications, the Director



provided legal representation to one complainant, declined to provide representation to four others and, due to the particular circumstances in one case, a decision is still outstanding.

Seven applications on race-related grounds were made to the OHRP in 2011. Of those, three also referred to other grounds of discrimination under the Human Rights Act. The Director declined to provide representation to six of the seven applicants. A decision has not yet been released to the seventh applicant.

### Indian migrants and job discrimination

Two studies in 2011 considered discrimination against Indian migrants in job-hunting or once in employment. Their results varied but overall supported the finding that there is employment discrimination against migrant populations.

The Integration of Immigrations Programme of Massey and Waikato Universities published *Namaste New Zealand: Indian Employers and Employees in Auckland*. The study was based on interviews with 20 Indian employees and seven Indian employers. Overall, the interviewees reported being satisfied with life in New Zealand. However, many of those interviewed reported difficulty in finding employment. Many accepted employment below their skill level, educational background or experiences. The study concluded that their experiences point towards a general unwillingness to employ immigrants who are not seen as fitting New Zealand's dominant Pākehā/European culture by employers.

Following the release of that report, Todd Nachowitz (PhD candidate of the University of Waikato) presented research findings for his thesis on Indian economic contributions to New Zealand at the Population Association of New Zealand conference. Nachowitz's findings were based on 79 questions put to over 1000 survey respondents. His

findings showed the incidence of discrimination was much higher once Indian migrants entered the workplace than by potential employers who might not hire an Indian migrant. The highest rates of discrimination were found to be "out in the community". This strongly suggests that employers are not the only group that needs to be targeted with policy initiatives to address discrimination.

## 5. Te Hononga Tiriti

### The Treaty Relationship

#### Priorities 2012

- Informed public discussion of New Zealand's constitutional arrangements including the Treaty of Waitangi
- The Government's response to the Wai 262 report *Ko Aotearoa Tēnei: This is New Zealand*.

#### Five year review

The dispute over the foreshore and seabed continued to affect the Treaty relationship and political formations, with the newly established Māori Party reaching a confidence and supply agreement with the National Party led government after the 2008 general election. The Foreshore and Seabed Act 2004 was

replaced by the Marine and Coastal Area (Takutai Moana) Act 2011, prompting a further change in the political landscape with the establishment of the Mana Party by former Māori Party MP Hone Harawira.

The United Nations Declaration on the Rights of Indigenous Peoples was adopted by the United Nations in 2007, with New Zealand initially voting against it but then pledging its support in 2010.

The pace of historical Treaty of Waitangi settlements increased dramatically, from ten milestones achieved in 2007 to over 60 in 2011. The aspirational goal of settling all historical claims was brought forward from 2020 to 2014 by the new National Party led Government in 2008. Revised negotiation and settlement policies were introduced and funding was increased to enable settlements to be achieved. Major settlements included the Ngāti Porou



*Dr Pita Sharples leads the group of dignitaries to sign the Agreement in Principle with Ngāti Whatua o Ōrākei, including redress over Auckland's volcanic cones in February 2010. NZ Herald/Brett Phibbs*

deed of settlement in 2010, the Waikato-Tainui River settlement in 2010, the 'Trelords' Central North Island settlement in 2008, and settlement with the Wellington iwi collective Taranaki Whānui ki Te Ūpoko o Te Ika in 2008. Claimants have increasingly sought, through Treaty settlements, a greater role in natural resource management. Government decisions in 2010 provided more certainty about what redress will be available to provide for greater iwi involvement in decision making on natural resources. The Waitangi Tribunal has released a number of reports on district, kaupapa and urgent inquiries and dealt with an influx of mainly historical claims submitted just before the 1 September 2008 deadline for lodging new historical claims.

The relationship between Māori and local government has sometimes been controversial. In 2009, the new Auckland "super-city" Council was formed, without following a recommendation by the Royal Commission on Auckland



Governance that three Māori seats be established. An independent Māori Statutory Board was established that saw Māori appointed as members of a substantial number of Council Committees. However, Māori are yet to achieve guaranteed proportional representation at the Council table itself. The discussion about whether to establish Māori seats was picked up by many other councils in 2011.

The Iwi Chairs Forum was established in 2005 as a platform for sharing knowledge and information between tangata whenua. It meets regularly to discuss Māori aspirations in cultural, social, economic, environmental and political development. The forum has established a rangatira ki te rangatira (leader to leader) relationship with the Prime Minister and senior cabinet ministers. Iwi leaders recognise they are not mandated to speak on behalf of Māori but that their knowledge can contribute to policy discussions.

The past few years have seen the foundation laid for a review of New Zealand's current constitutional arrangements. A Constitutional Advisory Panel was established which will seek views on, among other things, how the Treaty should be reflected in New Zealand's constitutional arrangements. The conversation is to be with New Zealanders and was agreed as part of the National-Māori Party Confidence and Supply Agreement in 2008. Terms of Reference for the Consideration of Constitutional Issues were agreed in 2010 and a process for appointing an independent panel and engaging with New Zealanders was announced in 2011.

Māori centred initiatives have progressed, including projects within the Drivers of Crime programme led by the Ministry of Justice; projects commissioned by the Māori Economic Taskforce; and Whānau Ora in the health sector. In spite of this, significant inequalities remain. These are outlined in the Inequalities chapter of this report.

## The Treaty relationship in 2011

The United Nations Special Rapporteur on the Rights of Indigenous Peoples, Professor James Anaya, published his report on New Zealand in February. He found much to be positive about, but highlighted inequalities between Māori and non-Māori that must be addressed in order to achieve true partnership.

The Marine and Coastal Area (Takutai Moana) Act 2011 was passed bringing to a close six years of dispute, for now. A twelve member panel was appointed to conduct a constitutional review. Terms of reference include the place of the Treaty.

Forty-nine out of 78 councils considered establishing Māori seats. For some councils, the question sparked public controversy. Although many Māori communities, where asked, supported the establishment of Māori seats, only two Councils agreed to establish them.

A Business and Economic Research Limited (BERL) report commissioned by the Māori Economic Taskforce showed the value of the Māori asset base was almost \$37 billion in 2010. A panel has been appointed by the Government to develop a strategy and action plan to further grow the Māori economy.

A significant number of Treaty settlement milestones were reached. In April, the first readings of three Treaty settlement bills – The Ngā Wai o Maniapoto (Waipā River) Bill, Ngāti Porou Claims Settlement Bill and Ngāti Pāhauwera Treaty Claims Settlement Bill – were combined in Parliament for the first time.

The Waitangi Tribunal published *Ko Aotearoa Tēnei : This is New Zealand*, its report on New Zealand law and policy affecting Māori culture and identity. It describes New Zealand as being at a crossroads in race relations, the Treaty relationship and its sense of nationhood.

The opening ceremony of the Rugby World Cup demonstrated New Zealand's pride in Māori culture. Māori communities were heavily involved in welcoming international rugby teams and visitors to cities and towns around New Zealand, and in showcasing Māori culture and enterprise.

### The National and Māori Parties' relationship

After the general election in November, the National and Māori Parties agreed a Relationship Accord and Confidence and Supply Agreement. The Māori Party agreed to vote in support of all matters subject to confidence and supply votes for the 2011-2014 parliamentary term. In return, National agreed to support certain policy programmes.

Under the agreement, National will work with the Māori Party in response to the Land and Water Forum's recommendations and in considering effective engagement with Māori as part of the review of the Crown Minerals Act 1991. Both parties will continue to work together on the review of New Zealand's constitutional arrangements and the Minister of Māori Affairs will continue to lead the Māori Economic Strategy together with the Minister of Economic Development. The two co-leaders of the Māori Party were allocated ministerial responsibilities, including Māori Affairs and Whānau Ora.

The agreement includes a commitment to reprioritise the goals of Te Puni Kōkiri, the Ministry of Māori Development. The immediate areas of focus will shift to give urgent priority to improving Māori employment, training, housing and education outcomes. A high-level policy unit will be created within Te Puni Kōkiri to provide strategic advice to the Minister of Māori Affairs.

Other aspects of the agreement, including continued work on Whānau Ora and action to address social and economic inequalities, are set out in the Inequalities chapter of this report.

### Developments in natural resource management

Arrangements to involve iwi in natural resource management (including co-governance and advisory bodies) are increasingly a feature of historical Treaty settlements, particularly with regional councils.

The Hawke's Bay Regional Council has resolved to establish a committee with equal membership of councilors and iwi governance group representatives. The committee will have a governance role reviewing and recommending changes to the region's Resource Management Plan. The plan deals with regional issues such as water quality and quantity, air quality, coastal resources, indigenous vegetation and wetlands, gravel management and natural hazards. The Crown through its deed of settlement with Ngāti Pāhauwera has agreed to establish the committee in legislation to make it permanent and ensure the rights of appointment for iwi governance entities in the region. Additional funding of \$100,000 was approved in October to assist groups such as Ngāti Pāhauwera with the first three years of set-up costs as they establish this resource management arrangement.

The governance partnership established through the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 is another example of the importance placed on Crown/iwi partnerships. The Act established the Waikato River Authority, a body made up of five Crown appointees and five river iwi representatives. The Waikato River Authority's role is to:

- set the primary direction through the vision and strategy to achieve the restoration and protection of the health and wellbeing of the Waikato River for future generations



- promote an integrated, holistic, and coordinated approach to the implementation of the vision and strategy and the management of the Waikato River
- fund rehabilitation initiatives for the Waikato River in its role as trustee for the Waikato River Clean-up Trust.

The establishment of the Authority has strengthened the Waikato River iwi relationship with local councils. In November 2011, the authority signed a partnership agreement with the Waikato Regional Council. The agreement provides opportunities for the Waikato River Authority to contribute to Council decision making processes on river-related issues, and also for shared service arrangements aimed at reducing administration costs associated with restoring the health of the river. The vision and strategy has become part of the Council's regional policy statement.

In July, the Government made decisions to provide more certainty about what redress might be available in historical Treaty negotiations to involve iwi in natural resource management. A number of matters are considered in all negotiations when natural resource matters are raised by claimants to guide consideration of how best to involve iwi in natural resource management. These include the strength and nature of the iwi's association to the resource, the nature of the grievance, the aspirations of Crown and iwi in relation to the resource, the need for a well-designed institution and the need to ensure durability of the settlement.

Shared governance of Auckland's volcanic cones is another example of partnership over natural resources. Shared governance of volcanic cones such as Maungawhau: Mt Eden and Maungakiekie: One Tree Hill was set out in the Ngā Mana Whenua o Tāmaki Makaurau and Crown Record of Agreement signed in 2011. The agreement will see 13 mana whenua groups taking ownership of the cones, to be held in

trust and managed for the common benefit of the iwi, hapū and people of Auckland, with the cones co-governed by the mana whenua groups and the Auckland Council.

The issue of involving Māori in the management of natural resources extends beyond Treaty settlements. The Minister for the Environment told the Kōkiri Ngātahi hui in 2010 that ongoing reform of the Resource Management Act includes the objective to put in place better mechanisms to allow Māori to participate in resource management processes.

The issue of establishing Māori seats on councils is discussed later in this chapter.

### UN Special Rapporteur's report

The UN Special Rapporteur on the Rights of Indigenous Peoples, Professor James Anaya, published his report on the situation of Māori in February. He had visited New Zealand in July 2010 to meet government ministers, iwi and other interested parties to discuss human rights and indigenous development.

He praised NZ's significant strides in addressing concerns raised by the former Special Rapporteur in his report. These included:

- support for the UN Declaration on the Rights of Indigenous Peoples
- repeal of the Foreshore and Seabed Act 2004
- efforts to carry out a constitutional review process.

Professor Anaya noted the Treaty settlement process, despite its shortcomings, is one of the most important examples in the world of addressing historical and ongoing grievances. However, he also noted the extreme disadvantage in the social and economic conditions of Māori people in comparison to other New Zealanders. In summary, he recommended the Government:



United Nations Special Rapporteur James Anaya.  
NZPA/Ross Setford

1. Focus on increasing Māori participation in local governance, and guarantee Māori seats on the Auckland Council.
2. Ensure consultation with Māori, for example on law or policy, is consistent with tikanga. Māori technical capacity should be increased through funding to enable informed participation in consultations.
3. Ensure adequate funding for the Waitangi Tribunal to work through its pending caseload, and consult Māori on the future role of the Waitangi Tribunal.
4. Ensure the 2008 deadline for lodging historical claims with the Waitangi Tribunal does not prevent legitimate claims being lodged and the goal of completing Treaty settlements by 2014 does not compromise negotiations.
5. Accompany any acts against the recommendations of the Waitangi Tribunal with a written justification.
6. Make every effort in Treaty settlement negotiations to involve all groups with interests and strengthen dispute resolution mechanisms where there are disputes over representation.
7. Show flexibility in Treaty settlement negotiations and give greater consideration to the traditional connection with land and resources.
8. Consider forming an independent commission or tribunal to review Treaty settlements.
9. Reconsider the decision not to return Ngāi Tūhoe their traditional lands within the Urewera National Park, given the merits of the Tūhoe claim and restorative justice.
10. Begin discussions with Māori as soon as possible regarding the constitutional review process.
11. Consult widely with Māori to address any remaining concerns about the Marine and Coastal Area (Takutai Moana) Bill.
12. Overcome the shortage of teachers fluent in te reo Māori and continue to develop Māori language programmes.
13. Continue to support Māori television.
14. Continue to work with whānau, iwi and Māori leaders to assess the causes of discrepancies in health conditions and identify culturally appropriate solutions.
15. Redouble efforts, in consultation with Māori leaders, to address the high rates of Māori imprisonment.
16. Continue support for Whānau Ora.
17. Focus on urban Māori when addressing Māori social and economic disadvantage.



Protest against the Government's Foreshore and Seabed legislation. NZ Herald/Brett Phibbs

The Special Rapporteur formally presented his report to the United Nations Human Rights Council in September. The New Zealand Government and the Human Rights Commission welcomed his report with the Government noting it would continue to confront remaining challenges with a spirit of discourse and partnership. The Commission's statement drew particular attention to the social and economic inequalities highlighted in the report. The Commission referred to its ongoing work on structural discrimination, Māori representation in local government and the theme for Race Relations Day 2012, "a fair go for all".

### Marine and Coastal Area Act passed

The Marine and Coastal Area (Takutai Moana) Act 2011 was passed in March with a majority of 63 to 56.

The Bill spent five months before the Māori Affairs Select Committee, but few changes were made following this consideration.

The Act repealed the Foreshore and Seabed Act 2004 that provided for Crown ownership and extinguished Māori customary interests. The new Act replaced the previous regime with a non-ownership model. No one (including the Crown) owns, or can own, the common marine and coastal area. Land that is in private ownership or land that is owned by the Crown as a conservation area, national park and reserve, or wildlife management reserve, wildlife reserve, or wildlife sanctuary is excluded from the common marine and coastal area. The new regime restores and gives legal expression to customary interests. It establishes a scheme to ensure the protection of the legitimate interests of all New Zealanders in the marine and coastal area.

The Act recognises and protects the exercise of existing lawful rights of New Zealanders, including free public access, navigation and fishing.

It also provides two pathways to recognise Māori customary interests. Iwi, hapū or whānau can apply to the High Court to have applications heard and determined, or they can seek recognition of their customary interests through agreement with the Crown.

Groups whose interests are recognised through “customary marine title” can exercise a range of rights. They can permit activities requiring a resource consent, some conservation activities, and can create a planning document for high level influence on the regulation of the relevant area by local government. Customary title provides for protection of wāhi tapū (sacred places), prima facie ownership of newly found taonga tūturu (objects that relate to Māori culture, history or society and which are more than 50 years old), and ownership of non-nationalised minerals (minerals excluding gold, silver, petroleum and uranium).

Groups whose interests are recognised through “protected customary rights” can gain recognition and protection for longstanding and continuing customary activities.

The Act recognises the universality of Māori interests by providing for a right to participate in conservation procedures, thus formalising existing best practice in coastal management.

### Constitutional review panel

In August, the Government announced appointments to the constitutional review panel. The terms of reference were first announced in December 2010. Issues to be considered include the size of Parliament, the length of the electoral term, Māori representation in central and local government, the role of the Treaty of Waitangi and whether New Zealand needs a written constitution.

The panel is an independent group that will lead public discussion and then report to the responsible ministers. Emeritus Professor John Burrows co-chairs the panel with Sir Tipene O'Regan of Ngāi Tahu. The other members are former Dunedin Mayor Peter Chin, journalist and former ACT MP Deborah Coddington, former Labour Deputy Prime Minister the Hon. Dr Michael Cullen, former National Minister of Māori Affairs the Hon. John Luxton, Samoan sportswoman and teacher Bernice Mene, Dr Leonie Pihama, Hinurewa Poutu, Professor Linda Smith, former New Plymouth Mayor Peter Tennent, and Emeritus Professor Ranginui Walker.

The panel's work began in 2011 with research and planning on how to engage with all New Zealanders about New Zealand's current constitutional arrangements. It will report to responsible ministers in September 2013, identifying areas of broad public consensus and where further work is required.

### Māori seats in local government

The question of whether to establish Māori seats on local councils was considered by 49 out of 78 councils around the country in 2011. Under the Local Electoral Amendment Act 2002, councils can vote to establish Māori seats (wards for District Councils, constituencies for Regional Councils). The council must do so by November 23, two years before the next local government elections. That is, by 23 November 2011 for the 2013 elections.

There were varying degrees of community engagement, consultation with Māori and controversy about whether to establish Māori seats. Some councils considered the option without consulting Māori. Others engaged with their local Māori community and through established advisory boards. Some Māori communities supported the option of establishing Māori seats while others preferred alternative



options. Waikato Regional Council and Nelson City Council resolved to establish Māori seats, and New Plymouth and Wairoa Councils resolved to have a poll on the issue at the next election.

Māori seats on council guarantee Māori will be represented in governance. Other options, such as statutory boards or advisory committees, also ensure Māori are engaged. Environment Bay of Plenty Regional Council is the only council in the country to have established Māori seats. Staff and councilors describe the seats as having strengthened how the council operates, allowing for more representation and engagement with the community.

When considering how to address the lack of Māori councilors on the Bay of Plenty Regional Council, the council commissioned a review into the question of establishing Māori seats. The council appointed Judge Peter Trapski to conduct hearings. In 1998, Judge Trapski issued his report. He reviewed arguments both for and against Māori seats and concluded in their favour. He quoted the Royal Commission on the Electoral System, which had described Māori seats in Parliament as a means through which “an important minority might reasonably expect to enjoy a just and equitable share of political power and influence in a decision-making system which is subject to the majority principle and over which the political parties hold sway”. Judge Trapski concluded:

“Adoption of the proposal would deliver to Māori the same voting rights as others. Their electoral rights would be no greater than those afforded to any other voter in the Region ... The proposal is in conformity with the delivery of the democratic process in New Zealand, and in conformity with New Zealand’s constitutional principles.”

### **Māori Economic Development Panel**

In May, the Minister of Māori Affairs and the Acting Minister for Economic Development announced their intention to establish an independent panel to develop a Māori economic development strategy and action plan. The panel was appointed in September and is tasked with reporting back to the two ministers by July 2012.

The strategy and action plan will focus on ways to improve the performance and productivity of the Māori economic sector and identify how the Government could support these aims. These will include questions on how to raise the rate of return on Māori-owned assets and improve infrastructure through collaboration amongst Māori, iwi stakeholders and the Crown.

### **Māori Economic Taskforce**

The Māori Economic Taskforce was established in 2009 out of the Māori Economic Summit hosted by the Minister of Māori Affairs. In May, another summit was held for the purpose of reviewing and reporting on progress against the three goals of the Taskforce. Progress is summarised here.

#### **1. To support Māori through the economic recession.**

Projects under this goal include:

- the Māra Kai project with 450 community gardening projects
- training and job placement programme
- the establishment of the National Māori Business Network (Kōtuitui Inc.) to enhance regional Māori business networks
- a group training programme which included five projects across key growth industries, supporting participants to achieve 1550 qualifications and secure 252 employment positions.

## 2. To position Māori for future strategic economic opportunities.

Projects under this goal included:

- exploring opportunities to develop a “Brand Māori” to promote the value of engaging with Māori business
- an Iwi Co Investment project, including wānanga and resource material about infrastructure opportunities, public and private partnerships, kaupapa Māori models for commercial collaboration and infrastructure investment preferences
- updated analysis of the Māori asset base. The taskforce commissioned research by BERL that culminated in a report estimating the value of the 2010 Māori economy as nearly \$37 billion.

## 3. To promote kaupapa Māori and Māori structures as drivers of prosperity.

Projects under this goal included:

- the Māori Community Wellbeing study and He Oranga Hāpori project developed community wellbeing indicators
- a Māori delegation to China, led by the Minister of Māori Affairs, built connections with some of China’s business leaders based on traditional Māori values such as whanaungatanga and manaakitanga.

## Waitangi Tribunal

The Waitangi Tribunal is an independent Commission of Inquiry, established by the Treaty of Waitangi Act 1975. It inquires into claims brought by Māori into acts and omissions by the Crown alleged to have breached the Treaty of Waitangi.

The deadline for lodging new claims relating to historical grievances (grievances suffered before 21 September 1992) was 1 September 2008. However, claims relating to contemporary grievances can still be lodged and historical claims can be amended.

In July, the Tribunal released its report on what it called the most complex and far-reaching claim it has inquired into, the Wai 262 claim concerning indigenous flora and fauna and Māori cultural intellectual property. It continued to progress other district inquiries and approved an urgent hearing of the Kōhanga Reo National Trust’s claim.

### Reports published

#### *Wai 262 report: Ko Aotearoa Tēnei*

*Ko Aotearoa Tēnei: This is New Zealand* is the Tribunal’s first whole-of-government report addressing the work of more than 20 government departments and agencies. It is also the first Tribunal report to consider what the Treaty relationship might become after historical grievances are settled, and how that relationship might be shaped by changes in New Zealand’s demographic makeup over the next 30 to 40 years.

In its report, the Tribunal stated that as a result of historical settlements and the resulting tribal economic renewal, along with growth in the Māori population and other social changes, “New Zealand sits poised at a crossroads both in race relations and on our long quest for a mature sense of national identity”.





Titirangi Primary School's senior kapa haka group. RawVision

The Tribunal said the Treaty envisages the Crown-Māori relationship as a partnership, in which the Crown is entitled to govern but Māori retain tino rangatiratanga (full authority) over their taonga (treasures). This partnership framework provides the way forward for the Crown-Māori relationship.

In many respects current laws and government policies fall short of partnership, instead marginalising Māori and allowing others to control key aspects of Māori culture. This leads to a justified sense of grievance, and also limits the contribution Māori can make to national identity and to New Zealand's economy.

Current laws, for example, allow others to commercialise Māori artistic and cultural works such as haka and tā moko without iwi or hapū acknowledgement or consent. They allow scientific research and commercialisation of indigenous plant species that are vital to iwi or hapū identity without input from those iwi or hapū. They allow others to use traditional Māori knowledge without consent or acknowledgement. The laws provide little or no protection against offensive or derogatory uses of Māori artistic and cultural works.

These laws also sideline Māori and Māori cultural values from decisions of vital importance to their culture – for example, decisions about the flora, fauna and the wider environment that created Māori culture, and decisions about how education, culture and heritage agencies support the transmission of Māori culture and identity. Iwi and hapū are therefore unable to fulfil their

obligations as kaitiaki (cultural guardians) towards their taonga – yet these kaitiaki obligations are central to the survival of Māori culture.

*Ko Aotearoa Tēnei* makes a number of recommendations for the reform of laws, policies and practices relating to health, education, science, intellectual property, indigenous flora and fauna, resource management, conservation, the Māori language, arts and culture, heritage, and the involvement of Māori in the development of New Zealand's position on international instruments affecting indigenous rights.

Key recommendations include:

- The establishment of new partnership bodies in education, conservation, and culture and heritage; a new commission to protect Māori cultural works against derogatory or offensive uses and unauthorised commercial uses; a new funding agent for mātauranga Māori in science; and expanded roles for some existing bodies, including Te Taura Whiri (the Māori Language Commission), the newly established national rongoā (Māori traditional healing) body Te Paepae Matua mō te Rongoā, and Māori advisory bodies relating to patents and environmental protection.
- Improved support for rongoā Māori, te reo Māori, and other aspects of Māori culture and Māori traditional knowledge.
- Amendments to laws covering Māori language, resource management, wildlife, conservation, cultural artefacts, environmental protection, patents and plant varieties, and more.

Some criticised the Tribunal for not being bold enough in its report. Others appreciated the platform it provides for a longer conversation between the Crown and Māori. The Government has yet to respond to the report.

### Management of the petroleum resource

In March, the Tribunal released its final report on claims regarding the Crown's management of the petroleum resource.

The Tribunal found there are a number of systemic flaws in the operation of the current regime for managing the resource, with the result that decision-makers have tended to minimise Māori interests while elevating others. The Tribunal made a number of recommendations designed to enable Māori to be more effectively involved in decision-making processes.

### Progress in inquiries

#### Urgent hearing of the Kōhanga Reo National Trust claim

In October, the Tribunal granted an urgent hearing in response to an application from the Kōhanga Reo National Trust. The Trust's application concerned the Early Childhood Education Taskforce's report of June and how the Government might respond.

The Trust's claim alleges that they have not been provided protection and autonomy by the Ministry of Education and are forced to fit within mainstream early childhood education frameworks. For example, Kōhanga Reo are required to employ qualified early childhood educators and funding is allocated on the basis of the number of qualified teachers. This conflicts with the qualifications devised by the Trust specifically to provide for the kaupapa of parents and whānau learning alongside children. The Trust also notes it has not been given sufficient priority in consultations with the Government and that their requests to participate in the research for the Taskforce report were ignored.

The hearing is scheduled to begin in March 2012.



### Te Paparahi o Te Raki (Northland) regional inquiry

The Te Raki inquiry includes around 370 registered claims brought mainly by Ngāpuhi, Ngāti Whātua, Ngāti Wai, Ngāti Hine, Patuharakeke, Ngāti Rehua and Ngāti Manuhiri claimants. It embraces a large area stretching from the Maungataniwha Range in the north down to North Shore in Auckland and bordering the Te Roroa and Kaipara inquiry districts to the west.

Major issues in the inquiry include:

- the immediate aftermath of the Treaty of Waitangi (in particular the Old Land Claims process 1841-43 and the Northern War 1844-46)
- the 1860s rūnanga system and the Crown's relationship with the Kotahitanga movements of the 1880s and 1890s
- the operation of the Native Land Court and the alienation of Māori land in the nineteenth and twentieth centuries
- the management of Māori land in the twentieth century
- waterways, environmental impacts, and public works takings.

Stage 1 of the inquiry focuses on Māori and Crown understandings of He Whakaputanga o te Rangatiratanga: the Declaration of Independence 1835 and Te Tiriti o Waitangi: the Treaty of Waitangi 1840. Hearings concluded in February and the Tribunal is writing its Stage 1 report.

In mid-2011, the Tribunal commenced the interlocutory phase of Stage 2 of the inquiry, which will focus on post-1840 claims. Claimants and Crown supported the Tribunal's proposal to begin, in mid-2012, with an initial round of hearings on generic big-picture issues shared by most claimants, followed by sub-regional hearings of local claim issues.

### The Te Rohe Pōtae (King Country) district inquiry

The Te Rohe Pōtae district inquiry encompasses more than 260 claims from Ngāti Maniapoto, Ngāti Hikairo, Tainui Awhiro, Ngāti Raukawa, and other iwi and hapū.

The inquiry district ranges from Whaingaroa – Raglan Harbour and the Puniu River in the north down close to Taumarunui in the south and eastwards towards the watershed with the Taupō district.

A large research programme was brought to completion in late 2012 and most of the technical evidence needed for the inquiry has now been filed. Participants in the inquiry are currently particularising the claims and identifying and refining the issues on which the hearings will focus. The Tribunal's statement of issues, which details the key issues in contention between claimants and the Crown, is due in May 2012 with hearings set to begin in August 2012.

### The Te Urewera district inquiry

Most of the claims in the Te Urewera inquiry are from Ngāi Tūhoe. Other claimant communities involved include Ngāti Whare, Ngāti Manawa, Ngāti Ruapani, Ngāti Haka Patuheuheu and Ngāti Kahungunu.

The main issues range from the military conflict of the 1860s and the ensuing raupatu; the political relationship between the Crown and Urewera Māori; land administration and alienation, including the Urewera District Native Reserve Act, Crown purchasing, and the Urewera consolidation scheme; the creation of the Urewera National Park; to environmental and socioeconomic issues.

The Tribunal is preparing its report, the first part of which was released in April 2009 and the second in August 2010. The third part is due for release in early 2012. Further parts will follow thereafter.

### Porirua ki Manawatū district inquiry

The Porirua ki Manawatū district covers the Rangitikei, Manawatū, Horowhenua, and Kāpiti areas as far as Porirua. Several iwi, principally Ngāti Apa, Rangitāne ki Manawatū, and Ngāti Toa Rangatira, are negotiating or have settled their claims in this region directly with the Crown. Those participating in the Tribunal inquiry include Muaūpoko, Ngāti Raukawa, Ngāti Kauwhata, Te Ati Awa/Ngāti Awa, and other iwi/hapū with claims arising within the inquiry area.

Over the past year the Tribunal has engaged in extensive consultations with the participating claimants on inquiry goals, process and evidential research. The research phase is expected to commence in the first half of 2012.

### The Taihape district inquiry

The Taihape district area stretches from the Ruahine, Kaweka and Kaimanawa ranges to the east and north to the Mangapapa and Hautapu Rivers in the west and the Oroua River in the south. The inquiry includes more than 30 claims from Ngāti Hauiti, Ngāti Tamakōpiri, Ngāti Whitikaupeka, Ngāi Te Ohuake, Ngāti Paki, Ngāti Hinemanu, and other iwi and hapū.

The inquiry is being prepared for hearing. During 2011, the Tribunal completed its consultations with the parties on evidential requirements and confirmed a casebook research programme, which is currently being implemented.

### East Coast district inquiry

The East Coast inquiry comprises numerous claims from Ngāti Porou and a number of other iwi and hapū, including Uepohatu, Ruawaipu, Te Aitanga-a-Hauiti and Te Whānau-ā-Apanui. The inquiry covers an area from Gisborne to just south of Cape Runaway in the north, and inland to the Raukumara Range and the Waipaoa River. In early 2011, following the signing of a deed of settlement between the

Crown and Ngāti Porou that included most of the claims in the district, the Tribunal deferred its inquiry indefinitely.

### Tongariro National Park district inquiry

The National Park inquiry comprises approximately 40 claims from Ngāti Tūwharetoa, Ngāti Hikairo, Ngāti Rangī, Ngāti Haua, and several other iwi and hapū. It covers an area slightly larger than the Tongariro National Park, including the mountains Tongariro, Ruapehu, and Ngāuruhoe. The main issues include: the operation of the Native Land Court in the district; the alleged “gift” of the mountain peaks by Tūwharetoa paramount chief Te Heuheu Tūkino in 1887; the management of the national park; and the Tongariro Power Development scheme.

During the year, the Tribunal has been preparing its report, which it expects to release by mid-2012.

### The Whanganui district inquiry

The Whanganui inquiry encompasses over 70 claims from Whanganui iwi and hapū. The inquiry district includes the Whanganui river and all its tributaries, including the townships of Whanganui, Raetihi, Ōhakune and Taumarunui.

Claims relate to the early purchase of Whanganui lands by the New Zealand Company; the Native Land Court and Crown purchasing of Māori land in the 19th and early 20th centuries; the vesting and management of land in the 20th century; takings for public works, particularly for scenery preservation; the foundation of the Whanganui National Park; the main trunk railway line; the creation and management of native townships; and issues of authority and kaitiakitanga of the environment.

The Tribunal has stated its intention to complete its report before negotiations with the Crown commence for the settlement of the land claims – negotiations on the river



claims will be conducted separately. During 2011, the Tribunal consulted the claimants further on the issues to which they wish the Tribunal to give priority, as a result of which it has confirmed nine core issues that will be covered in its report. The Tribunal expects to release its report by mid-2013.

### The Mangatū remedies inquiry

Following the Supreme Court's judgment in *Haronga v Waitangi Tribunal*<sup>1</sup>, the Tribunal resumed the Tūranga/ Gisborne district inquiry and reconstituted the inquiry panel to hear an application for remedies in respect of Crown forest land acquired by the Crown from the Mangatū Incorporation in 1961-1962. The Tribunal is conducting an interlocutory process to establish the scope of the inquiry and the issues to be heard.

## Treaty settlements

The Government and Māori have continued to progress negotiations to settle claims about historical Treaty of Waitangi grievances. The Government continues its commitment to settle all historical Treaty claims in a timely manner.

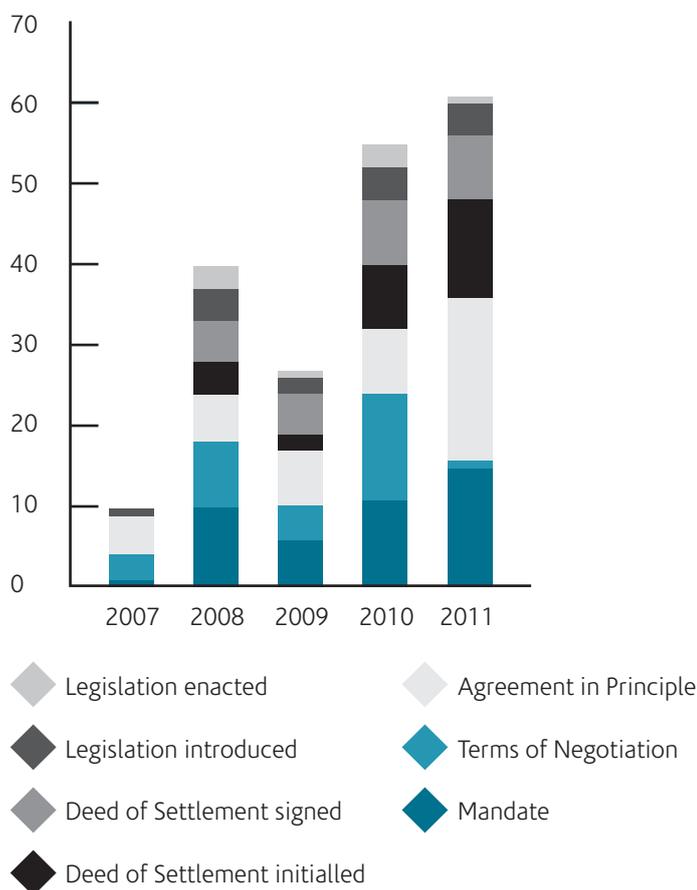
A Treaty settlement is an agreement negotiated between the Crown and a Māori claimant group. It settles all historical breaches of the Treaty of Waitangi suffered by the Māori claimant group (that is, grievances suffered before 1992). It usually includes financial and cultural redress, commercial redress,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

Good progress has been made this year with Treaty settlements, in particular through the entrenchment of the regional approach to progressing negotiations and resolving overlapping claims. The regional approach proved efficient and has sped up the negotiations process in Muriwhenua, Tāmaki Makaurau, Hauraki and northern Hawke's Bay, amongst others.

Although a significant number of milestones were achieved in 2011, several issues make the aspirational goal of settling all Treaty settlement claims by 2014 more challenging.

1 [2011] NZSC 53

Treaty settlement milestones achieved



In July, the Supreme Court directed the Waitangi Tribunal to urgently inquire into the claim of the owners of the Mangatū Incorporation, asking the Tribunal to use its binding powers to recommend the return of the forest to Māori ownership. Since the Supreme Court ruling, more claimants (individuals, hapū, iwi, and Māori entities) have sought inquiries by the Waitangi Tribunal into their claims relating to Crown forest licensed land. Depending on the outcome of the urgent inquiry into the claims of the Mangatū Incorporation, further claimants may decide to appeal to the Waitangi Tribunal to seek similar rulings.

This has the potential to significantly lengthen the Treaty settlement process.

The Wakatu Incorporation is seeking remedies from the Crown in a High Court action, on the ground the Crown failed in its duty to the original owners of the Tenth's Reserves in the Nelson region and their descendants. The High Court proceedings with the Wakatu Incorporation has delayed negotiations with four iwi in the top of the South Island, preventing them from signing a Deed of Settlement with the Crown. The outcome of this action may have considerable ramifications for Treaty settlement policy generally.

The Crown's more flexible approach to the large natural groups' policy and mandating has the potential to increase the number of settlements. For example, in the Hauraki region the Crown has now formally recognised 12 deeds of mandate, which includes some comparatively small groups. The Crown is currently negotiating a comprehensive settlement with the Hauraki Collective (which is made up of representatives from each of the 12 iwi), but is also seeking to recognise the individual interests of each of the iwi in the single settlement. Should this approach be unsuccessful, it is likely to increase the number of individual settlements required in the region. This may further delay the Crown's goal of settling all Treaty settlement claims by 2014

In July, the Government held its third annual Te Kōkiri Ngātahi (Moving Forward Together) hui in Wellington. The theme of the hui was sharing ideas and experiences to gain a better understanding of the Treaty settlement process.

In early 2011, the Minister for Treaty of Waitangi Negotiations made a submission to the Review of Standing Orders to consider ways to expedite the passage of Treaty settlement legislation. As a result, in the next parliamentary term (50th) the House will have the option of extended



sitting hours and the option to progress bills as cognate (Parliament considering bills concurrently). These measures are intended to address the increased volume of Treaty settlement legislation. For example, in 2012, it is estimated that there will be 15-20 Treaty settlement bills ready for introduction.

The next section outlines some of the highlights of historical Treaty settlements in 2011. It does not cover every milestone achieved.

#### Bills introduced for Maniapoto, Ngāti Porou and Ngāti Pāhauwera

In April, the initial readings of three Treaty settlement bills were combined in Parliament for the first time. Dealing with Treaty bills as cognate is one example of how existing Parliamentary mechanisms can be used to progress Treaty settlement legislation more efficiently.

- The Ngā Wai o Maniapoto (Waipā River) Bill extends the co-governance framework over the Waikato and Waipā rivers established by the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 to the Upper Waipā River. It allows Ngāti Maniapoto to participate in co-governance with the Waikato River Authority. The bill gives effect to a co-management deed signed between the Crown and iwi in November last year. Ngāti Maniapoto has around 31,000 members.
- The Deed of Settlement of Historical Claims of Ngāti Porou, and the associated Ngāti Porou Treaty Claims Settlement Bill, settle all the historical claims of Ngāti Porou. The settlement includes financial and cultural redress of \$110 million and the return of sites of high cultural significance to Ngāti Porou totalling approximately 5898 hectares. It also provides Ngāti Porou with input into the strategic governance of

specific conservation sites and relationship agreements designed to facilitate good working relationships between specific Crown agencies and Ngāti Porou. Ngāti Porou has around 72,000 members.

- The Deed of Settlement with Ngāti Pāhauwera, and the associated Ngāti Pāhauwera Treaty Claims Settlement Bill, settles all the historical claims of the confederation of hapū known as Ngāti Pāhauwera. The redress package includes a Crown apology, financial redress of \$20 million and cultural redress involving 16 sites totalling approximately 1087 hectares to be vested in Ngāti Pāhauwera, subject to specific conditions including protection of public access. The settlement also provides that the Crown and Ngāti Pāhauwera establish a committee with the Regional Council providing governance level contribution to regional planning. As part of the settlement, a co-governance charter with the Department of Conservation will apply within the Ngāti Pāhauwera core area of interest.

#### Bill introduced for Ngāti Mākinno

The Deed of Settlement with Ngāti Mākinno and the associated Ngāti Mākinno Claims Settlement Bill settle all the historical claims of Ngāti Mākinno. The Bill was introduced into Parliament in October.

#### Other bills

A number of Treaty settlement bills introduced in Parliament did not progress through Parliament in 2011 (for instance, the Ngāti Manawa and Ngāti Whare settlement bill was introduced in 2010 and did not progress past Select Committee report back). The legislative backlog is delaying the transfer of assets to iwi and in some cases has triggered on-account payments to iwi, in recognition of the delay in the legislative process.

With more Deeds of Settlement anticipated to be signed by 2014, there is an even greater risk of major delays in the legislative programme in the next few years, which will prevent iwi from accessing Treaty settlement assets. Only one Treaty settlement bill was enacted this year. The Whanganui Iwi (Whanganui (Kaitoke) Prison and Northern Part of Whanganui Forest) On-Account Settlement Act 2011 was passed in July.

### Signed Deeds of Settlement

#### Ngāti Whātua o Kaipara

The Crown and Ngāti Whātua o Kaipara signed a Deed of Settlement in September.

These claims relate to the loss of their land which had devastating consequences on their social, cultural, spiritual and physical wellbeing with the consequences still felt today.

Components of the settlement include commercial and financial redress worth \$22.1 million, including the transfer of Woodhill Forest. Cultural redress includes the return of the Ngāti Whātua o Kaipara ancestral mountain, Atuanui: Mount Auckland and eight other significant sites.

#### Ngāti Whātua o Ōrākei

In November, the Crown and Ngāti Whātua o Ōrākei signed a Deed of Settlement. Like Ngāti Whātua o Kaipara, Ngāti Whātua o Ōrākei lost virtually all their land as a result of the past actions of the Crown.

Ngāti Whātua o Ōrākei will receive financial and commercial redress worth \$18 million, which includes \$2 million already received by Ngāti Whātua o Ōrākei as redress for the 1993 Railways settlement, and the return of the culturally significant site, Purewa Creek Conservation Area. Public access will not be affected.

#### Waitaha

In September, the Crown and Waitaha, a Bay of Plenty iwi, signed a Deed of Settlement.

Redress includes financial and commercial redress worth \$11.8 million and the return of culturally significant sites, funding for marae restoration and revitalisation, social service development and an educational endowment fund in the name of Hakaraia Mahika, a spiritual leader of Waitaha who was pursued to his death by the Crown.

#### Ngāti Mākino

The Crown and Ngāti Mākino signed a Deed of Settlement in April.

The claims of Ngāti Mākino cover the Bay of Plenty region from Lakes Rotoiti and Rotomā to the coast. They relate to the New Zealand Wars and the Bay of Plenty confiscation, the operation and impact of the native land laws, the Crown's land purchasing techniques and twentieth century issues of public works and scenic reserve takings.

The Deed of Settlement sets out commercial redress worth \$11.9 million and includes the return of culturally significant sites, recognition of the importance of other sites to Ngāti Mākino, marae restoration and revitalisation and social service development.

#### Ngāti Manuhiri

Ngāti Manuhiri, a hapū of Ngāti Wai, signed a Deed of Settlement in May. The claims of Ngāti Manuhiri relate to the loss of land and the actions of the Crown, covering the eastern coastline of North Auckland from Bream Tail in the north to Whangaparāoa in the south and includes Te Hauturu-o-Toi: Little Barrier Island Nature Reserve.



The settlement includes commercial and financial redress worth \$9 million and the return of six culturally significant sites including 1.2 hectares on Te Hauturu-o-Toi: Little Barrier Island. Te Hauturu-o-Toi is of high cultural significance for Ngāti Manuhiri and was a permanent home for them until 1896 when the Crown passed legislation to compulsorily acquire the island, forcibly evicting the owners.

On settlement Te Hauturu-o-Toi: Little Barrier Island Nature Reserve will be vested in Ngāti Manuhiri who will then gift it back to the people of New Zealand, retaining 1.2 hectares for cultural purposes. The island's status as a nature reserve will continue.

#### Rongowhakaata

Rongowhakaata (including Ngā Uri o Te Kooti Rikirangi), one of the three Tūranga iwi, signed a Deed of Settlement with the Crown in September.

The settlement includes a Crown apology for its role in the war in Tūranga in the 1860s, as well as the summary execution of prisoners at Ngatapa in 1869, the imprisonment of a number of Rongowhakaata on the Chatham Islands, the operation of the Poverty Bay Commission and the Native Land Court and the confiscation of large areas of Rongowhakaata land.

The settlement will vest the original parts of Te Hau ki Tūranga, a whare whakairo (meeting house) currently on display at Te Papa, in Rongowhakaata on settlement date. Te Hau ki Tūranga is an elaborately carved whare whakairo built in the 1840s which was confiscated by the Crown in 1867.

The redress package includes financial redress of \$22 million plus accrued interest, the return of several Crown-owned properties in the Gisborne region, an apology, acknowledgements and an historical account relating

specifically to Ngā Uri o Te Koori Rikirangi and an apology and acknowledgements relating to Te Hau ki Tūranga.

#### Agreements in principle

##### Maungaharuru Tangitu Hapū

In September, the Crown signed an agreement in principle with the Maungaharuru Tangitu hapū of the Hawke's Bay. The Maungaharuru Tangitu hapū were subjected to extensive land confiscations in the Mōhaka/Waikare area and were wrongfully detained following military engagement with the Crown.

The redress package includes financial redress of \$23 million plus interest and the cultural redress including part of Opouahi Station, recognising the cultural importance of the Maungaharuru range and Tutira areas.

##### Ngāti Rangiwewehi and Tapuika

In June the Crown signed agreements in principle with Ngāti Rangiwewehi and Tapuika, two Bay of Plenty iwi. The Ngāti Rangiwewehi and Tapuika agreements include a total amount of \$6 million each. The agreements also include cultural redress and the right to purchase Crown-owned properties. As part of the cultural redress, the Crown will vest the Hamurana Springs Recreational Reserve in Ngāti Rangiwewehi. Tapuika will receive 13 cultural sites totaling approximately 182 hectares, including Pokopoko Stream Scenic Reserve, subject to conditions including the protection of public access.

##### Ngāti Rangiteaorere

In October, the Crown signed an agreement in principle with Ngāti Rangiteaorere, a small iwi situated on the Eastern shores of Lake Rotorua. The agreement includes financial redress of \$750,000 and the vesting of part of the Lake Okataina Scenic Reserve to the iwi, subject to scenic reserve status and the Western Okataina Walkway.

### Ngāti Rēhua-Ngāti Wai ki Aōtea

Ngāti Rēhua-Ngāti Wai ki Aōtea (Ngāti Rēhua) signed an Agreement in Principle with the Crown in June. Ngāti Rēhua is a hapū of Ngāti Wai based on Aōtea: Great Barrier Island.

The agreement includes financial redress of \$4.6 million and cultural redress including the transfer of part of Hirakimatā: Mt Hobson and Ōkiwi Recreation Reserve on Aōtea: Great Barrier Island, transfer and gift back of the Mokohinau Islands Scenic and Nature Reserve and vesting of sites of significance within Rakitū Island Scenic Reserve.

A settlement with Ngāti Rēhua is part of a proposal developed by Sir Douglas Graham for the settlement of claims in the Tāmaki Makaurau region. Ngāti Rēhua have been in negotiations with the Crown since June 2009.

### Ngāi Tai ki Tāmaki

Ngāi Tai ki Tāmaki signed an Agreement in Principle with the Crown in November. Ngāi Tai ki Tāmaki are an iwi/hapū with affiliations to both Waikato-Tainui and Hauraki and will also receive redress through settlements with the Tāmaki and Hauraki Collectives in respect of their shared interests in Tāmaki Makaurau (Auckland) and Hauraki.

The agreement includes financial redress of \$11.5 million and cultural redress over sites on the Hauraki Gulf islands, Te Naupata: Musick Point, along the Tāmaki Makaurau coastline and in Clevedon.

A settlement with Ngāi Tai ki Tāmaki is part of a proposal developed by Sir Douglas Graham for the settlement of claims in the Tāmaki Makaurau region. Ngāi Tai ki Tāmaki signed terms of negotiations with the Crown in June.

### Terms of negotiation and deeds of mandate

The Crown recognised the mandates of 15 individual groups to negotiate on behalf of their people including the 12 groups making up the Hauraki Collective, Te Tira Whakaemi o Te Wairoa, Te Akitai Waiohua, Rangitaane o Wairarapa and Ngāti Tuwharetoa.

In 2011, the Crown signed terms to enter negotiation with Ngāti Te Ata, with several more groups anticipated to sign in early 2012.



## Aquaculture

### Aquaculture legislative reform

Changes to the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004, the Fisheries Act 1996, the Māori Commercial Aquaculture Claims Settlement Act 2004 and the Resource Management Act 1991 came into effect in October. The reforms were intended to reduce costs, delays and uncertainty; promote investment in aquaculture development; and promote integrated decision-making. Changes give effect to the requirements for marine farming consent applications, applications for regional coastal plans and managing space in the coastal marine area.

Reform of the Māori Commercial Aquaculture Claims Settlement 2004 provides for the full and final settlement of contemporary Māori claims to commercial aquaculture. The Settlement Act was developed in parallel with the 2004 aquaculture law and provided for claims to be settled by allocating authorisations for 20 per cent of aquaculture management areas to iwi. The legislative reforms remove the requirement for Aquaculture Management Areas to be established before new space can be applied for. A new delivery mechanism for the settlement has been established.

Features of the settlement mechanism under the legislative reforms:

- the Crown is responsible for delivering the settlement. The 20 per cent obligation established in the Settlement Act remains unchanged
- the settlement will be delivered on a regional basis, through agreements between the Crown and iwi
- through the regional agreement process deliverables for the settlement may include space, cash, or anything else agreed to
- the agreed deliverables will be transferred to Te Ohu Kai Moana Trustee Limited for allocation to iwi.

### Pre-commencement space settlement

Since 2010, approximately 98 per cent of all pre-commencement space settlements have been delivered to iwi aquaculture organisations. The remaining pre-commencement settlement negotiations are occurring for Northland and the Bay of Plenty, and all other outstanding obligations are expected to be concluded in 2012. The total value of pre-commencement space settlements is estimated to be approximately \$105 million.

## Fisheries

Te Ohu Kaimoana, the Māori Fisheries Trust, holds fisheries assets secured by Māori through an agreement with the Crown. It manages their transfer to iwi to settle Māori claims to commercial fishing under the Māori Fisheries Act 2004. Te Ohu Kaimoana has a goal to transfer all assets to iwi by 2012.

There are 57 iwi recognised in the Māori Fisheries Act 2004. When a recognised iwi organisation has met the governance criteria set out in the Act, it is entitled to receive fisheries assets as the mandated iwi organisation for that iwi. These organisations are responsible for the management of assets allocated to each iwi. The assets consist of cash, quota and shares in Aotearoa Fisheries Limited, and are based on the population of iwi and the length of the coastline concerned. Fifty three recognised iwi organisations have now been mandated, leaving four iwi yet to be mandated. More than 80 per cent of Fisheries Settlement assets, equaling more than \$510 million, have been allocated to iwi.

During 2011, a number of South Island mandated iwi organisations completed harbour and coastline agreements and/or received coastline and harbour asset entitlements. This included Te Atiawa (Te Tau Ihu), Ngāti Rarua, Ngāti Tama (Te Tau Ihu), Ngāti Apa (South Island), Ngāti Kuia, and Ngāti Koata.

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

### Protection of significant sites

Taiāpure-local fisheries and mātaihai reserves protect significant sites for Māori. A mātaihai reserve is an identified traditional fishing ground, established for the purpose

of non-commercial customary food gathering. Local iwi representatives – known as tangata kaitiaki/tiaki – act as guardians or managers of these reserves. In a mātaihai reserve all commercial fishing is banned; in a taiāpure-local fishery the fishing rules for the wider area remain unchanged. Taiāpure have management committees that can recommend regulations to the Minister of Fisheries and Aquaculture for managing fisheries resources.

Twenty four mātaihai reserves have been established to date. Seven came into effect in 2011, two in North Island waters and five in South Island waters. One application to establish a mātaihai reserve in the Bay of Plenty (North Island) was received in 2011.

Eight taiāpure have been established to date. No new taiāpure were established in 2011. An application to establish a taiāpure at the southern end of Te Wakatehau (90 Mile Beach) proceeded through stages of the statutory process before the Māori Land Court in 2011.



## Other developments

### Post-Treaty settlements website launched

Potentially, the signalled 2014 end of the historical Treaty settlements process ushers in a new era in Crown-Māori relations. [Posttreatysettlements.org.nz](http://Posttreatysettlements.org.nz) is a website working to stimulate and inform debate about what these new relationships will look like. It does this through a series of papers with perspectives on five issues, with space for people to comment and discuss the ideas raised.

1. How will the Treaty relationship be conceived in 50 years time given changing demographics and the lasting effects of the current historical settlements?
2. What will be the implications of New Zealand support for the UN Declaration on the Rights of Indigenous Peoples?
3. Should there be separate Māori representation (seats) in Parliament and on local authorities alongside other consultative mechanisms?
4. Are iwi in the "post-settlement environment" on an equal footing after their Treaty settlements, in terms of the types of redress that were on the table and the adherence to relativities at the time of their negotiations? Are settlements "fair and durable"?
5. How will iwi/Crown co-management of resources play out? Are there potential conflicts of interest in iwi being managers, guardians and also developers? And how different is this to the Crown being in all three roles?

The website is a joint venture between the Institute of Policy Studies and Māori Studies (Te Kawa a Māui) at Victoria University. It is supported by a grant from the Emerging Issues Fund.

### Waitangi Day Fund

The Ministry for Culture and Heritage's Commemorating Waitangi Day Fund supports events commemorating the

signing of the Treaty of Waitangi and promoting nation and community building. For 2012, the Ministry has approved 55 grants ranging from \$500 to over \$96,000. The fund aims to encourage a wider mix of communities to take part in Waitangi Day events. Events funded in 2012 include: commemorations at Waitangi; Auckland Deaf Society will host training for Deaf New Zealanders about the Treaty and implications for Deaf culture; the Waikato branch of the New Zealand Russian Friendship Society will host a concert for the local community; and Kaiapoi Community Board will host a re-enactment of the signing with kapa haka, food stalls, music and a parade.

### Character, mana and reputation of Mokomoko restored

In October, the Mokomoko Pardon (Restoration of Character, Mana and Reputation) Bill was introduced into the House.

The bill provides for the statutory recognition of the pardon provided to Te Whakatōhea rangatira Mokomoko in 1992 for his alleged involvement in the murder of Reverend Carl Volkner in 1865. The pardon deems that Mokomoko never committed the offence, for which he was ultimately convicted and executed. The three co-accused with Mokomoko received a statutory pardon through the Te Rūnanga o Ngāti Awa establishment legislation in 1988. The Mokomoko Pardon Bill is an important part of the healing process for te whānau a Mokomoko, as the pardon he received will now be recognised in statute. Through the bill the Crown has expressed its regret for the suffering of the whānau and has expressly sought to restore his character, mana and reputation. The content of the bill was agreed with the whānau before its introduction.

The Agreement to Introduce Legislation to Give Statutory Recognition to the Mokomoko Pardon was signed by the Minister of Māori Affairs and te whānau a Mokomoko Leadership Group at Waiau Marae in September. Over 100 members of the whānau were present.

## Public awareness

Self-reported knowledge of the Treaty of Waitangi, human rights and indigenous rights increased significantly in 2011, according to a poll by UMR Research. However, slightly fewer people than last year agreed the Treaty is New Zealand's founding document, that the Treaty is for all New Zealanders, or that the Treaty relationship is healthy.

In the poll conducted by UMR Research for the Human Rights Commission, almost half (49%) of respondents said they had good knowledge of the Treaty of Waitangi. Half felt they had good knowledge of human rights and 36 per cent said they had good knowledge of indigenous rights. The results are the highest since the questions were first asked, in 2007, and up seven to ten per cent from the previous year.

A significant proportion of all respondents continued to rate the Crown/Māori relationship as needing improvement: 48 per cent of Māori respondents and 36 per cent of all respondents.

Overall, up to five per cent fewer people than in 2010 agreed the Treaty is New Zealand's founding document (55%); that the Treaty is for all New Zealanders (50%) or that the Treaty relationship is healthy (25%). The trend for these responses has stayed fairly level since 2007, only moving up to two per cent overall.

UMR polled 750 New Zealanders nationwide between 25 and 29 November. The poll has a margin of error of 3.6 per cent. The research has been conducted since 2000 and the same questions asked since 2007.

Around 4000 Year 9 students were surveyed by the Ministry of Education about their attitudes towards New Zealand and its key institutions as part of the International Civic and Citizenship Education Study. Students who took part in the survey were also quizzed about their views on the Treaty.

Two thirds said it held personal importance for them. While 84 per cent of Māori students agreed, or strongly agreed, that the Treaty was personally important, among Pasifika students it was 75 per cent, among Pākehā/European students (60%) and Asian students (53%).



## 6. Tauriteritekore

### Inequalities

#### Priorities for 2012

- Focus on the rights of children, including through the Māori Affairs Select Committee inquiry into the wellbeing of Māori children, and Government responses to the *Green Paper for Vulnerable Children* and the *Early Childhood Education* report
- Address entrenched inequalities across different sectors, with a focus on structural discrimination
- Respond to the Welfare Working Group's recommendations.

#### Five year review

Continuing programmes and new approaches have sought to reduce the social and economic disadvantage experienced by some ethnic groups, particularly Māori and Pacific peoples. However, significant inequalities persist and in many cases have worsened during the economic recession. Māori and Pacific youth have been most affected by the labour market downturn. Figures from the Ministry of Social Development show unemployment for Māori and Pacific youth doubled in the two years to June 2010 to around 30 per cent for each group.

The Government has sought to address inequalities through whole-of-government initiatives such as Whānau Ora and Addressing the Drivers of Crime. They provide no "quick-fixes" but have potential to support positive change in the medium to long-term.

Ethnic inequalities in health persist, with little apparent decrease over the past five years. In justice, Māori continue to be disproportionately represented in all areas of the criminal justice process. Apprehension rates have dropped since 2005-2006 for Europeans but have risen for Māori, Pacific, Asian and other ethnic groups.

There were improvements in Māori and Pacific student achievement, particularly at NCEA level 1. This may be attributable to education initiatives over the last five years. For example, the Kotahitanga programme was reviewed in 2011 and found to have achieved positive change in how teachers relate to Māori students. The programme was designed to develop culturally responsive teaching and leadership. In 2008, the Ministry of Education published a Māori strategy "Ka Hikitia" that sets out objectives and measures for Māori students to achieve as Māori across the education system. A Pasifika Education Plan was adopted in 2009. A review in 2011 recommended changes in the next plan, for example more focus on language and cultural identity as a tool for educational success.

The introduction of the Mixed Member Proportional (MMP) electoral system in the 1990s led to a significant increase in the diversity of Members of Parliament. This continued in the 2008 and 2011 General Elections, and agreements after both elections between the National Party and the Māori Party saw the Māori Party become a part of the National led governments. A referendum on electoral systems at the 2011 General Election resulted in a clear majority for the retention of MMP.

The Government is required by law to ensure adequate Māori representation through appointments to District Health Boards, but not Pacific or Asian representation which remains low. Māori, Pacific and ethnic peoples continue to be under-represented in local government, on school Boards of Trustees, and in senior management of the public and private sector.

#### Inequalities in 2011

There was a focus on disadvantage for children and youth, particularly Māori and Pacific youth, by many groups in 2011. Several papers were published on the subject, including *More ladders, fewer snakes: two proposals to*

*reduce youth disadvantage* by the New Zealand Institute; *Left Further Behind: How policies fail the poorest children in New Zealand* and *Hunger for Learning: Nutritional barriers to children's education* by the Child Poverty Action Group. The New Zealand Medical Association published a *Health Equity Position Statement* and the New Zealand Nurses Organisation a statement on *Closing the gap: How nurses can help achieve health access and equity*. Policy and programmes to address inequalities were a focus of the confidence and supply agreement reached between the National and Māori Parties.

The Government's *Green Paper for Vulnerable Children* is intended to guide discussion about child poverty and child services. Public discussion about the paper could mandate the Government to offer more support to Māori designed, developed and delivered services; enforce minimum standards in cultural competency for professionals working with children; and provide more targeted services for vulnerable children.

The UN Committee on the Rights of the Child reported on New Zealand's compliance with the Convention on the Rights of the Child in February. It called for urgent measures on discrimination, abuse, neglect and child labour. It called for affirmative action programmes for children in vulnerable situations, such as Māori, Pacific, refugee and migrant children. A Committee expert called New Zealand's child mortality rate "staggering" and the number of Māori and Pacific children living in poverty a "concern".

In September, the Māori Affairs Select Committee announced it would hold an inquiry into the determinants of wellbeing for Māori children. The inquiry will look at historical and current wellbeing; whether public investment is adequate and equitable; what contributes to wellbeing; the role of the whānau; and recommendations for policy and legislation. The inquiry will receive submissions until mid-March 2012.

### **A fair go for all? Structural discrimination and systemic barriers to ethnic equality**

The Human Rights Commission began a project in 2011 on structural discrimination – or systemic barriers, also known as institutional racism – in public systems and services. The purpose is to gather evidence, re-start a conversation, and promote awareness and action to address structural discrimination as a complex contributor to entrenched inequalities.

The project asked whether all New Zealanders, regardless of ethnicity, really get the same opportunity for good health, education, decent work and an adequate standard of living. The figures show a great deal of lost potential for Māori, Pacific and ethnic people in New Zealand, despite many attempts to eliminate inequalities.

The project included a discussion paper based on literature review and discussions with government agencies. It considered five systems: health, education, justice, the economic system and the public service system. It profiled programmes that seek to create systemic change and looked at their success in realising potential for Māori, Pacific and other minority ethnic groups.

The Commission held inter-government agency workshops, a forum at the annual New Zealand Diversity Forum, and consulted non-government groups and individuals.

The discussion paper noted that systemic barriers occur in much the same way in different systems. For example, even where culturally responsive policies are in place, practitioners' interviewing practices may be influenced by dominant cultural norms that produce unequal outcomes. One instance of this is in the health system, where research shows doctors spend 17 per cent less time interviewing Māori than non-Māori patients, and Pacific people are referred to specialists 10 per cent less than the



national average. Other common elements of structural discrimination include:

- *entrenched ethnic inequalities*: although social and economic factors contribute to and exacerbate these inequalities, they alone do not cause inequalities
- *cumulative effect within systems*: the effects of structural discrimination at one stage in a system flow on to the subsequent stages
- *focus on universal provision of public services*: providing the same service to all irrespective of socio-economic status or ethnicity, assumes everyone has equal access to services and ignores barriers to accessing services
- *inaction, another form of structural discrimination*: where government services do not respond to the needs of ethnic groups, the absence of initiatives perpetuates barriers.

There also appear to be common factors contributing to success in programmes that seek systemic change and better outcomes for Māori, Pacific or ethnic people. For example, programmes are most effective where there is meaningful partnership and consultation with the community for whom they are intended. This has been central for example to developing and implementing the Police Ethnic Strategy. During development, the principles of the strategy were worked out with ethnic communities. Ethnic advisory boards continue to represent ethnic communities in police decision-making. Other common elements of promising programmes include:

- collaboration between and amongst government agencies in the design and implementation of policies and programmes
- cultivating an understanding of what structural discrimination is, an organisational and individual awareness of how it can manifest and a commitment to developing initiatives to address it

- organisation-wide commitment – initiatives are most effective where this exists at all levels, from leadership to front-line staff
- willingness to have honest conversations about the underlying causes of structural discrimination and what policies exist that may unintentionally sustain systemic barriers to equality
- targeted programmes that specifically address the needs of Māori, Pacific and other minority ethnic communities – as opposed to programmes developed for all New Zealanders – are most effective
- ongoing evaluation to measure the impact of initiatives. Developing an evidence base is critical to justify ongoing expenditure and to identify areas for improvement and effective practice.

The project will continue in 2012. A report will be published in the first half of the year to inform further discussion.

## Whole-of-government

### Whānau Ora

Whānau Ora is an inclusive interagency approach to providing services and opportunities to whānau across New Zealand. It empowers whānau as a whole, rather than focusing separately on individual whānau members and their problems.

The needs of whānau are provided for by collectives of providers coming together to offer wrap around integrated services. Twenty five provider collectives were selected (representing 158 providers) to change their individual focused services to be whānau-centred. Whānau Ora seeks to improve whānau outcomes so that whānau are self-empowered, confident in Te Ao Māori, can access services required and are nurturing and resilient. This approach seeks to build on the strengths and assets of whānau by providing support through whānau plans. Whānau will have

a practitioner or "navigator" to work with them to identify their needs, develop a plan to address those needs and broker their access to a range of health and social services.

Whānau Ora will increasingly focus more on addressing the issues of employment, housing and educational achievement as well as supporting the most vulnerable whānau, including those on low incomes.

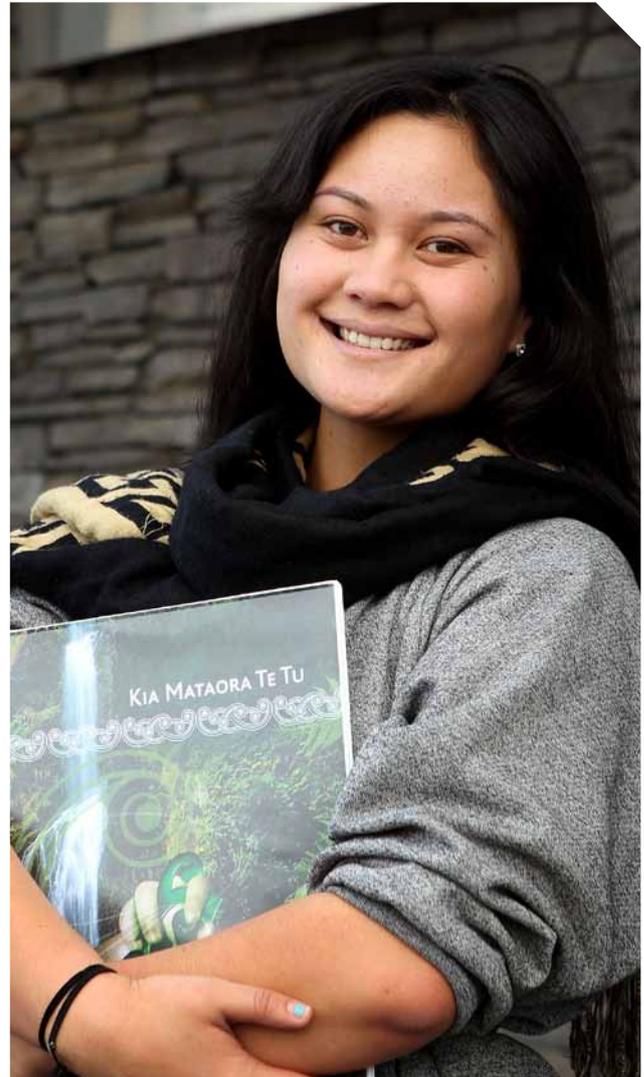
Funding has been set aside over four years to support capacity and capability building of provider collectives to develop and deliver whānau-centred services. In the 2011 Budget an additional \$30 million was allocated to Whānau Ora over the next four years, with \$11.25 million being available in 2011-12. The money will go towards setting up eight additional providers in new localities: Kaipara, Hauraki, South Waikato, Taupo/Turangi, Palmerston North, Wairarapa, Levin/Kapiti Coast, and Murihiku.

The National and Māori Parties' agreement in December sets out a commitment to ongoing support for Whānau Ora.

### Addressing the Drivers of Crime

Addressing the Drivers of Crime is a whole-of-government approach to reducing crime and victimisation, adopted in 2009. The initial work programme focused on four priorities: improving antenatal and early parenting support services; programmes to treat and manage behavioural problems for at-risk children and young people; reducing harm from alcohol and drugs; and rehabilitating low-level offenders. Lifting outcomes for Māori is an overall priority for the whole approach.

The work has been led and monitored by a Social Sector Forum Deputy Secretaries sub-group chaired by the Ministry of Justice. Agencies actively involved in this work include: the Department of Corrections; the NZ Police; the Ministries of Health, Education, Social Development, and Transport;



*Merepaea Te Uira Dunn (pictured) – a kaiārahi or navigator, with Te Whānau o Waipareira Trust in west Auckland. Almost all the provider collectives in the first wave have developed an approach based on a Whānau Ora navigator model supported by funding administered by Te Puni Kōkiri.*

the Te Puni Kōkiri; the Accident Compensation Corporation; and the Alcohol Advisory Council of New Zealand.

Initiatives promoted by Drivers of Crime have supported increased participation by at risk children and families in early childhood education, Well Child checks and parenting

programmes; as well as increased access for offenders to alcohol and other drug interventions, restorative justice conferences and prisoner reintegration services. Progress has been made in developing more tailored responses, especially to provide accessible services for the most vulnerable whānau, and expanding some frontline services.

An important aspect of the Drivers of Crime approach has been a commitment to evidence-based policy development to improve effectiveness. As part of this commitment, in July Te Puni Kōkiri published a working paper, *Addressing the Drivers of Crime for Māori*, reviewing the history of “preferential investment in evidence-based programmes” in New Zealand. The paper considers why the results have often been limited and notes limited and intermittent support for Māori designed, developed and delivered programmes. These programmes are often regarded as experimental, are valued less than large scale imported programmes and have therefore not been funded to the point where they can be evaluated rigorously. It concludes this history has been expensive and unsuccessful for Māori. Te Puni Kōkiri considers that more balance is required, and that support for Māori designed, developed, delivered programmes will help build the empirical evidence base of what works for Māori.

*Addressing the Drivers of Crime for Māori* identifies factors for the success of six Māori designed, developed and delivered programmes that have received government support and were independently evaluated. These programmes are:

- led by Māori in design and delivery
- anchored in tikanga and Māori values
- built on whānau and community networks and expertise, and use professional and government services
- designed to work in a way that lessens future offending in the short, medium and long term.

The evaluation findings showed promising practices and feedback from participants, providers and other stakeholders. The report recommends a shift in government agency funding to enable the full potential of Māori designed, developed and delivered programmes to be realised. It has five key recommendations to improve effectiveness and value for money:

- a flexible funding approach
- citizen/whānau-centred services and interventions (consistent with Whānau Ora)
- particular focus on “hard to reach” whānau/communities
- varied implementation to suit local contexts
- change at policy and practice levels to address community and systemic factors.

The Drivers of Crime work programme facilitated interagency support for community-based initiatives to reduce crime and improve whānau outcomes in Murupara, Gisborne, Porirua and Wellington. These are in the early stages but have engaged Māori communities in the design and development of local initiatives to reduce crime and achieve better whānau and community outcomes.

### Green Paper for Vulnerable Children

The Government's *Green Paper for Vulnerable Children* was published in July. It outlines the current situation for children and for professionals working with children. It poses questions intended to support a discussion about how to ensure child well-being.

It identifies child poverty as a greater issue for Māori, Pacific and refugee communities. Identifying services to address child poverty requires community input and engagement. For example, the paper recognises Māori-designed, developed and delivered services as effective for

vulnerable tamariki and whānau. It asks how these can best be supported by the Government and which services are working well.

The paper considers cultural competencies to enable professionals working with children to develop better personal connections with them. It asks “What principles, competencies or quality standards should be included in the minimum standards for a workforce for children?” It describes the current mix of targeted and universal programmes as something that has grown incrementally over time. It refers to difficulty in ensuring accurate targeting. It asks whether the Government should provide more targeted services for vulnerable children, and if so, where the funding should be taken from to do so?

The deadline for submissions was February 2012.

### **National and Māori Parties’ agreement**

The confidence and supply agreement reached between the National Party and the Māori Party in December sets out an agreed policy programme. The programme includes:

- continued support for Whānau Ora
- the establishment of a Ministerial Committee on Poverty to bring a greater focus to, and improve co-ordination of, government work to address the effects of poverty
- doubling funding for the Government’s rheumatic fever programme to \$24 million over four years
- targeting 20,000 low-income homes for home insulation; and progressing opportunities for grants, loans, land and surplus State house purchase or transfers for iwi housing providers through the Social Housing Unit
- focusing on Māori participation in early childhood education in regions where participation is low and

raising Māori achievement in primary, secondary and tertiary education

- allocating training places and trade apprenticeships in line with the needs of groups who are over-represented in unemployment, such as Māori and Pacific youth
- establishing skills and trades-based academies
- continuing work to introduce plain-packaging and other anti-smoking initiatives.

### **Civic representation**

A general election and referendum were held in November. The final results confirmed the 50th Parliament would be made up of 121 members from eight political parties.

Twenty one MPs self-identified as being of Māori descent – 17 per cent – similar to the 2008 election when 21 Māori MPs made up 16 per cent of Parliament. Six MPs self-identified as being of Pacific ethnicity – 4.95 per cent – compared to five in the previous Parliament. Five MPs – 4.13 per cent – self-identified as being of Asian ethnicity, compared to six in the previous Parliament.

Voter turnout was 58.23 per cent for the Māori Electorate, down from 62.41 per cent in 2008. Overall voter turnout was 74.2 per cent, a significant decrease on the 79.5 per cent overall turnout for 2008, and the lowest turnout in any MMP election to date.

The referendum on the voting system saw 58 per cent in favour of keeping the current MMP system, while 42 per cent voted to change it.

Engagement with public services can be an issue for Māori, Pacific and ethnic people. The State Services Commission report *How different groups of New Zealanders experience public services* was published in June. The report found:



- Māori were a little less satisfied with public services than non-Māori. Māori respondents reported significantly more difficulty accessing services than non-Māori, and lower levels of trust in public services. “You were treated fairly” was the most important aspect of service for Māori
- Pacific peoples’ satisfaction with services varied from service to service, but they reported significantly more difficulty than non-Pacific people in accessing services. Important factors for Pacific people were public services admitting responsibility for mistakes and making the process clear throughout. Pacific people had a similar level of trust in public services to non-Pacific people
- Asian people were less positive than non-Asians about all aspects of their most recent service experience. They were significantly more likely to report difficulty accessing public services than non-Asian people. They had a similar level of trust in public services to non-Asian people.

## Health

New Zealand has large ethnic disparities in life expectancy and the enjoyment of good health. Differential health outcomes exist between Māori and non-Māori (as outlined in *Tatau Kahukura: Māori Health Chart Book 2010*) for example in high-level indicators such as life expectancy. *Tatau Kahukura* found that overall, in 2006, Māori life expectancy at birth was at least eight years less than that for non-Māori for both genders. Māori have higher rates across many health conditions and chronic diseases, including cancer, diabetes, cardiovascular disease and asthma. Pacific people have a lower life expectancy than other ethnic groups excluding Māori, and social and economic factors are known to contribute significantly to their relatively poorer health status. Pacific people have experienced the least improvement in life expectancy over the past 20 years.

All parts of the health system are responsible for reducing health disparities. For example, improving health outcomes for Māori and other population groups is one of the objectives of District Health Boards, as outlined in the New Zealand Public Health and Disability Act 2000.

The New Zealand Medical Association (NZMA) had a focus on health equity in 2011. It published a health equity position statement in March. Among its recommendations was the need to focus on the most vulnerable populations, including children, Māori and Pacific people. The New Zealand Nurses Organisation supported the statement and consulted its members on its own statement, *Closing the gap: How nurses can help achieve health access and equity*.

The reasons for ethnic disparities in health are complex and multifaceted. A coordinated approach is important. The NZMA highlighted the importance of a coordinated approach to the problem of rheumatic fever for Māori and Pacific children. Its editorial in February followed clusters of cases in Northland, the Bay of Plenty and the Central North Island. The NZMA acknowledged the work of individuals and community organisations to prevent and treat rheumatic fever and recommended a coordinated national approach to prevention and cure. It recommended increased agency collaboration, such as through Whānau Ora, increased support for housing improvements, child health clinics, community or school based sore-throat clinics and a targeted approach to antibiotic treatment.

Past work to raise awareness of rheumatic fever included the Ministry of Health’s steering group established in 2010 and the report *Close-contact infectious diseases in New Zealand: Trends and ethnic inequalities in hospitalisations, 1989-2008*.

Addressing the problem of rheumatic fever became a priority for the newly-formed Government. The National and Māori

Parties' agreement in December included commitment to doubling funding for the Government's rheumatic fever programme to \$24 million over four years.

Ethnic New Zealanders (particularly Asians) tend to have better health overall. Asian New Zealanders have lower mortality rates than those in the "European/Other" category, largely due to the good health of recent immigrants. However, there is some indication that accessing services is difficult. Reasons for this include language and knowledge of the system and perceptions by ethnic New Zealanders that their culture and values are not taken into account by health care providers. Attitudes to health care may be a factor in accessing health services, for instance, stigma associated with some types of health services such as breast or cervical screening (see Scragg, R (2010) *Asian Health in Aotearoa in 2006-2007: trends since 2002-2003* and Perumal L. (2010) *Health needs assessment of Middle Eastern, Latin American and African people living in the Auckland region*). Reported experience of racial discrimination in healthcare is highest for Asian people, as discussed in the summary of research by the University of Otago and the Ministry of Health.

Several programmes seek to improve access to healthcare for Asian people. These include the adoption of intercultural communication training (for example by Waitakere District Health Board), incorporating cultural frameworks within public health promotions (for example, the Auckland District Health Board's diabetes and nutrition programme for South East Asians and Indians), and through community groups promoting health and wellbeing at a local level (for example, The Asian Network Inc).

### Racism and health

A study by the University of Otago and Ministry of Health, published in December, measured reported experience of racial discrimination and its link to poor health. *The pervasive effects of racism: Experiences of racial discrimination in New Zealand over time and associations with multiple health domains* analysed data from the 2002/03 and 2006/07 New Zealand Health Surveys.

Reported experience of racial discrimination was measured in both surveys and covered experience of an ethnically motivated physical or verbal attack and unfair treatment because of ethnicity by a health professional, in work, or when gaining housing. Health indicators included measures of mental health, physical health and health risk (for example smoking).

Asian, Māori and Pacific peoples reported higher levels of overall racial discrimination compared to Europeans. Among Asian people, 35 per cent reported "ever" experiencing racial discrimination in 2006/07, an increase from 28.1 per cent in 2002/03. Levels remained largely unchanged for other ethnic groupings (Māori 29.5%, Pacific 23.0%, European 13.5%).

Experience of racial discrimination was linked to a range of negative health measures for New Zealanders. Ongoing research is needed to fully understand racism and the pathways by which it leads to poor health.

Another study from the University of Auckland surveyed experience of discrimination amongst adolescents. *Ethnic discrimination prevalence and associations with health outcomes: data from a nationally representative cross-sectional survey of secondary school students in New Zealand* was published in January 2012.



The study found that students of Māori, Pacific, Asian, and "Other" ethnicity much more commonly experienced discrimination than NZ European students. Students who experienced ethnic discrimination were less likely to report good general health.

As part of the study, over 9000 secondary school students were surveyed in 2007. Students were asked whether they had experienced ethnic discrimination by health professionals, police and ethnic-related bullying. Both experiencing and being "unsure" about experiencing ethnic discrimination are associated with a range of adverse health/wellbeing outcomes such as depressive symptoms and self-rated school achievement. The study found that:

- 8.04 per cent of Asian respondents reported experience of ethnicity-related bullying; 3.48 per cent of Other ethnicity respondents; 3.41 per cent of Pacific respondents; 3.01 per cent of Māori respondents; and 1.7 per cent of NZ European respondents
- 6.38 per cent of Pacific respondents reported being treated unfairly by the police because of ethnicity; 5.56 per cent of Māori respondents; 4.82 per cent of Asian respondents; 3.67 per cent of Other ethnicity respondents; and 2.05 per cent of NZ European respondents
- 8.25 per cent of Pacific respondents reported being treated unfairly by a health professional because of their ethnicity; 4.91 per cent of Asian respondents; 4.86 per cent of Māori respondents; 3.48 per cent of Other ethnicity respondents; and 1.97 per cent of NZ European respondents.



*NZ Nurses Organisation Te Rau Kōkiri campaign.*

### **Te Rau Kōkiri pay parity campaign for workers in Māori and iwi health providers**

The New Zealand Nurses Organisation (NZNO) continues their Te Rau Kōkiri campaign to achieve pay parity for workers in Māori and iwi health providers. The campaign is based on tikanga and partnership, and is working towards a multi-employer collective agreement (MECA) that covers more than 400 nurses and health workers in around 60 Māori and iwi health providers. The objective of the campaign is to achieve parity with District Health Board (DHB) pay rates.

In October 2004, 20,000 NZNO members in DHBs won a settlement to achieve pay equity with professionals in roles requiring similar skills, experience and qualifications, such as teachers and police. The pay gap between those who work in DHBs and those who work for Māori and iwi providers is now 25 per cent and widening.

Te Rau Kōkiri negotiations began in early 2007. In 2008 a petition, signed by over 11,000 people, was presented to the Minister of Health. A subsequent Health Select Committee report agreed there was an equity issue regarding pay rates for workers in Māori and iwi health providers. Its unanimous recommendation was that a working group be set up to look into and address the issues raised in the petition and report publicly on its findings within six months. Cabinet received the Committee's report and recommendations but declined its support for the recommendations.

Bargaining continued through to 2010. A collective agreement for pay parity was reached with the employers subject to additional funding being received, however, additional funding was not achieved. Te Rau Kōkiri lobbied the Government including presenting a whiri (plaited harakeke taonga) woven by NZNO members, staff, whānau, hapū and iwi to the Associate Minister of Health.

In February 2011, NZNO resumed negotiations with the employer group. No agreement was reached. NZNO sought mediation assistance from the Department of Labour. This took place in March, again with no agreement. NZNO then applied to the Employment Relations Authority – the first ever application on behalf of multiple employers – and a facilitation application was granted. Facilitated bargaining is expected to begin in March or April 2012, involving the Authority, NZNO and 55 employer parties.

## Education

Comparing data over the past five years show improvements in education for all ethnic groups for some key indicators. The gap in participation and achievement rates is decreasing. This is particularly evident in school-leavers with NCEA level 1 or equivalent.

Participation in Early Childhood Education	July 2006	June 2011	Trend (percentage point difference)
European	97.2%	98.2%	↑ 1%
Asian	96.3%	96.3%	no change
Other	91.4%	95.3%	↑ 3.9%
Māori	87.9%	90%	↑ 2.1%
Pacific	82.8%	85.9%	↑ 3.1%

School-leavers with NCEA level 1 or equivalent	Data from 2006 (from Education Counts for 2006)	Data from 2011 (from Education Counts for 2010)	Trend (percentage point difference)
Asian	90.6%	94.4%	↑ 3.8%
European	79.9%	90.4%	↑ 10.5%
Other or MELAA/ Other in 2011	79.0%	86.8%	↑ 7.8%
Pacific	67.8%	83.1%	↑ 15.3%
Māori	56.1%	74.2%	↑ 18.1%

Data was collected differently from 2009 onwards. However, the data is roughly comparable as it reflects upwards trends that continued after 2009.



The positive trends have become apparent since the introduction of the National Certificate in Educational Achievement.

Other system wide changes include the introduction of the new curriculum and strengthening the building of culturally responsive learning contexts as part of teacher professional learning and development.

These changes have been supported by a range of smaller initiatives some of which have been designed with a kaupapa Māori approach or to assist Pacific students.

He Ara Tika is a community based mentoring initiative that focuses on building the self-esteem and cultural identity of Māori secondary school students. It encourages and supports them to increase the rate at which they participate and achieve. It also assists them to develop plans for tertiary education and career options. He Ara Tika was evaluated in 2010, and findings published in August 2011.

The evaluation found He Ara Tika was effective in improving students' participation and decision-making about their future education choices and pathways. It noted the initiative has good community support. It recommended improving the quality and completeness of data and more self-reported data from students, in order to more closely monitor the success of the programme.

Changes in TeachNZ's scholarship arrangements have led to a rapid, significant increase in the number of Pacific and Māori registered teachers. TeachNZ scholarships awarded to Māori and Pacific students increased from two per cent in 2009 to 10 per cent in 2011. Changes included targeting people with skills and knowledge in Māori and Pacific culture and language and improving scholarship application forms and guidelines.

*Tataiako: Cultural Competencies for Teachers of Māori Learners* is a new resource published in August to support teachers of Māori students. It was developed by the Ministry of Education, the New Zealand Teachers Council and a reference group of academics, teachers and iwi representatives. It is intended as a conversation starter and guide for teachers in schools and early childhood centers to improve their cultural competencies and skills.

Positive Behaviour for Learning is a major shift in the management of disruptive behaviour in the education system. It provides a range of programmes and initiatives for parents, teachers and schools across the country to turn around problem behaviour in children and to encourage pro-social behaviour. It is a long-term approach to ensure that changes in behaviour and improved educational outcomes are sustainable. The programmes and frameworks being supported through the plan give priority to parents and teachers of Māori children and schools that have a higher number of Māori students.

The Ministry of Education released the results of a mid-term review of the Pasifika Education Plan in August. The plan was approved by Cabinet in 2009 setting goals for literacy and numeracy, levels of participation and achievement of qualifications.

The review found that two-thirds of the plan's targets are being met. Participation in early childhood education has increased to 9.5 per cent since 2009; the number of students achieving NCEA Level 2 has increased from 45 per cent in 2005 to 66 per cent in 2009; and Pacific students are staying at school longer than all other ethnic groups except Asian students. There continue, however, to be significant discrepancies in areas such as numeracy and literacy and the review recommended that the next plan set higher targets informed by in-depth investigation, discussion, and comparative analysis about Pacific and

non-Pacific achievement. It recommended a focus on attendance; on the importance of Pacific identities, languages and cultures; on working closely with Pacific parents and families; and on skills essential to the future workforce.

The Education Review Office published a review of the New Zealand curriculum, its principles and how they are applied, in May. *Directions for Learning: The New Zealand Curriculum Principles, and Teaching as Inquiry* found that curriculum principles least evident in practice included the Treaty of Waitangi and cultural diversity. It found teachers took a range of actions to encourage bicultural understanding, but schools still need to strategically address, through the curriculum, the Treaty of Waitangi principles. Schools' practice in addressing cultural diversity could also be improved, particularly with respect to making provision for students to express their cultural perspectives and views.

### Early Childhood Education report

In June, an independent advisory taskforce on early childhood education established by the Minister of Education presented its final report. The Taskforce, chaired by Dr Michael Mintrom, was established in 2010. It articulated a vision of early childhood education that involves high-quality services for all children, supports parents, and encourages a strong sense of collective identity among those working in the sector.

It recommended a community approach to raise access to early childhood education for Māori and Pacific children. It called for a focus on lifting outcomes for Māori and Pacific children, children from lower socio-economic backgrounds and children with special educational needs.

The Human Rights Commission made a submission in response to the report. The Commission welcomed the Taskforce's assessment that investing in quality

early childhood education is one of the most important investments a country can make. It is the most effective way to reduce current educational inequalities and see benefits over time in the economy and society as a whole.

The Commission welcomed the report's focus on improving Māori and Pacific peoples' access to early childhood education. However, the proposals in relation to kōhanga reo raised questions about the extent to which those directly affected by the report participated in its development and would participate in its implementation. The proposals had the potential to undermine the availability and accessibility of kōhanga reo for whānau.

The Kōhanga Reo National Trust was concerned about the report's findings and how the Government might respond. The Trust lodged an application for an urgent hearing with the Waitangi Tribunal. The Tribunal granted the Trust an urgent hearing, scheduled to begin in March 2012. The Trust's Statement of Claim alleges it has not been provided protection and autonomy by the Ministry of Education and is forced to fit within mainstream early childhood education frameworks. The case is outlined further in the Treaty of Waitangi chapter of this report.

### Justice

There has been no marked improvement in apprehension rates, prison population and community based offenders over the past five years.

For reference, the 2006 census showed that 67 per cent of the population was "European"; 14.6 per cent "Māori"; 9.2 per cent "Asian"; 6.9 per cent "Pacific"; and 0.9 per cent "Middle Eastern/Latin American/African" (MELAA).

Māori feature highly in the underlying factors that place them at risk of becoming offenders and victims, such as having lower incomes, being less well-educated, and having a family



Apprehensions	2005 - 2006		2010 - 2011		Trend
European	92,481	44.56%	91,427	42.10%	↓ 1,054
Māori	88,252	42.53%	93,467	43.04%	↑ 5,215
Pacific	17,483	8.42%	20,841	9.60%	↑ 3,358
Asian	5,126	2.47%	6,331	2.92%	↑ 1,205
Other	1,871	0.90%	2,781	1.28%	↑ 910
Unknown	2,313	1.11%	2,304	1.06%	↓ 9

Statistics in these tables represent the numbers of apprehensions but not the numbers of offenders. An "apprehension" means that a person has been dealt with by the Police in some manner (including a warning) to resolve an offence.

member who has offended. Māori are over-represented in all stages of the criminal justice sector:

- over the last decade the Māori apprehension rate has remained more than 3.5 times the non-Māori rate
- the number of serious offences by adults, and by Māori and Pacific people in particular has increased
- although apprehension rates have increased, youth offending rates, including Māori youth offending, have dropped recently, partly reflecting the introduction of alternative (to prosecution) resolution processes by the Police
- reconviction and re-imprisonment rates tend to be higher for Māori offenders than for other offenders
- Māori are victimised and re-victimised at higher rates than others and experience significantly more personal offences (assaults, threats, damage to property).

The make-up of youth apprehension rates, by ethnicity, mirrors that of apprehension rates for all age groups.

## Ministry of Justice

In addition to the Addressing the Drivers of Crime work programme, the Ministry of Justice was responsible for the following programmes in 2011.

### Rangatahi and Pasifika Youth Courts

In 2011, four more Rangatahi Courts and one more Pasifika Youth Court were established. These courts are a judicially led initiative that locates part of the Youth Court process on a local marae or in a community hall. Their purpose is to reconnect young people with their culture to reduce their risk of

reoffending. Rangatahi Courts are used to monitor a young person's progress with their Family Group Conference (FGC) plan. This approach involves frequent judicial monitoring (fortnightly in most cases) by the same judge, allowing a relationship to be established between the judge and the young person.

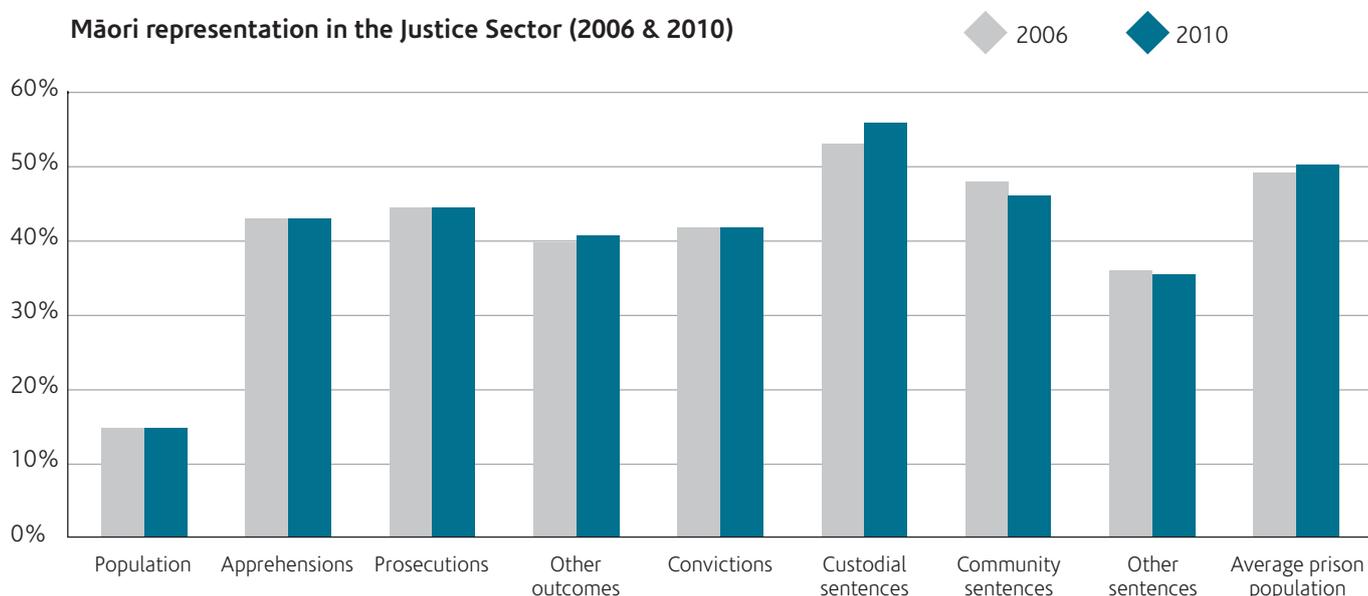
Pasifika Youth Courts follow similar principles to the Rangatahi Courts. The court aims to hold Pacific young people accountable for their offending in a more meaningful way.

When a young person appears in the regular Youth Court, only those young people who admit the charge(s) they are facing will be offered the opportunity to have their FGC plan monitored on a marae or community hall.

The FGC plan addresses the young person's offending and any factors which may have led to the offending, such as non-attendance at school.

The first Rangatahi Court was launched at Te Poho-o-Rawiri marae in Gisborne in May 2008. As at December 2011,

### Māori representation in the Justice Sector (2006 & 2010)



Note: Includes sentences introduced in 2007 – home detention, community detention and extended supervision. Police based data (apprehensions, prosecutions and other outcomes) is based on individual events, Courts data (convictions, sentences) counts people or offenders.

370 young people had their case monitored in a Rangatahi Court. The four Rangatahi Courts opened in 2011 were:

- Te Arawa Rangatahi Court, Rotorua, opened December
- Papakura Rangatahi Court, Papakura, opened October
- Pukekohe Rangatahi Court, Pukekohe, opened September
- Mataatua Rangatahi Court, Whakatane, opened June.

There are two Pasifika Youth Courts, one in Avondale, opened in September, and one in Mangere, opened in June 2010.

#### Victims Code and Services to Māori

Risk factors for being a victim tend to cluster for Māori. This means that some Māori carry a heavier burden of risk of both single and repeat victimisation. In 2011, the Ministry of Justice began the process of developing a Victims' Code to outline to victims of crime their rights, the services

available to them and the duties and responsibilities of government agencies. To assist the Victims Code process the Ministry of Justice:

- established a Māori Advisory Group of representatives from across government and non-government agencies
- held workshops with iwi and Māori service providers in five localities to discuss the development of the Code.

#### NZ Police

Reducing the over-representation of Māori and Pacific communities across the criminal justice system, as both victims and offenders, was identified as an overall priority during the development of the NZ Police's Strategic Plan 2011-2015. To that end, specific actions will be identified under each of the Police's operational priorities of youth, family violence, organised crime, road policing and alcohol. Many of these actions will be carried out in partnership with iwi and community groups as part of local Iwi Crime



and Crash Prevention Plans, and in conjunction with the Māori, Pacific and Ethnic Warden Networks.

### Department of Corrections

*Creating Lasting Change*, the Department of Corrections' strategic plan for the next four years, was launched in May. The plan acknowledges the importance of proactively engaging with iwi/Māori leadership in the search for solutions for Māori offenders.

In July, the Department opened its first kaupapa Māori-based reintegration units at the Hawke's Bay Regional Prison and Spring Hill Corrections Facility. The Whare Oranga Ake programme focuses on successfully reintegrating prisoners within a kaupapa Māori environment. It helps prisoners to train for employment, find work and accommodation on release, and form supportive pro-social networks with iwi, hapū and community organisations. There is also a focus on reconnecting prisoners with pro-social whānau. Māori community service providers lead and run the Whare on a day-to-day basis.

In September, a new Drug Treatment Unit was opened as part of the Māori Focus Unit at Whanganui Prison. The unit draws on both the clinical expertise of CareNZ and the tikanga-based approach of the Māori Focus Units to reduce re-offending particularly by Māori offenders with drug and alcohol issues.

Recent rehabilitation outcomes of the Department of Corrections' Māori Therapeutic Programme have been statistically significant in reducing re-imprisonment and reconviction rates. To build on positive outcomes, this programme was revised in partnership with Māori service providers and aligned with mainstream interventions. Changes include strengthening programme content, extending programme hours and recognising therapeutic outcomes within a Māori context.

Mainstream programmes also achieve positive outcomes for Māori. For example Māori offenders achieve good outcomes through participation in Drug Treatment Units in comparison to non-Māori prisoners.

The Department of Corrections focuses on ensuring equitable participation rates in all mainstream programmes and initiatives. For example, the *Prisoner Skills and Employment Strategy 2009-2012* aims to raise Māori participation in skill development and employment activities to match the proportion of Māori in the prison population. Positive progress has been made in this area. In 2010-11, the Māori prison population averaged just under 52 per cent. In comparison, Māori comprised 47 per cent of Corrections Inmate Employment participants, 60 per cent of those engaged in trade and technical training, 54 per cent of those participating in embedded literacy and numeracy activities, and achieved 48 per cent of all New Zealand Qualifications Framework credits.

The Department of Corrections is implementing a multi-year change programme that will change its approach to service delivery, with the aim of more effective management of community based offenders. The Integrated Practice Framework requires probation staff to make professional judgements based on risk to build compliance, reduce likelihood of reoffending and minimise risk of harm to others. The framework fosters personal responsibility and accountability for decisions and actions based on evidence. Integral to this framework is the development of a Māori practice approach – He Raranga Hou. This approach will help probation staff to work effectively and successfully with Māori offenders, their whānau and communities.

The practice builds the concepts of whanaungatanga and manaakitanga into all aspects of probation work. It emphasises building a strong working relationship with offenders that includes whānau and communities. Work

on practice guidance for staff as well as practice skills to enhance working with whānau was undertaken in 2011. Further practice development is being designed and implemented in 2012.

### Rethinking Crime and Punishment

The *Rethinking Crime and Punishment* project is a strategic community initiative to increase public debate about the use of prison and alternative forms of punishment in New Zealand. It operates under the Robson Hanan Trust.

In comparison to similar jurisdictions in the western world, New Zealand is second only to the United States in the rate at which it locks people up. Rethinking Crime and Punishment sees a need for fresh thinking and a much wider public discussion. With Corrections becoming one of New Zealand's largest spending government departments, it is essential that people understand exactly what that public investment is returning – particularly in terms of public safety. New Zealanders need a better understanding of how the criminal justice system works and how well it is working.

*Rethinking Crime and Punishment* exists to ensure that the basic rights and protections afforded by the modern state are

not carelessly disregarded. It seeks to address the growth of police powers, the expansion of criminal offences, the spread of summary justice, and the bypassing of criminal justice protections and democratic processes. It tracks and critically dissects these developments and their likely implications, with a view to defending the traditions of criminal justice in a democratic state.

*Rethinking Crime and Punishment* maintains a website with a collection of research from New Zealand and abroad. It publishes its own resources including *Trust in Justice*, newsletters, submissions to inform the development of policy and legislation, and provides expert speakers to talk with groups. It supports programmes and approaches that actively involve members of the public in the criminal justice and penal system. It engages business leaders, the judiciary, the families of offenders, churches and community groups in dialogue and debate. It also promotes ways in which volunteers can get involved in the criminal justice system.

### Wait continues in Operation 8 trial

In September, the Crown dropped charges against 11 of the 15 remaining accused in the "Operation 8" trial. Operation 8 saw police raids in the small Ngāi Tūhoe township of Ruātoki and elsewhere in October 2007. Armed, masked police searched members of the community. The Police initially intended to lay charges under the Terrorism Suppression Act, but the Solicitor-General declined to give the requisite approval. Charges were instead laid under the Arms Act.

Charges were dropped against the 11 accused because, after a ruling from the Supreme Court about Crown surveillance evidence being inadmissible, the Crown decided it did not have enough evidence to proceed with a prosecution.

The four remaining accused, including two men from Ngāi Tūhoe, face organised crime charges. After a wait of nearly five years in this controversial case, the trial is expected to run for three months in 2012.



### Māori under-represented as lawyers

Statistics produced by the New Zealand Law Society show Māori continue to be under-represented in the legal profession. The September issue of LawTalk reviews data showing an increase, but persistent under-representation:

- In the 2006 census Māori made up 5.5 per cent of New Zealand lawyers, compared with about 15 per cent of the overall population
- Māori made up 8 per cent of law graduates in 2010
- New Zealand Law Society records show about 3.5 per cent of practising lawyers are Māori.

### Economic

Māori and Pacific people, as in previous recessions, have been particularly affected by the recent economic downturn. They are more vulnerable during a recession as they are over-represented in lower skilled occupations and have high proportions of young people. Even where they are represented in higher skilled occupations, they tend to occupy lower-paid positions within those occupations. Asian people are over-represented in semi-skilled or elementary positions. Despite having higher educational qualifications than the New Zealand average, income for Asian New Zealanders is lower than the total population. Like Māori and Pacific populations, Asian and MELAA populations are younger than the general population and this may partly explain unemployment numbers and lower incomes. Department of Labour analysis in 2010 (*The Asian Workforce: a critical part of New Zealand's current and future labour market*) showed that young Asians – although difficult to generalise given differences between different Asian ethnicities – tend to be engaged in some form of full-time study.

The past year has seen a gradually improving labour market. The unemployment rate for the "Māori-only" ethnic group

was 13.7 per cent in the June 2011 quarter (down from 16.4% a year ago) and 13.1 per cent for the "Pacific Peoples only" ethnic groups (down from 14.1% a year ago). Those rates are still much higher than the total unemployment rate of 6.5 per cent for the June 2011 quarter.

### Unemployment

Dec 2006		Dec 2011
Māori 7.2%	Range 4.6%	Pacific only 13.8%
Pacific 6.8%		Māori only 13.4%
Other 5.6%		Asian only 9.1%
European/ Pākehā 2.6%		MELAA only 8.0%
		Other only 5.5%
		European only 4.7%

Data was collected differently from 2008 onwards. It is inaccurate to compare 2006 with 2011 data for each group. However, the increase from 4.9% to 11.5%, is noteworthy.

### Earnings per hour

June 2006 quarter		June 2011 quarter
European \$17.74	Range \$3.24	European \$21.33
Other \$15.56		Other \$20.46
Māori \$15.15		MELAA \$20.00
Pacific \$14.50		Asian \$19.00
		Māori \$18.00
		Pacific \$17.00

Data was collected differently in 2006 and 2011 so is not comparable. However, the \$1.09 increase in range, from \$3.24 to \$4.33, is noteworthy.

Several initiatives have sought to support Māori and Pacific people through the recession. The work of the Māori Economic Taskforce, discussed in the Treaty chapter of this report, is in part aimed to support Māori to gain qualifications and employment.



The EEO Trust's report *Specifically Pacific: Engaging Young Pacific Workers*.

The report *Specifically Pacific: Engaging Young Pacific Workers*, published by the EEO Trust in November, identifies key enablers to retain and support young Pacific staff. It recommends employers recognise the importance of family and Pacific cultural values; facilitate positive relationships between young Pacific workers and their managers with

two-way communication; provide career opportunities and training; and set up a network of Pacific role-models or mentors.

The report provides information in an under-researched area. This topic is important given the comparatively low employment rate for Pacific young people and the continued growth of Pacific young people as a proportion of the population.

Although worsened by the recession, inequalities and poverty are nothing new. Child poverty and child disadvantage was the focus of a paper by Bryan Perry of the Ministry of Social Development, published in the Office of the Children's Commissioner's Summer 2011 newsletter. Perry outlined the Economic Living Standards Index (ELSI) index of material wellbeing developed by the Ministry of Social Development. ELSI uses non-income measures, including the respondent's own rating of their living standards relative to others, and the ability of the household income to meet outgoings on necessities such as food, accommodation, heating and clothing.

Households in zones one and two of the ELSI index said they had many enforced lacks of basics and had very few of the non-basics surveyed about. Of those in zones one and two, 40 per cent are Pacific people, 32 per cent Māori, 14 per cent Pākehā/European and 13 per cent Other.

For example, of those in zones one and two, 56 per cent reported they had postponed their own visit to a doctor "a lot"; 65 per cent cut back or did without fresh fruit or vegetables "a lot"; 60 per cent had a "major problem" keeping their house warm in winter; 27 per cent could not provide separate beds for their children; 23 per cent could not afford warm winter shoes.



### Welfare Working Group Recommendations

The Welfare Working Group presented its recommendations to the Government in February. The group was established by Cabinet in April 2010 to review New Zealand's welfare system and identify how to reduce long-term welfare dependency.

The report, *Reducing Long-Term Benefit Dependency*, made 43 recommendations. It was oriented towards a goal of reducing the number of welfare recipients by 100,000 by 2021. It recommended steps be taken to lift Māori education, training and employment outcomes; partnerships be developed with Māori leadership (31% of working age Māori are on welfare); and that there be more focus on community-based solutions (including for Māori, Pacific people, migrants, refugees, and young people) which could involve contracting not-for-profit and private sector providers.

The Human Rights Commission's response to the recommendations included highlighting some positive aspects. The Commission also noted many areas of concern about the human rights implications of other proposed changes, including:

- recommendations focused on parents returning to work sooner and lacked assessment of the impact this would have on children
- recommended cuts to financial assistance for additional children for those on welfare benefits would impact negatively on children
- recommended targets to reduce the number of Māori on welfare benefits were not matched with targets for Māori employment
- lack of special measures for Māori, given a high proportion of those affected by other human rights concerns will be Māori.

The National Party published its welfare reform policy in the lead-up to the General Election. The policy sets out the National Party's intention to place greater obligations on beneficiaries to look for work, with the expectation that most are able to work. "Sole Parent Support" will replace the Domestic Purposes Benefit. People on Sole Parent Support will have to be available for part-time work when their youngest child is five years old. Sole parents who have another child while on Sole Parent Support will be required to look for work after that child turns one.

## 7. Te hekenga me te whakatau

### Migration and settlement

#### Priorities for 2012

- Approve and begin to implement the New Zealand Refugee Resettlement Strategy
- Ensure international human rights treaty obligations are met in decision making by immigration staff.

#### Five year review

Two key pieces of immigration legislation were enacted in the last five years – the Immigration Advisers Licensing Act 2007 and the Immigration Act 2009.

The Immigration Advisers Licensing Act 2007 requires the mandatory licensing of immigration advisers. The Act is intended to provide a safeguard for potential migrants against exploitation and to ensure that the information they receive is legitimate and relevant to their situation. The Act establishes the Immigration Advisers Authority. The Authority maintains a publicly available register of licensed immigration advisers, administers complaints against licensed advisers and takes enforcement action against non-licensed advisers.

The Immigration Act 2009 governs immigration in New Zealand. It aims to manage immigration through balancing the rights of the individual with the national interest. Overall, those involved in implementing the Act and people concerned with migrant and refugee interests consider it has created positive change.

Immigration policy has focused on attracting skilled workers and addressing long-term seasonal labour shortages. The adoption of the Recognised Seasonal Employer (RSE) policy in 2007 and the introduction of the Supplementary Seasonal Employment permit in 2009 provides other workers access to the New Zealand labour

market and aims to better protect the rights of these workers. A review of the RSE policy in 2010 concluded that overall it had been a success, providing employers with access to a reliable and stable seasonal workforce. The review did, however, raise concerns about a lack of awareness and understanding of workers' rights. The Department of Labour has provided additional resources and continues to monitor the situation.

The "Silver Fern" policies, implemented in 2010, allow eligible, skilled young people to enter New Zealand and work towards gaining residence.

Although the number of migrants approved for residence has remained relatively static since 2007, the global economic downturn has had a significant impact on migration, particularly temporary migrants. The downturn and a rise in unemployment have put pressure on the Government to ensure New Zealanders get jobs ahead of temporary migrant workers. Some temporary workers have been unable to renew their visas, despite already being employed, because labour market tests indicated that suitable New Zealand workers were available.

The Government has continued to accept refugees for resettlement under its annual refugee quota programme of around 750 refugees each year. Since 2007, New Zealand has accepted more than 3000 refugees. Although the geographic mix of source countries has shifted over the past five years with an increased focus on South East Asia, the refugee quota programme continues to include some refugees from other source regions such as Africa and the Middle East.

Government initiatives have focused on the importance of successful settlement and providing more support to migrants and refugees. This has included: the development of a national settlement strategy and action plan; regional



settlement strategies and action plans for Auckland and Wellington; the establishment of 18 local Settlement Support New Zealand services; the establishment of a settlement support network; the opening of migrant resource centres; the launch of local newcomers' networks; and the development of a national refugee resettlement strategy.

### Migration and settlement in 2011

Net permanent and long-term migration decreased dramatically in 2010-11. The Canterbury earthquakes had a significant effect on the number of migrants coming to New Zealand. In 2010-2011, 40,737 migrants were approved for residence, a drop from the 45,719 in 2009-2010. A decrease in the number of skilled/business migrants due to the ongoing seismic activity in Canterbury and the economic climate accounts for a large proportion of the overall decrease in residence approvals. The largest group of residence approvals continue to come from the UK (16%) followed by China (13%).

#### Resident approvals from top source countries for 2009/10 and 2010/11

Nationality	2009/10	2010/11	% change
United Kingdom	7773	6549	-16%
China	5909	5262	-11%
India	3712	4218	14%
South Africa	5310	3396	-36%
Philippines	4152	3179	-23%
Other	18,863	18,133	-4%
<b>Total</b>	<b>45,719</b>	<b>40,737</b>	<b>-11%</b>

The number of refugees accepted for resettlement fell significantly in 2010-2011. During this period 527 refugees were accepted for resettlement under the quota programme for 750 refugees annually. Refugees will not be resettled in Christchurch under the refugee quota programme for at least two years. As a result, it is anticipated that New Zealand will have reduced numbers of refugees being resettled in the country under the refugee quota programme in 2011-2012.

The number of foreign students coming to Christchurch fell significantly. The earthquake caused dozens of foreign student fatalities in the CTV building collapse. A survey by Education New Zealand in March found more than 50 per cent of international agents reported students headed for Christchurch had diverted to another region, and 25 per cent reported cancellations.

A new government organisation to attract international students was established in September. Education New Zealand will take its name from one of three predecessors, merged into one body and set up to attract foreign students. It will have a new board appointed to lead marketing overseas.

The Department of Labour released its report *Perceptions of Migrants and Immigration*. The report considered perceptions of permanent resident numbers, perceptions of New Zealand as a welcoming place and attitudes towards migrants and immigration. It found that the current level of migration was generally felt to be right. In addition, 80 per cent of respondents considered that New Zealand was a welcoming place for migrants.

**Net permanent and long-term migration totals (1981-2011)**

The net population gain from migration has not been large, as it has usually been close to the number of people migrating from New Zealand. This is shown in the table below.

**Immigration Act 2009**

The Immigration Act 2009 came into force in November 2010. The Act aims to facilitate entry of genuine migrants (for example the simplification of the visa system to replace the mix of visas and permits) and strengthen border control while ensuring compliance with immigration-related international obligations, particularly those under the Refugee Convention, Convention Against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR).

The Human Rights Commission hosted a round table in June to discuss the implementation of the new Act, attended by representatives of the Commission, government

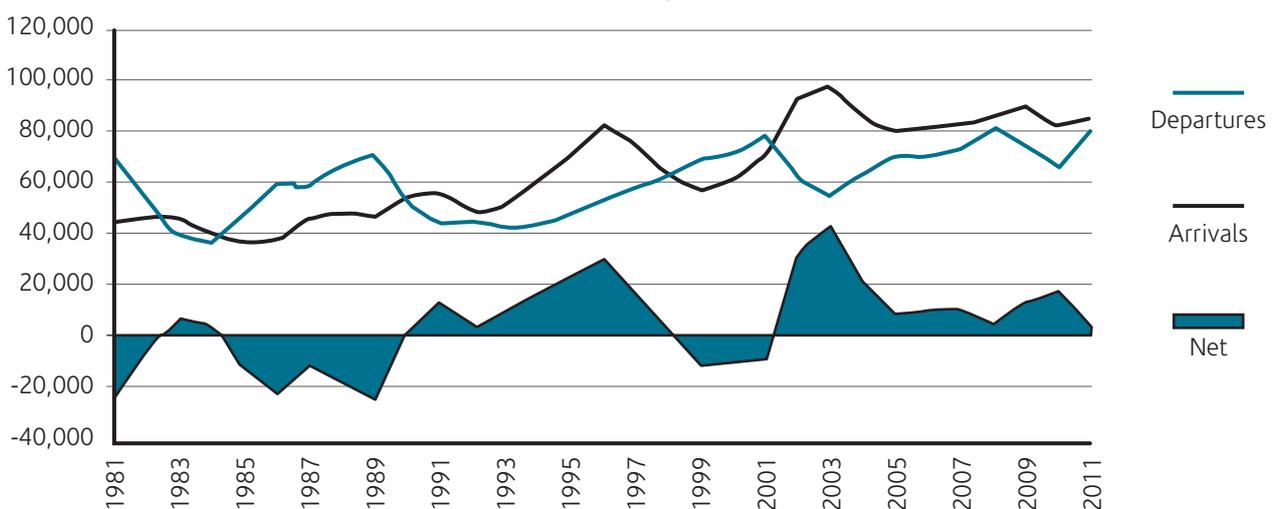
departments, the Office of the UN High Commissioner for Refugees (UNHCR), the Immigration Bar, and refugee and migrant organisations.

Overall it was considered that implementation of the Act is going well. A number of positive aspects of the Act were highlighted including:

- the preservation of the primacy of the Refugee Convention 1951 while incorporating obligations under the CAT and ICCPR
- the single procedure to determine refugee and protection claims as well as other humanitarian matters
- the increased use of reporting powers instead of detention
- the introduction of a universal visa system
- the removal of offence provisions relating to enrolling children unlawfully in New Zealand schools.

The Department of Labour is aware of the need to ensure the quality of decision making and the quality assurance team periodically reviews decisions across decision types.

**Net permanent and long-term migration totals (annual June)**



All refugee and protection decisions in the first instance are reviewed through a quality assurance programme and some also by the UNCHR. In 2009, a new quality measure (Q3) was introduced for all visa processing. By the September 2011 quarter, over 94 per cent of decisions were rated "accurate" and no more than three per cent of the decisions were rated "poor".

Attendees at the roundtable noted concerns within the community and amongst practitioners as to the extent to which international human rights Treaty obligations are incorporated, particularly in relation to offshore decision making. This is identified in this report as a priority for 2012.

Attendees also raised concern about the timeliness of decision making. There is no statutory time limit on decision making. However, timeliness for temporary applications has been a focus for Immigration New Zealand. By December 2011, almost all temporary decisions were made within 90 days. By contrast in Australia, first instance decisions must be made within 90 days. Likewise, Appeal decisions must be delivered within 90 days.

The Ministry of Education created a new category of "Ministry of Education approved domestic students" to implement changes in the Act regarding undocumented children enrolling in schools. The new category allows children who are unlawfully in New Zealand, but long term residents (at least six months) and ordinary residents in New Zealand with their family, to enrol as domestic students.

However, the provisions excluded families who had lived in New Zealand for more than six months but had not been unlawful for all of the previous six months. They also required the child's parent to have been unlawfully in New Zealand. Both of these additional requirements will be removed through changes published in the NZ Education Gazette in February 2012.

Other issues that may arise include when a parent's visa status changes and affects the child's eligibility to enrol as a domestic student. If the parent was on a full work visa at the start of the school year when the child was enrolled, the child is able to stay enrolled for the remainder of the school year.

### Immigration and Protection Tribunal

The Immigration and Protection Tribunal was established by the Immigration Act 2009. The Tribunal merged four specialist tribunals – the Residence Review Board, the Removal Review Authority, the Refugee Status Appeals Authority, and the Deportation Review Tribunal – into one "super" tribunal. This presented some challenges with, for example, members requiring training across all jurisdictions.

This, other resourcing issues, and the importance of maintaining the quality and integrity of the Tribunal's jurisprudence may have an impact on the timeliness of decision making in the short term. The Tribunal inherited 524 cases from its predecessors. An additional 641 appeals were lodged within the first seven months of its operation, producing a caseload 14 per cent higher than predicted. By contrast, in this same time period 350 decisions were delivered and 155 appeals were withdrawn or found to be invalid.

### Refugee resettlement

In 2011, the Department of Labour continued to lead consultation with a range of government and non-government stakeholders in the refugee resettlement sector. This consultation resulted in the completion of the new outcomes-based approach to refugee resettlement. The draft *New Zealand Refugee Resettlement Strategy* is yet to be approved by government.

Each year the Department of Labour, on behalf of government agencies, hosts a national forum for a wide range of refugee resettlement stakeholder participants including refugee communities, NGO resettlement service providers, government agencies, and international organisations. The National Refugee Resettlement Forum is the key event for government consultations that inform decision-making for refugee resettlement policy and services, and for current resettlement issues to be raised by service provider and refugee stakeholders.

The theme for the 2011 forum was “Future Voices, Future Choices” with an emphasis on youth and employment issues – two topics highlighted as issues by refugee communities. Based on recommendations from the previous year’s forum evaluations, the 2011 programme was reframed to include a number of interactive sessions for the 160 participants and key-note speakers who reflected the



*Tampa refugee Shukria Safdari talks with former New Zealand Prime Minister Helen Clark. New Zealand Herald/Greg Bowker*

### Tampa refugees ten years on

On 26 August 2001, a boat carrying about 450 asylum seekers, mostly from Afghanistan, began to sink. It was located by the MV Tampa and the passengers were taken on board under international rules around rescue at sea. The Tampa planned to take them back to Indonesia but because of the state of those rescued the captain determined that they should be taken to Christmas Island.

The Australian Government prevented the asylum seekers from landing in Australia and they were placed on a Naval vessel and transported directly to Nauru where a processing centre was established to determine their claims for refugee status. New Zealand took 131 of those on the boat including the unaccompanied minors and assessed them in New Zealand for

Refugee Status. All were eventually granted residence in New Zealand.

The event caused international controversy. The crew of the Tampa received the Nansen Refugee Award for 2002 from the UNHCR for their involvement.

Ten years later, in September 2011, the former refugees and their families came together to celebrate and reflect. Former Prime Minister Helen Clark acknowledged the 10 year anniversary of the arrival of the refugees, saying that New Zealand’s decision to accept them was one of her proudest moments as Prime Minister.

Since their arrival, more than 250 relatives of the original Tampa refugees have been reunited with family members and have built new lives in New Zealand.



refugee voice. In addition the forum featured an address by the Minister of Immigration, Hon Dr Jonathan Coleman, and presentations from the UNHCR, refugee communities and government agencies.

World Refugee Day was celebrated at the Mangere Reception Centre on 19 June 2011 and was attended by Ellen Hansen from the UNHCR. Resettled refugee communities from across Auckland, the Waikato and Palmerston North participated.

### Refugee Youth Action Network

The Refugee Youth Action Network (RYAN) was initially formed to address issues of young people from refugee backgrounds struggling in school, at home and in the community. The issues were raised at an annual general meeting of Refugees as Survivors New Zealand, in 2009, and at subsequent meetings of parents and principals, and by the NZ Police.

RYAN works to address and prevent these issues by fostering and mentoring young leaders from former refugee communities, providing career path development and culturally responsive counselling and guidance. RYAN organises sports events and after school activities, and outdoor pursuits leadership training for 90 nominated young people, run by Ngāti Wai Ara Moana Trust in Northland.

RYAN is a community development approach working in partnership with the Ummah Trust and the New Zealand Youth Employment and Development Trust, both refugee-led organisations. RYAN's Steering Reference Group has representatives from the three organisations with the support of the Ministry of Social Development, Refugee Council of New Zealand, NZ Police, Malcolm Pacific and Ministry of Youth Development.



Former refugee and successful businessman Mitchell Pham with Immigration Minister Jonathan Coleman at the National Refugee Resettlement Forum in Wellington.

### More skilled migrants earn higher salaries in New Zealand than Australia

The Department of Labour released its report *Competing for Skills: Migration Policies and Trends in New Zealand and Australia – At a Glance in June 2011*. The report compared New Zealand and Australian migration policies and their effect on the competition for skills. It discovered that skilled migrants in New Zealand are more likely to be working and earning more than in Australia.

Eighteen months after migration, 18 per cent of skilled migrants to Australia were earning A\$60,000 or more, while in New Zealand, 37 per cent of skilled migrants were earning NZ\$60,000 or more after this period. Although the value of the currencies differs, with \$1 New Zealand Dollar

worth approximately \$0.75 Australian Dollars, the study is indicative of salaries earned.

This finding reflects the fact skilled migrants to Australia tend to be younger, less experienced, and less likely to have English as a first language than skilled migrants to New Zealand. A large number of skilled migrants in Australia enter the country as students, whereas in New Zealand many migrants are older, qualified, and have current employment or a job offer when they apply for residency.

The study also found significantly more trade-qualified migrants were attracted to New Zealand (38% of principal applicants compared with 5% in Australia).

### Settlement and retention

The Department of Labour is the lead agency for achieving the Government's settlement outcomes. It provides settlement information, supports employers and migrants in the workforce, and funds settlement programmes in the community.

The Department of Labour co-leads, with local government, two regional settlement strategies in Auckland and Wellington. Initial three-year action plans focus on settlement activities supporting economic growth.

The key focus of settlement activities is the retention of migrants with skills that contribute to economic growth. Two new resources were developed in 2011 to raise awareness among employers and their new migrant employees about the settlement process and the New Zealand workplace. Based on international research and adapted to meet employers' needs, the resources are:

- *Employer Toolkit* – a quick reference guide for employers of new migrants, designed to raise awareness about the settlement process and communication challenges in diverse workplaces. The Toolkit supports employers to retain the skills that migrants bring to their workplace.
- *A Guide for Newcomers* – a companion to the Toolkit resource, the Guide informs new migrant employees about the settlement process, and raises their awareness about the differences they may encounter in the New Zealand workplace.

In 2011, Immigration New Zealand began sending email notifications to new visa holders with links to settlement services and information available to them. The emails are tailored for permanent residents, temporary migrants and international students.

In 2010-11, the 18 Settlement Support New Zealand initiatives collectively responded to 11,481 enquiries from migrants resulting in 18,778 referrals to local mainstream and settlement service providers.

### Settling In programme

Settling In is a community development programme that works collaboratively with refugee and migrant communities to improve long-term settlement outcomes. It develops and delivers social services identified as priorities by communities at the local level. Administered by Family and Community Services (part of the Ministry of Social Development), the programme currently operates in 14 locations around New Zealand: Northland, Auckland, Hamilton, Hawke's Bay, Palmerston North, Tauranga/Western Bay of Plenty, Wellington, Nelson/Tasman, Marlborough, the West Coast, Ashburton, Christchurch, Dunedin and Western Southland.

The last evaluation of Settling In found that the programme was successfully contributing to a wide range of positive outcomes for refugees and migrants, including improvements in health and wellbeing, social connectivity, host community relationships and settled family lives. A priority for 2012 will be work with migrant and refugee communities in the new Settling In sites of Gore, Oamaru and Dunedin to complete needs-assessments and develop action plans and continue working with refugee and migrant communities around



New Zealand to address settlement needs.

### Newcomers networks

Newcomers networks are local social networks set up to help people settle into a new community. This includes migrants from other countries and newcomers from other parts of New Zealand. There are now 23 Newcomers Networks around New Zealand, up from 11 the previous year. They are an easy way for newcomers to tap into local activities and to meet up with locals and others who are new to the area. The activities and events available vary in different

locations, depending on the interests of the newcomers and the type of community it is. The networks help to foster an appreciation of cultural diversity within a community by linking newcomers into mainstream activities, making use of local facilities and helping newcomers to become more visible. They are supported by the Ministry of Social Development's Settling In Programme.

### Foreign charter fishing vessels

Treatment of people on foreign charter fishing vessels within New Zealand waters came to public attention in 2011. In May, seven Indonesian crew 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 under payment or non-payment of wages. Some also alleged sexual harassment, physical abuse and inhumane punishment. Both vessels were chartered by New Zealand companies.



*Newcomers Network.*

In response to these allegations, and 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. The inquiry considered:

- the application of New Zealand's legislative regime to the use and operation of fishing vessels, and in particular foreign charter vessels, with respect to labour, immigration, maritime safety and fisheries management and the compliance with that regime by such vessels and their operators
- 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.

The inquiry will report to the Minister of Fisheries and Aquaculture and the Minister of Labour in February 2012.

## 8. Reo

### Language

#### Priorities for 2012

- Approve and implement the Pacific Languages Framework and determine the future strategy for te reo Māori
- Develop central and local government capability to communicate with culturally and linguistically diverse communities in the Christchurch earthquake recovery, and in the event of future civil emergencies elsewhere.

#### Five year review

The right to learn and use one's own language is an internationally recognised human right and is set out in the New Zealand Bill of Rights Act. In 2007, the Human Rights Commission published a statement on language policy that called for, among other things, a national languages policy and specific strategies for Māori, New Zealand Sign Language, Pacific and community languages. The call was renewed in the Commission's 2010 report *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*. To support discussion on language strategies, the Commission facilitates a language policy network, publishes a monthly newsletter and hosts an annual language policy forum.

While there is still no national languages policy there have been important developments such as the introduction of a separate curriculum area for languages in the New Zealand Curriculum; the production of a Māori Medium Curriculum (Te Mārautanga); curriculum guidelines for Māori in the mainstream; and curriculum statements for a range of Pacific and Asian languages and New Zealand Sign Language. The question of whether all New Zealand children should be taught te reo Māori at school is a topic of public debate.

Māori Television began broadcasting in 2004. It grew in popularity and added a second, Māori language only channel

in 2008. The first monolingual learner dictionary *Tirohia Kimihia* was produced by Huia Publishers in 2007. This was followed in 2008 by the Māori Language Commission's *He Pātaka Kupu – te kai a te rangatira*.

The use of Māori in the public domain increased significantly, particularly as a result of the annual Māori Language Week promoting wider use of Māori in public and community life. Increased use was evident in business, internet applications, place names, and in the media.

The state of te reo Māori came under scrutiny in two major reports: the Waitangi Tribunal's chapter on te reo Māori from its report on the WAI 262 claim in 2010, and the Ministerial task force's review *Te Reo Mauriora* in 2011. A new Māori Language Strategy has yet to be developed in response to these and other findings. A significant proportion of Māori live in Australia; estimated at as many as one in six. This has been raised as an issue for language maintenance in research from Paul Hamer of the Institute of Policy Studies.

The initial Mind Your Language Programme launched by the Ministry of Pacific Island Affairs to support the Tokelau, Niue and Cook Island communities in maintaining their languages was followed by the development of a draft Pacific Languages Strategy, which is yet to be approved by the Government. Samoan, Cook Island and Tongan Language Weeks were added to the annual calendar of language events, alongside Māori Language Week, New Zealand Sign Language Week and International Languages Week.

Language Line, a telephone interpreting service operated by the Office of Ethnic Affairs, considerably extended both the range of languages available and the organisations using the service.

Community language education received a setback with severe cuts to adult and community education in the 2009 budget.



### Language diversity in 2011

In 2011, a range of organisations were involved in developing strategies and frameworks to guide government policy and partnership with the community on language promotion. The Pacific Languages Framework gained support from the Minister of Pacific Island Affairs and Pacific communities. It provides a good example of how to guide government policy to empower communities to develop their own action plans.

The New Zealand Sign Language Act 2006 was reviewed, with a high level of feedback from the Deaf community. The review recommended changes in practice but no changes to legislation. Achieving changes in practice will require strong leadership, consistent review and enforcement.

The growth of dedicated language weeks in 2011 reflected the communities' strong commitment to promote their own languages. Six language weeks were held in 2011, some for the first time, and other communities are planning inaugural language weeks in 2012.

### First feature film in Samoan

*The Orator* – the first feature film shot entirely in the Samoan language – premiered at the Venice International Film Festival in September.

The film won several accolades in Venice, and lead actor Fa'afiaula Sanote received a best actor nomination in the recent Asia Pacific Screen Awards. The film is New Zealand's submission for the Foreign Language Film category of the 2012 Academy Awards. It is the debut feature for Samoan director Tusi Tamasese, was produced by Catherine Fitzgerald and supported by the New Zealand Film Commission.

*The Orator* was filmed on the Samoan island of Upolu. The story focuses on Saili, the son of the dead village chief who has been ostracised by the community because he is a little person. Quiet and unassuming, Saili is forced to defend his family and way of life with nothing more than words and the power of his voice. In doing so, he claims his rightful place as chief. Beautifully filmed, *The Orator* "portrays the landscape, people, culture, images, color, sound and feel of Samoa."



Credit: Saili (Fa'afiaula Sanote) and Vaaiga (Tausili Pushparaj) in *The Orator*. NZ Film Commission

A special screening of *The Orator* was held at Te Papa in Wellington in December to mark the International Day of Persons with Disabilities.

If evidence was needed, the Canterbury earthquakes demonstrated the importance of being able to communicate with diverse communities during and after a civil emergency. Some agencies demonstrated their preparedness to communicate with diverse communities; others less so.

### **Tokelau community acts to preserve language**

The publication of five new Tokelau language resources, including four booklets for children and

a collection of Tokelauan proverbs was celebrated by the Tokelau community in Wellington on Human Rights Day, 10 December. The publications were produced by the Tokelau Wellington Leadership Group, who also utilised the skills of a local Tokelauan illustrator and designer, with support from the Ministry of Pacific Island Affairs.

There are around 7000 Tokelauans in New Zealand, and about 1200 in Tokelau. According to the 2006 census, only 40 per cent could speak Tokelauan at that time, and less than 25 per cent of those born in New Zealand could do so.

Tokelau, Niue and the Cook Islands remain a part of the “New Zealand realm” and their people enjoy New Zealand citizenship. All have a majority of their population living in New Zealand, and language retention in New Zealand is vital to the survival of their languages. The Ministry of Pacific Island Affairs worked with the three communities on a Mind Your Language project from 2005-2009 to produce



*Rev Tui Sopoaga, Rev Salesa Sirila and Rev Ioritana Tanielu at a celebration of new Tokelau language resources.*

some initial language resources and a website for each language. The Tokelau website ([www.learntokelau.co.nz](http://www.learntokelau.co.nz)) was launched in 2008.

The Tokelau Wellington Leadership Group has continued to work with the Government and others on initiatives to promote their language. The first ever translation of the New Testament was completed in 2009 and is being followed by a translation of the Old Testament. The Ministry of Education published *Tokelau Language Guidelines* in 2009, and *Muakiga! An Introduction to Gagana Tokelau* in 2011. The group has developed a Community Action Plan for the Tokelau language consistent with the draft Pacific Languages Framework being developed by the Ministry of Pacific Island Affairs.

Plans for 2012 include an inaugural Tokelau Language Week to promote the language to both the Tokelau and wider New Zealand communities.



### NZ Sign Language Act reviewed

A review of the New Zealand Sign Language Act published in September was met with disappointment from many in the Deaf community.

The review was conducted from January 2011 with a high level of interest and submissions. During the review people welcomed increased awareness about New Zealand Sign Language (NZSL). However, they were concerned that the Government had not used as much NZSL as expected and that accessing Government services, including Courts, was not always easy. The review states that “while the NZSL Act is not functioning as well as it might, this may be the result of poor practice rather than being attributable to the NZSL Act itself”.

The Minister for Disability Issues considered suggestions – such as more promotion of NZSL, improved access to interpreters in the wider justice system and more NZSL in broadcasting – and decided that these could be advanced without changes to the Act.

Many in the Deaf community were disappointed with the outcome of the review, saying that it failed to respond to calls to broaden the Act’s scope beyond justice, to include sectors like education and health, and to address systematic barriers and inefficiencies in the provision of interpreting services. Deaf Aotearoa urged the Disability Ministerial Committee to engage with the Deaf community to understand what the submitters were saying.

The Ministerial Committee on Disability Issues will be responsible for implementing changes. Reports on progress will be included in the Minister’s annual report to Parliament.

### Communicating with diverse communities in Canterbury

The Canterbury earthquakes showed the importance of being able to communicate with diverse communities in a civil emergency and in the process of re-building. The Race Relations Commissioner wrote to key government and local-government agencies in Canterbury to ask what steps organisations had taken to communicate with diverse communities. The request was intended to assess the degree to which these agencies were addressing the needs of culturally and linguistically diverse communities in Canterbury following the earthquakes.

Responses indicated that organisations with pre-existing and well-established relationships with the multi-cultural sector – such as the NZ Police, Christchurch City Council and the Office of Ethnic Affairs – were most effective in communicating in the immediate aftermath of the earthquake.

For example, the Police used interpreters and liaison officers to assist engagement with grieving families and affected communities. Multilingual resources were developed to assist with the identification of foreign nationals who had died and to aid communication between coronial teams and the families of victims. The worst affected areas were individually visited through a door knocking campaign to reach out to Māori and Pacific communities. The Police team in Canterbury includes specialist Māori, Pacific, Asian and ethnic liaison and advisory staff.

The Christchurch City Council translated FAQs with emergency management and health information and provided interpreters in Japanese and NZSL. A Multicultural Community Advisor has continued to communicate with diverse communities post-earthquake and will continue to do so throughout the rebuilding and recovery phase.

Interpreters were available in five languages at the first community consultation on the draft Central City Plan and at subsequent stages of the process. Submissions were received in Chinese (26), Korean (17), Farsi (5), Russian (1) and NZSL (1).

The Office of Ethnic Affairs met demand for interpreters by extending the hours of Language Line and providing it to support services such as the Red Cross to assist international visitors and the families of international students affected by the earthquakes. The Office of Ethnic Affairs provided information messages in community languages that were broadcast over community radio stations and on the internet.

The Commissioner also wrote to the Ministry of Civil Defence and Emergency Management, Canterbury Earthquake Recovery Authority, Ministry of Social Development, Environment Canterbury Regional Council, Electoral Commission and the Earthquake Commission. For some agencies the earthquake highlighted areas where more capability and preparedness was needed. Some had been able to provide translated information. For example, the Ministry of Social Development's Family and Community Services translated "Tips for families after the earthquake" into ten languages. However, the Ministry did not have a policy on communicating with culturally and linguistically diverse communities. It is exploring the development of a communications strategy for ethnic communities.

Many agencies relied on the Ministry of Pacific Island Affairs and the Office of Ethnic Affairs, which only have a minimal local resource, for advice and support.

CLING – the Community Language Information Network Group – was formed after the February earthquake to support efforts to communicate earthquake messages to people whose first language is not English. The group remains concerned that migrant communities are not

receiving current information when they need it. They have recommended local and central government agencies appoint their own specialist liaison staff and adopt best practice guidelines for communicating with multicultural communities in a civil emergency. More research is needed to ensure lessons learned from the Canterbury earthquakes are not lost.

### **Community languages strategy**

Building capacity for community languages, day-to-day, is the continued focus of the Community Language Association of New Zealand (CLANZ). In 2011 CLANZ began work on a Community Languages Strategy. It drafted and consulted community networks to produce a discussion paper. Feedback called for:

- formal recognition for language teaching outside of community based schools
- material and public support to assist those communities who want to set up community language learning programmes within or outside established education facilities
- professional development and qualifications for teachers and administrators in community language schools.

In 2012 CLANZ will develop a Community Languages Framework based on the discussion paper. It plans to submit the framework to the Ministers of Education, Ethnic Affairs and Culture and Heritage to seek their commitment to measures to build capability in the community languages sector.

### **Language Weeks a growing trend**

The inaugural Tongan Language Week in 2011 joined a growing trend for communities seeking to promote their language through an annual language week.



Tongan Language Week was held in September in the lead-up to the Tonga v New Zealand opening match of the Rugby World Cup. It began with a major church service in Auckland. The week was supported by Tongan media, Tongan parishes and schools with a significant number of Tongan students in both Auckland and Wellington.

The original language week was Māori Language Week, which in recent years has been promoted as a partnership project between Te Taura Whiri i te Reo Māori (the Māori Language Commission), Te Puni Kōkiri and the Human Rights Commission. It has been highly successful in raising the profile and status of te reo and seeing it used more widely in the public domain. Deaf Aotearoa Inc and the wider Deaf community has begun to achieve similar results with New Zealand Sign Language Week held each May. For the past two years, the Association of Samoan Teachers in Aotearoa has worked with the Human Rights Commission, the New Zealand National Commission for UNESCO, the Ministry of Pacific Island Affairs and others to promote Samoan Language Week in May/June. It is now well established with Samoan media, churches, libraries and schools. International Languages Week took place in August, with co-ordination from the New Zealand Association of Language Teachers.

The Chinese and Indian communities and a number of other Pacific Island communities are among those considering establishing language weeks in 2012.



Pauline's Tongan Language Week poster. Addington School

### Māori language sector reviewed

*Te Reo Mauriora*, a report on the Māori language sector and Māori language strategy, was released in April. The report presents the findings of an independent panel appointed by the Minister of Māori Affairs. The panel was asked to look at how to promote te reo Māori in future and achieve value for money in government spending in this area.

The review was informed by the Waitangi Tribunal chapter on the state of te reo Māori, released in 2010. The panel travelled the country to hear the Māori language aspirations of iwi, hapū, marae, whānau and Māori communities.

The panel found that despite significant progress in the last 25 years, Māori, as a minority language, is still endangered. The report focused on how to ensure its sustainability; that Māori have sovereignty over te reo Māori and revitalisation

initiatives; and the Government's obligation to ensure te reo is spoken in homes but also to assist in raising its status publicly. The review posed the objective that by 2050, 80 per cent of Māori homes are Māori language homes.

The principal focus of the recommendations was to achieve revitalisation by re-establishing te reo in homes. The role of the public sector is to support Māori to achieve this objective. In summary, the report recommends that:

- a Minister for the Māori language be established with powers to determine all matters pertaining to the Māori language
- priority funding and focus be given to initiatives geared to meet the objective of 80 per cent of Māori homes as Māori language homes by 2050
- a "Rūnanga ā-Reo" be established in nine regions to plan programmes, expenditure and evaluation
- initiatives collaborate towards the principal goal at a national level and through Rūnanga ā-Reo, and that other initiatives such as embracing te reo Māori in the private sector should be continued and expanded
- the future implementation of the revitalisation strategy be led by iwi. The panel noted that this was an emphatic call heard throughout the regions
- a board known as "Te Mātāwai" for te reo Māori be established, comprising language experts representing the seven dialect regions and two large urban centres
- iwi Wānanga be established to strengthen dialects, teaching, broadcasting, publishing skills and Māori tribal history and identity.

At the end of the year the Government had yet to respond formally to the review. In December the Minister of Māori Affairs told media that the chair of the review panel, Sir Tamati Reedy, would be responsible for an approach to

revive the language in homes with programmes such as Te Ataarangi.

### Te reo Māori in Australia

Reports by Paul Hamer of the Institute of Policy Studies in 2007, 2008 and 2009 estimated that as many as one in six Māori live in Australia. Hamer's article 'The Split Tōtara: Te Reo Māori and Trans-Tasman Migration', published in *Te Reo* in November, assessed the impact of population shift on the revival of te reo Māori.

The paper notes the high number of emigrants who speak te reo. Losing so many te reo speakers to other countries may have played more of a role in the language's renewed decline than previously recognised. The population of Māori living in Australia faces the same and indeed magnified challenges to the revival of te reo as faced in New Zealand, such as difficulty finding teachers and language experts. In any event, te reo Māori has become a transnational language. This raises the question of what, if any support, should te reo speakers in Australia receive from the Government and organisations in New Zealand.

The paper considers expert opinion that resources should be focused on those areas that offer the best chance for language renewal. Investment in te reo in Australia may be a case of spreading resources too thinly. However, some support for the kura reo that do operate in Australia may be vital in keeping the profile of the language alive for Māori living there. Occasional support from New Zealand government agencies for the learning and use of te reo Māori in Australia is therefore justifiable. In the meantime, the paper suggests that agencies responsible for te reo Māori in New Zealand be more explicit about where Māori in Australia stand in relation to Māori language strategy and funding. It calls for authorities to at least recognise that trans-Tasman migration is having an impact on te reo's revival.



## 9. Pāpāho

### Media

#### Priorities for 2012

- Improve representation of diverse communities in the media, in particular Asian communities
- Respond to the Law Commission's report on new media.

#### Five year review

A survey by the Journalism Training Organisation (JTO) in 2007 highlighted the continuing under-representation of Māori, Pacific and other minority ethnic groups in newsrooms and journalism training schools. Since then, there has been incremental improvement, although no further surveys have been undertaken by the industry. Fairfax Media instituted an intern scheme in part to address the issue for its newsrooms, but the challenge remains.

Māori Television established itself firmly as a public sector broadcaster and won free-to-air broadcasting rights for the Rugby World Cup, together with TVNZ and TV3. It set up a new Māori language channel in 2008. TVNZ 7 was established on Freeview as part of TVNZ's commitment to diversity under the TVNZ Charter, but following the abolition of the Charter by the Government it will cease to broadcast in 2012.

There was growth in ethnic media, including World TV, broadcasting in Chinese, Japanese and Korean; the Internet based Skykiwi with 130,000 registered users including many Chinese international students; Radio

Tarana, Apna990 and Humm FM broadcasting to the Indian community; and a wide range of Asian language newspapers. Regionally based Triangle TV, with many ethnic community programmes, went national as Stratos on Sky and Freeview. The venture was not financially viable and ceased to broadcast in December 2011.

The Pacific Media Centre and Pacific Scoop newsite were established by Auckland University of Technology. Whitireia Polytechnic expanded its journalism training programmes and developed connections with Pacific media. Publicly funded Pacific Radio NiuFM and 531pi were amalgamated into a single National Pacific Radio Trust.

Funding for TVNZ's *Asia Downunder*, the only programme dedicated to the Asian community (which comprises ten per cent of the population) was discontinued by TVNZ in 2011. The programme had run for 18 years.



Reporter Lulia Leilua, Native Affairs. Māori Television

A small number of high-profile cases of racial misrepresentation or denigration resulted in the Press Council and the Broadcasting Standards Authority upholding complaints. The complaints included *North and South* magazine's feature on "Asian Angst" by Deborah Coddington in 2007, and comments by Radio Live's Michael Laws and Television New Zealand's Paul Henry about the then Governor-General, the Right Honourable Sir Anand Satyanand, and an Indian Cabinet Minister, Sheila Dikshit, in 2009.



*Asian Downunder crew and freelancers. Asia Downunder*

### Media diversity in 2011

The repeal of the TVNZ Charter could lead to fewer programmes reflecting New Zealand's diverse society. With the Charter gone, TVNZ no longer has a statutory requirement to reflect local culture, with its purpose confined to commercial performance.

The demise of *Asia Downunder* was regretted as one of the only places on mainstream media where Asian faces and stories were broadcast. New Zealand on Air will support a replacement programme aimed at all ethnic New Zealanders. The new programme, while welcome could have been in addition to *Asia Downunder* rather than its replacement.

Funding pressures also saw free-to-air channel Stratos end broadcasting in December.

The use of online media to vent discriminatory sentiment was an increasing trend in 2011. In one example, the personalised plate 'Māori' was put up for sale on Trade Me attracting hundreds of comments, some of them highly negative and racist. The anonymity of online media allows people to vent opinions they may not otherwise voice. It is unclear how many people are represented by these comments. Research by the Centre for Applied Cross-cultural Research examined this issue, analysing online responses to comments by broadcaster Paul Henry and Hone Harawira, MP. The researchers suggested the need for more vigilant enforcement of acceptable use policies and civics education to raise public awareness of racism and discrimination.



### Overtun of the TVNZ Charter

The Television New Zealand Amendment Act 2011 was passed in July. It overturned the TVNZ Charter and replaced it with a statement of functions for TVNZ.

Since 2003, the Charter required TVNZ to:

- promote understanding of the diversity of cultures making up the New Zealand population in its programming
- enable all New Zealanders to have access to material that promotes Māori language and culture
- feature programmes that serve the interests and informational needs of Māori audiences, including programmes promoting the Māori language and programmes addressing Māori history, culture and current issues
- include in programming intended for a mass audience material that deals with minority interests.

Under the 2011 Act, TVNZ is allowed to determine its own priorities. The statement of TVNZ's functions, while less prescriptive, does require TVNZ to provide high quality local and international content that is relevant to, enjoyed and valued by New Zealand audiences and reflects Māori perspectives.

In its submission to the Commerce Select Committee, the Human Rights Commission said the statement of functions did not refer to the diversity of New Zealand society and made only slight reference to Māori. It noted the functions did not go far towards ensuring genuine representation for Māori at all levels of television programming. The Bill went through Parliament with no amendments.

The programme *Asia Downunder* broadcast its final episode in December, after 18 years on air.

The popular programme's content was dedicated to Asian New Zealand coverage, serving a potential audience that has grown to about 10 per cent of the population. Five reporters put together 40 editions a year for screening on TV One and TVNZ 7.

TVNZ introduced a new programme for ethnic communities to replace rather than complement *Asia Downunder*. Called *Neighbourhood* and produced by Satellite Media, the programme will screen 35 half hour episodes a year.



The demise of Stratos Television on the freeview digital platform contributed to the reduction in the diversity of voices on screen.

Stratos provided news and programming in six languages through international partnerships with DW-TV, France 24, Euro News in Europe, Voice of America, Bloomberg, Australia Network, CCTV, CQTV, NHK and YTN in Asia.

In partnership with its sister station, Auckland broadcaster Triangle, Stratos had built a relationship with more than 30 distinct ethnic and cultural communities. In Auckland, 25 individuals and organisations were involved in funding and creating special interest programmes for screening on Triangle for rebroadcast on Stratos in 2011. Triangle continues to broadcast.

### Racist language in online media

A research team at the Centre for Applied Cross-Cultural Research associated with the School of Psychology at Victoria University of Wellington analysed over 1000 on-line responses to comments by Paul Henry and MP Hone Harawira, through YouTube and TV One News. Findings were presented at the New Zealand Diversity Forum in August and the research project will continue in 2012.

In the case of offensive comments emailed by the then Māori Party MP Hone Harawira, there was evidence of uncertainty about biculturalism in New Zealand. People opposed to Hone Harawira charged reverse racism, claiming that double standards applied to Māori to protect them from being sacked. Those in favour of Hone Harawira saw his comments as justified due to the historical grievance that justifies a "tit-for-tat" between Māori and Pākehā. The Internet dialogue resembled a sparring match more than a rational discussion of a resolvable issue.

In the case of Paul Henry's comments about Indian Cabinet Minister Sheila Dikshit and the then Governor-General, those in favour of Paul Henry defended his sense of humour and that he was not racist but an "equal opportunity discriminator" (that is he does not discriminate in that he is rude to everyone). Others argued that free speech needed to be valued and the off-button was always available to those offended. Those offended by Paul Henry's remarks said he was unprofessional, embarrassing, immature, irresponsible and racist.

The researchers concluded there were few ground rules when discussing race on online sites. Twenty per cent of the TV One comments involved obscene insults, whereas a majority of the YouTube comments involved obscenity, and many exchanges involved the kind of passion that could have resulted in violence if the encounter had been face-to-face. The researchers warned about complacency regarding

race relations in New Zealand, with a significant amount of race hatred in the responses examined.

The researchers said the work posed important questions about the nature of democracy and the tyranny of the majority in widely discussed topics.

Various options for improving the quality of discussion of racial issues included educating young people about how to participate in social media, and using consumer power (for example, boycotts or complaints) to encourage mass media websites to behave more responsibly.

### Regulating the new media

The Law Commission published a discussion paper in December reviewing the adequacy of the regulatory environment for news media operating in the digital arena. The paper examined legal definitions for news media in the digital space; how the current regulatory framework works for digital news media and whether existing criminal and civil remedies for defamation, harassment and privacy are effective in the new media environment.

It concluded that the legal privileges and exemptions that applied to traditional news media should be extended to new publishers such as bloggers and web-based entities.

It proposed a new regulator, independent of the Government and the news industry to replace the Broadcasting Standards Authority and the Press Council. A number of different codes would govern different producers and publishing environments, for example, bloggers might devise their own codes. The regulator would be recognised by statute and funded by contributions from news media and the State.

The paper further proposed two mechanisms for people seeking civil remedies without the stress and cost of facing a regulator. The first mooted was a Communications



Tribunal to deal with cases it judged to have met the threshold of a breach of the law; it would not be a port of call for those with insubstantial complaints. The proposed tribunal would have the power to award compensation and order for a publisher to run an apology or correction or remove material.

The second option was the establishment of a Communications Commissioner, possibly attached to the Human Rights Commission. The Commissioner would assist people to access the law and would have some limited powers of investigation and inquiry, but not enforcement. The Communications Commissioner would seek to resolve issues in an informal manner, for example, through mediation. The role would be a portal for information and assistance for those who can feel excluded by more formal and complex processes.

### **Māori Television wins largest ever audience**

Screening Rugby World Cup games earned Māori Television its largest audience to date and it was the most watched of all channels to broadcast games.

About 1.8 million people tuned in for the first eight games, screened live, exceeding predictions for viewership. Commentary on Māori TV was in English with 5–10 per cent Māori language spoken throughout. All 16 live matches were simulcast on the sister channel Te Reo. The Te Reo channel had 100 per cent te reo Māori commentary and was also available to iwi radio stations throughout the country.

### **Suburban Newspapers' poor reporting of Māori news**

A research report published in the *Pacific Journalism Review* in October found Suburban Newspapers Ltd lacked items about Māori issues and the Treaty of Waitangi.

The report is based on content analysis of editorial items in 14 Suburban Newspaper publications. Suburban Newspapers Ltd is owned by Fairfax Media and comprises 17 titles covering Northland and the Auckland region, published one to three times a week. Newspaper samples were collected between 2004 and 2008.

The report concluded that Northland had a low proportion of articles about Māori issues and the Treaty, despite high proportions of Māori resident in several areas served by publications there. Stories had a higher proportion of apparent news releases compared with non-daily papers. Suburban Newspapers used a low proportion of iwi and hapū sources compared with other community papers. Use of te reo Māori was low.

The *Manukau Courier* published the most items about Māori issues and the Treaty (22); the *Dargaville and Districts News* and *Whangarei Leaders* each had one item. The average number of items per publication was eight.

The report noted that major, persistent anti-Māori themes have been identified in newspaper reporting of Māori. This included the framing of Māori control of resources as a threat; of Māori as privileged compared with non-Māori; and of Māori as either "good" or "bad" depending on whether the writer or source saw them as fitting in or causing trouble.

## **Complaints about the media**

### **Broadcasting**

The Broadcasting Standards Authority (BSA) considered a total of eight race-related complaints in 2011. Seven were not upheld as they were not found to reach the threshold for serious offence.

In the case of *Breakfast* host Paul Henry's comments on the name of Indian Cabinet Minister Sheila Dikshit, TVNZ was found to have breached broadcasting standards. The BSA ordered TVNZ to broadcast a statement containing a comprehensive summary of its decision and pay \$3000 costs to the Crown.

TVNZ's Complaints Committee had decided that the programme breached broadcasting standards relating to good taste and decency, fairness, and discrimination and denigration. The BSA's task was to determine whether the broadcaster had acted sufficiently once it upheld those complaints.

The BSA noted that Paul Henry's resignation did not constitute action taken by the broadcaster. It ruled that his repeated ridicule of Sheila Dikshit's name amounted to a sustained and deliberate attack against the Minister and extended to Indian people in general.

"His subsequent comment, which associated the words 'dick shit' with people of Indian descent was not only derogatory but entirely dissonant with common decency and a clear breach of the discrimination and denigration standard."

While TVNZ apologised to the complainants, it had described Paul Henry's comments as "inappropriate" which the BSA considered to be inadequate. "In our view, the breaches called for a firm and unqualified acceptance that the comments were unacceptable, and for a prompt and unequivocal statement and apology broadcast on *Breakfast*." The BSA therefore found that the action taken by the broadcaster was insufficient, and it upheld the complaints.

### Print

The New Zealand Press Council considered five race-related complaints in 2011. None were upheld.

One complaint was about an anonymous text message published in the TEXT US section of the *Hawke's Bay Today* newspaper. The text was in response to a reader upset that English visitors had made "racist remarks regarding Māori and place names etc". The sender of the text regarded the English as "guests" in Aotearoa and suggested they "Enjoy their residency and keep their incessant carping to themselves." The Press Council concluded the column was a robust forum allowing the public to comment on issues and that some readers could take issue with some comments. The message concerned was one person's viewpoint and did not incite racism, but put forward a view for readers to consider.

Although the complaint was not upheld, the complainant's concern about publishing texts from anonymous sources was noted by the Press Council. It said the nature of texting encouraged an instant, forceful, almost throw-away response rather than the more considered approach of writing a letter to the editor. This tendency was exacerbated if text messages were published anonymously.

### Advertising

The Advertising Standards Authority (ASA) considered 13 complaints about advertising on race-related grounds in 2011. Twelve complaints did not reach the threshold to proceed, or did not qualify as grounds to proceed. In most of these cases the ASA considered the advertisement had not reached the level of causing widespread offence.

One case was settled without proceeding further, because the offending wording was removed. Tourism Properties' web advertisement for the Waihao Forks Hotel sold the property on the basis "Waimate has the fewest Māori per district in New Zealand". After a complaint was lodged, the wording was removed and Tourism Properties apologised and changed its procedures.



## 10. Rerekētanga whakapono

### Religious diversity

#### Priorities for 2012

- Raise awareness in businesses and workplaces of the need to respect and accommodate religious diversity
- Promote dialogue between faith communities and the media on the representation of diverse religions in the media.

#### Five year review

The 2006 census saw an increase in the number of Hindus, Muslims, Buddhists, Sikhs and those with no religion. Christians made up 53 per cent of the population, 32 per cent had no religious belief and 15 per cent were from other religions. It is likely that religious diversity in New Zealand has continued to grow. There is no data about the extent of growth in religious diversity, however, as the 2011 census was postponed because of the Canterbury earthquakes.

National interfaith forums, bringing different faith communities together, have continued annually, expanding to include specific forums for women, men and youth. They bring together representatives of interfaith groups, religious leaders, politicians and interested individuals. Most main centres now have active interfaith groups. Each year a religious diversity forum focused on policy has been held as part of the New Zealand Diversity Forum.

Government initiatives included co-sponsoring the Asia Pacific Regional Interfaith Dialogue and participating in the United Nations Alliance of Civilisations programme. Both influenced policy and programmes within New Zealand. Government programmes included “Building Bridges” and an Alliance of Civilisations implementation plan. Responsibility for these was delegated to the Office of Ethnic Affairs. The NZ Police published a guide to religious diversity and actively engaged with faith communities.

The Holidays Act was amended in 2010 to enable workers and employers to agree to transfer public holidays such as Christmas and Easter to days of greater personal religious or cultural significance. Immigration policy was reviewed to better provide for the immigration of religious workers. A decision by the Minister of Agriculture and Fisheries to remove an exemption to the animal slaughter code for kosher slaughter was reversed after protest from the Jewish community.

The Human Rights Commission facilitated the development of a national *Statement on Religious Diversity* which was endorsed at the 2007 National Interfaith Forum and launched by the Prime Minister at the Asia Pacific Regional Interfaith Dialogue held at Waitangi that year. The statement was subsequently endorsed by a wide range of faith communities, including the major Christian denominations and Muslim, Jewish, Baha'i, Buddhist, Hindu, and Sikh organisations. The Commission publishes a monthly newsletter on religious diversity and, together with the Victoria University's Religious Studies Programme, organised the annual religious diversity forum and published guidelines on religion in public life.

A UNESCO Chair in Interreligious Understanding was established at Victoria University, and Islamic studies programmes were expanded at Victoria and Otago Universities, and introduced at the University of Auckland.

#### Religious diversity in 2011

Diverse religious communities in Christchurch and throughout New Zealand responded generously to the victims of the Canterbury earthquakes in February. Representatives of many faiths were part of the official services of prayer and commemoration.

Changes to immigration policy made it easier to recruit and retain religious workers to serve their communities, and a guide to religious diversity in the workplace was completed.

The established programme of interfaith activities continued, including the national interfaith network, the New Zealand Diversity Forum, the Building Bridges programme and local activities.

There were a small number of highly publicised incidents involving religious discrimination, particularly relating to the wearing of burqas and turbans.

### Entry conditions for religious workers eased

The Minister of Immigration announced new rules in July making it easier for religious workers from overseas to stay in New Zealand. An updated temporary visa was introduced, allowing for a stay of four years, after which an application could be made for permanent residence.

The review of the existing rules came after extensive lobbying by religious communities about the difficulty religious workers faced gaining permanent residence in New Zealand.

### Death and Diversity

An exhibition on death and diversity opened at the Museum of Wellington City and Sea in December. Developed in collaboration with the Office of Ethnic Affairs, it features exhibits from the Jewish, Hindu, Muslim, Assyrian, Mexican, Colombian, Filipino and Chinese communities. The exhibition explores the diverse rituals surrounding death including the changes communities have made since arrival in New Zealand.

The exhibition is arranged around the six themes of water, fire, earth, colour, food and words. A large monitor screens videos focusing on expressions of grief and remembrance, including Anzac Day, the Makara Cemetery Bus Service, Assyrian Martyrs' Day, the Mexican Day of the Dead, the tangihanga of a Parihaka kaumātua, and a Chinese Ching Ming grave sweeping ceremony.

An extensive series of public programmes is planned for the duration of the exhibition, comprising music, performance, stories and lectures. As the principal sponsor, the NZ Police are presenting four of the estimated 30 public programmes, including one on how they accommodated diverse religious



*Death & Diversity exhibition. Wellington City and Sea*

practices when working with the victims of the Canterbury earthquakes.

The exhibition is also supported by the Funeral Directors Association of New Zealand and partners Voice Arts Trust and the New Zealand Film Archive. The exhibition opened on 5 December 2011 and will run through to the end of June 2012.



Previous immigration policies did not define “religious work” and had no residency option. Religious workers were evaluated against general skills categories to qualify for permanent residence. They struggled to fulfill requirements set for skilled employment and employment experience, remuneration, qualifications, English language, and age.

A shortage of workers was reported across a wide range of religions. When launched, the Immigration Minister said, “New Zealand is becoming more diverse, with a different demographic make-up, than 20 years ago. There is a wider range of spiritual needs.”

### Guide to religion in the workplace

Guidelines on religion in the workplace were published by the Human Rights Commission in December. The guidelines were proposed at the New Zealand Diversity Forum in 2009 and written by Professor Paul Morris of Victoria University in consultation with Business New Zealand, the Council of Trade Unions, the Department of Labour, the Commission and a religious advisory group.

### Young Muslims do better in New Zealand

Muslim youth in New Zealand demonstrate more positive outcomes on almost all indicators than their United Kingdom counterparts according to a study by Victoria University’s Centre for Cross-cultural Communication.

The study, conducted by postgraduate student Jaimee Stuart, compared the relative experiences of 300 Muslim young people (aged 16-27 years) in New Zealand and the United Kingdom. It examined their well-being, psychological symptoms, behavioural problems, discrimination and immigration stress.

It found Muslims in New Zealand experience lower levels of discrimination and immigration stress, even though they have stronger religious identities and practice their religion more than counterparts in the United Kingdom. Compared



Hamilton Indigo Festival 2011. Keyimagery.com

to their United Kingdom counterparts, more New Zealand Muslims said they lived in an inclusive, multicultural society which was related to better outcomes.

### Interfaith activities

The Human Rights Commission maintained its national religious diversity network, Te Korowai Whakapono, producing a monthly electronic newsletter on religious diversity, interfaith dialogue and cooperation. The network grew to over 700 members.

The National Interfaith Forum and associated forums for women and youth were hosted by the Wellington Interfaith Council at Parliament in February. There was further discussion about establishing a national interfaith council.

The Hamilton Indigo Festival in March included Indigo Faith, featuring a series of open days at houses of worship. Taking part were the Ai Xin Society, the Hamilton Sikh Temple, the Hamilton Mosque and Islamic Centre and the Waikato Cambodian Temple. The Indigo Festival is a celebration of Hamilton's multicultural community, first held in 2000.

Christian and Muslim women shared experiences of living in New Zealand at a workshop in June organised by the Bridgebuilders Trust and the Ministry of Social Development's Settling In programme.

In July, interfaith vigils led by young people from local faith communities were held in the four main centres to honour the human response to the Christchurch earthquakes and stand in solidarity with the people of the city.

Victoria University's Religious Studies Programme hosted the annual religious diversity policy forum at the New Zealand Diversity Forum in Hamilton in August. Its topic was the "State and Religion" and explored the relationship between the State and religious communities, in particular their mutual responsibilities and obligations. The Waikato Interfaith Council also hosted a forum on "raising awareness of religious diversity", showcasing a number of innovative projects in the Waikato region such as the Indigo Faith Festival and a major exhibition on religious diversity at Waikato Museum.



*Visit to NZ of US Special Representative to Muslim Communities, Farah Pandith.  
US Embassy New Zealand*

The Auckland Inter-faith Council continued its annual seminar series, with the focus for 2011 being on keeping and practising one's own faith in an increasingly diverse New Zealand society.

At a ceremony at Rehua Marae, Christchurch in October, the New Zealand Federation of Multicultural Councils, the NZ Police and the Ministry of Social Development's Settling In programme presented certificates to a range of religious organisations to acknowledge their extensive contribution to earthquake relief and recovery in Christchurch.

A number of international speakers visited New Zealand at the request of various organisations, including the US Special Representative to Muslim Communities, Farah Pandith (Office of Ethnic Affairs), Muslim film maker Mustafa Davis (Office of Ethnic Affairs, Building Bridges Programme), Ratna Osman, Acting Executive Director of Sisters in Islam in Malaysia (Umma Trust), and Islamic scholar Dr Muhammad Tahir-ul-Qadri (Pakistani community).

In December, the Director of the Office of Ethnic Affairs and officials from the Ministry of Foreign Affairs and Trade represented New Zealand at the fourth forum of the United Nations Alliance of Civilisations in Doha, Qatar. The Alliance of Civilisations is a United Nations initiative that aims to improve understanding and cooperative relations among nations and people across cultures and religions. In the process, it works to help counter the forces that fuel polarisation and extremism. The forum provided an opportunity for New Zealand to reaffirm its commitment to the Alliance's objectives and to showcase some of the work that occurs domestically within the Alliance's framework. More than 2000 participants from the Government, civil society, international organisations, business and academia attended the forum.

### Public issues

#### Bus drivers claim "maskophobia"

Two Auckland bus drivers claimed they suffered from "maskophobia" when they were taken to task by their employer for refusing to allow two women wearing veils onto their buses.

The drivers were given a final warning and counselling after the two incidents in May. In one case, a Saudi Arabian student was left crying on the street after a bus driver refused to let her board because of her veil and in the other, a driver from the same company told another woman to remove her veil.

Prime Minister John Key told the media he was comfortable with people wearing veils. "I am, yes, it doesn't offend me and I respect people's beliefs and it's a matter for others." He said in some cases it would not be appropriate to wear a veil for security reasons but in general it should not be an issue. "New Zealand's a tolerant and inclusive society. I think, where practical on both sides, people should respect others' cultural and spiritual beliefs."

Opposition Leader Phil Goff said, "I think it's live and let live – we're a tolerant society, we allow people who are not doing harm to others to dress and behave as they wish, as long as it's within the law. I personally don't like the burqa at all, but if somebody chooses to wear that and that's their personal choice and it's not doing harm to me, then I'm not going to tell that person how they should present themselves."

Following a complaint by the women to the Human Rights Commission the matter was mediated and brought to a satisfactory conclusion.

#### Arson attack on churches

A series of arson attacks on Christian church buildings in the Wellington region during Queen's Birthday weekend led to the arrest of a 43-year-old Porirua man. He was initially charged with starting fires at the Wainuiomata Gospel Hall and the Wainuiomata Pioneer Church, but an additional eight charges followed relating to fires at the Porirua Gospel Church; St Alban's Church, Pauatahanui; and Karori Cemetery Chapel (attempted arson); as well as a number of non-religious locations. The man was remanded in custody for a psychiatric report.

#### Whanganui Council dispute over opening prayer

A dispute broke out at the Whanganui District Council in April, when a councillor, on behalf of a constituent, questioned the use of a Christian prayer at the opening of council meetings. The Council has a tradition of opening each full council meeting with the mayor reading a short prayer aloud, written especially for the city. 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, who decided in December to continue to use the prayer.

#### No turbans allowed

A leading security company apologised after one of its staff sent an email to potential job applicants saying the company did not allow staff to wear turbans.

The email concerned a group interview session prior to the Rugby World Cup. "You need to be well presented: long hair, ponytails, visible facial piercings are not acceptable," the email said. "Hats and caps are not part of our uniform and we can therefore not allow turbans."

A prospective Sikh applicant rang the company and was told that because he wears a turban there was no need to waste his time going for the interview.

When the NZ Herald raised the matter with the general manager of the company, he said there was no turban ban at the company and the email "was the result of a misunderstanding by the person who authored the correspondence."

"We employ quite a number of officers who are from the Sikh community and they wear their turbans whilst on duty on a daily basis," he said.

"The only request that we have of these officers is that the turban be either black or dark blue in line with our uniform colours."

The general manager also emailed an apology to the Sikh Council. "I sincerely apologise if this has caused any member of the Sikh community any concern or distress."

He told the council he would now "personally shepherd" affected candidates through the recruitment process. Verpal Singh, secretary of the Sikh Council, said the turban was an important part of the Sikh faith and many practising Sikhs

worked with the police and air force without any issues over turbans.

#### Complaints to the Human Rights Commission

The Commission received 55 discrimination complaints in 2011 on the grounds of religious or ethical belief. This is the lowest number received in a year in the last five years (down from a five-year high of 71 in 2010).

Thirty four of the complaints were about discrimination against someone of a specific religion, spirituality or belief system because of that belief system. Of these, the most commonly cited religion was Islam (12 complaints). Other specific religions or belief systems had three or fewer complaints.

Ten complaints were about an alleged preference towards a specific religion, for example in job advertisements. Eight complaints were from people who alleged discrimination because they did not share the same religion or belief system as the person or organisation they were complaining about. The remaining complaints were of a more general nature.

The most common area of complaint was employment with 16 complaints, and a further nine complaints in pre-employment. In many cases with employment and pre-employment complaints no specific religion was highlighted (10 complaints). Where a religion was stated, Islam was the most common (six complaints) followed by Christian/a Christian denomination (five complaints).

Other employment and pre-employment themes with multiple complaints related to harassment (either because of the complainant's particular religion or because they did not share the same belief as their employer); prayer in the workplace; and termination of employment due to not sharing their employer's belief.



# 11. Te rangahau whānui o te rerenga kētanga

## Diversity research

*Contributed by the Centre for Applied Cross-Cultural Research (CACR), Victoria University of Wellington*

### Five year review

*Contributed by Professor James Liu of the CACR*

#### Racism and discrimination

Whereas the annual review of race relations and popular media in general focus much attention on racism and discrimination, the contents of the diversity research reports have been more diffuse, and more about the benefits and contributions of diversity (including economic and social elements) than its costs and imperfections. Given the Government's strategic reliance on skilled migrants to fill labour needs and its concurrent desire for social cohesion as the demographic profile of the country shifts, this is not surprising. It is in line with research funding priorities.

Nothing, however, gets the "ordinary kiwi" more outraged than being called racist or discriminatory, so this is the issue that dominates the popular agenda. As a general summary, the facts emerging from research are that Māori, Pacific and ethnic people do suffer from racism and discrimination in New Zealand, but not typically to the extent that they cannot manage to achieve a fairly high level of life satisfaction. Frequency of discrimination perceived by minority group members is generally low, but this negatively influences subjective well-being. Several national surveys suggest that racism and discrimination are most commonly perceived to be directed against Asians, and experienced by Asians above other target groups. The most likely cause of this is that Asians as a whole tend to be new migrants, and less a part of the social fabric and social identity of being a New Zealander than Māori (or Pacific). Māori (and Pacific) are more likely to be targets of structural discrimination: that is, they are socially included but economically marginalised. Life satisfaction among all these groups remains high, similar to that of the majority.

#### The Treaty of Waitangi and the integration of migrants

At the same time as Māori are becoming mainstream, both economically and socially, they also continue to be over-represented in negative statistics. There are sections of society that vocally resent this. Pākehā/NZ Europeans have evolved common ways of talking about racism and discrimination that either deny that it exists, argue that reverse racism (in favour of Māori) is more common than racism among Pākehā, or say that what is labelled as racism is actually something else (e.g. a natural hierarchy or meritocracy).

Creating new discourses to open up new spaces for visioning a more inclusive society have proven difficult. In some domains, top-down institutional changes (like Māori TV, Treaty of Waitangi settlements, or colour-blind liberal immigration policies) have proceeded in advance of public opinion. Whereas Pākehā/NZ Europeans support biculturalism in principle, and value Māori symbolic contributions to the national identity, they often object to resource-based biculturalism which involves reparations for historical injustices or practices of affirmative action.

Similarly, they are in favour of immigration in general, but this support declines when the migrants are not from traditional European/Western source countries. It has been difficult for Asian migrants to maintain the employment status and economic standing they had in their source countries after migrating to New Zealand. These difficulties have contributed to the rise of Asian "ethno-burbs", especially in Auckland, which bear watching in the future. Once employed, Asian migrants like other overseas-born workers have been very satisfied with life in New Zealand. For both migrants and hosts, the desired mode of adaptation to New Zealand is integration, which means keeping heritage culture intact and becoming a New Zealander. There is considerable evidence of inter-generational and family-based processes being

involved in this type of integration. There has been some low-level tension between biculturalism, based on the Treaty of Waitangi between Māori and the Crown, and “multiculturalism” which is merely an ethnically inclusive variant of liberal democracy. This will need to be theorised and discussed in the future given demographic trends for New Zealand.

### Cross-sector integration of research practices and thematic research dissemination

Because they are a relatively small community, social scientists across academia and across government agencies dealing with diversity tend to interact regularly. They often organise and attend conferences together; there is cross-sector collaboration; and there is considerable agreement that best research practices in the area of diversity involve significant community input, and outputs with practical value.

Less positively, the sector as a whole functions without adequate sources of research funding. Both qualitative and quantitative research methods are widely used, and sometimes in the same project or project team. Health, employment, and well-being are consistent themes addressed across a wide variety of research projects. There has been integration of academic findings and government policies for some research groups.

As a whole, however, there has yet to be a national inventory documenting the pathways between research and practice or research and policy. This could be an important direction for future research summaries/inventories. The creation of a single point of dissemination and integration of diversity research findings and policy development and outcomes might greatly facilitate a more comprehensive uptake of research-based practices and policies in the future among both Government and non-governmental groups. Properly funding such an integrative effort would

be essential for success. A solid foundation has already been achieved, so lifting the level of communication and exchange between researchers, Government, and non-governmental groups to a higher and more integrated level would be a realistic goal for the future.

### Diversity research in 2011

*Compiled by Sana Oshika from the School of Psychology, Victoria University of Wellington, on behalf of the Centre for Applied Cross-Cultural Research.*

### University Research Units

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

*Racism in New Zealand through the Lenses of Controversy provided by Social Media on Paul Henry and Hone Harawira*

This project, commissioned by the CACR Board and presented at the New Zealand Diversity Forum, examined more than a thousand online responses to controversial news clips involving Paul Henry and Hone Harawira through YouTube and TVOne News. It found that there is little public consensus as to what is acceptable behaviour for public figures in New Zealand regarding race talk. The project is discussed further in the Media chapter of this report.

Report Available on: <http://www.issues.co.nz/diversityissues>

Contact person: Professor James Liu

#### *International Migration Decision-Making*

This project, which was part of Aidan Tabor's PhD study, aimed to explore how migrants chose to leave their country of origin and how they select New Zealand as a destination. Narrative phone interviews were conducted with adults from India, South Africa and the United Kingdom who were either in the process of deciding to move to New Zealand, or who had already arrived. Questions focused on pre-departure experiences and decision-making, family issues



arising from the migration, reasons for leaving, countries considered, knowledge and expectations and impressions of New Zealand, and onward or return migration intentions. Analysis of the data is ongoing and the first reports based on this study will be released in early 2012.

Contact: Aidan Tabor

*Workers Concerns and Migration Intentions During the Economic Crisis*

This study aimed to explore the personal effects of the global crisis on both New Zealanders and migrants, as well as their intentions and reasons to stay or migrate to another country. Researchers investigated the major concerns of workers during 2009 and 2010. New Zealand born participants were less likely than migrants to express interest in leaving in the first year of the study, and as likely to express a desire to leave the country in the second year.

Contact: Aidan Tabor

*Mutual Intercultural Relations in Plural Societies Project*

CACR participates in the international MIRIPS (Mutual Intercultural Relations in Plural Societies) project. In 2011 CACR undertook a study of Tongans' perceptions of and relations with Māori and Palangi, based on the survey responses of 244 Tongans. Findings revealed that Māori evoked more negative emotional responses, particularly fear, than Palangi, but Palangi were seen as posing a more symbolic threat (i.e. threat to Tongan culture and way of life).

Contact: Colleen Ward, Malia Tatafu, Jessie Wilson and Adrienne Girling.

*Symposium on Intersections between Muslim and Western Worlds*

Findings from two CACR projects were presented at the VII Biennial International Conference of the International Academy of Intercultural Research. The first, *Attitudes toward Muslim Immigrants* (Colleen Ward & Jaimee Stuart) described a predictive model of attitudes toward Muslim immigrants with (rejection of) multicultural ideology, political conservatism, religious fundamentalism, perceived threat and negative emotions as predictors of negative attitudes to Muslim immigrants. The second, *Pathways to Positive Development in Muslim Youth* (Jaimee Stuart) found that higher levels of religious practices and stronger national identities were related to greater wellbeing; greater recognition of New Zealand as a multicultural society and strong religious identity were related to fewer psychological symptoms; and coming from a refugee background, low endorsement of integration and low levels of family obligation were related to higher levels of behavioural problems. Religious identity buffered the negative effect of discrimination adaptation while both religious practices and religious identity exacerbated the negative effect of cultural transition on outcomes.

*Youth 2000 Project*

The mental health outcomes of immigrant and non-immigrant youth were examined based on a national sample of over 7000 New Zealand European, Asian and Pacific youth. Although results varied across ethnic groups, overall results indicated that non-immigrant youth had better mental health outcomes than immigrant youth and that second-generation adolescents had better outcomes than their first-generation peers.

Floor Spijkers, Taciano Milfont, Colleen Ward collaborated with the Youth 2000 team (Elizabeth Robinson, Simon J. Denny, Sue Crengle, and Shanthi N. Ameratunga).

Contact: Prof. Colleen Ward

*An equitable education: Achieving equity status and measures to ensure equality for refugee-background tertiary students in Aotearoa New Zealand*

The purpose of this discussion document was to advocate for recognition of refugee-background students as an equity group in government policy and funding, at New Zealand tertiary institutions and for other special and targeted support.

*Assessing the impact of the withdrawal of refugee study grants on refugee background students at tertiary institutions in Aotearoa New Zealand*

This report details the way in which the withdrawal of refugee study grants has impacted upon the ability of refugee-background students to access tertiary education.

Contact: Dr Sara Kindon

*Attitudes toward immigrants and immigrant experiences: Predictive models based on regional characteristics*

This research by Colleen Ward, Anne-Marie Masgoret and Melanie Vauclair brought together the Department of Labour's *Longitudinal Immigration Survey* (LisNZ) and Ward and Masgoret's previous national survey on attitudes to immigrants to explore how attitudes toward immigrant vary across New Zealand territorial authorities – as a function of immigrant density and other factors such as ethnic composition of the population and unemployment – and how attitudes toward immigrants are related to immigrant experiences.

*Identity and Adaptation*

The project explores the ways in which immigrants balance pressures for cultural maintenance and participation in the wider society and how this plays out in terms of identity or sense of self. The experience and predictors of identity conflict are also examined. Relevant publications are *The construction and validation of a measure of ethno-cultural*

*identity conflict* in the *Journal of Personality Assessment* by Colleen Ward, Jaimee Stuart and Larissa Kus and *The predictors of ethno-cultural identity conflict among South Asian immigrant youth in New Zealand* in *Applied Developmental Science* by Jaimee Stuart and Colleen Ward.

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

*Language in the Workplace*

The major output by the Language in the Workplace team in 2011 was the publication of *Leadership, Discourse, and Ethnicity* (Holmes J, Marra M, Vine B, Oxford, Oxford University Press, 2011). This book investigates the language of effective leadership in Māori and Pākehā organisations.

The research focus in 2011 was *An Investigation of Attitudes to Migrants as found in Workplace Discourse* (funded by an internal grant from Victoria University of Wellington).

"New racism" is a subtle and invidious means of discriminating against immigrants which has been convincingly documented in international research. In this project researchers investigated evidence of positive and productive attitudes towards migrants at work. In the longer term, comparative analysis will be undertaken with European colleagues working with multilingual organisations to contribute to a deeper understanding of the ways in which subtle racism may infiltrate organisations, and of ways that it can be contested.

As well as these, researchers from the Language in the Workplace team have been involved in many other publications and research presentations.

Contact: Director, Professor Janet Holmes or visit the website: Language in the Workplace <http://www.victoria.ac.nz/lals/lwp/>



### **Integration of Immigrants Programme Massey University and Waikato University**

The *Integration of Immigrants Programme*, funded by the Foundation for Research, Science and Technology, has two objectives. The first objective, led by Jacques Poot (Waikato University), is to develop an econometric model of immigrant economic integration that takes into account both demand and supply factors. Objective two, led by Paul Spoonley (Massey University), provides evidence of migrants' pathways to economic incorporation in both formal and informal settings using census and LisNZ data, as well as new information from specialist surveys and case studies.

In 2011, the major publications for the *Integration of Immigrants Programme* were from their series of research reports on migrant employers and employees from China, Korea, India, the United Kingdom and South Africa. Jacques Poot worked with Suzan van der Pas to produce the research report *The Transformation of Immigrant Communities: The Case of Dutch Kiwis*. Other work from members of the Integration of Immigrants team can be found at <http://newsettlers.massey.ac.nz/>.

Contact: Trudie Cain, Research Manager

### **Centre for Asian and Migrant Health Research Auckland University of Technology**

The Centre for Asian and Migrant Health Research at AUT University brings together research that advances understanding of public health issues that can improve access to healthcare and promote good health among the Asian and migrant populations in New Zealand. A core aim of the Centre is to conduct research with Asian and migrant populations, with particular emphasis on studies of relevance to public and community health and development. As part of this work, collaborative links have been and are being developed and strengthened with other academic institutions, Government, non-government organisations,

and Asian and migrant communities. All information and research findings are widely disseminated to inform policy development, health care providers, health professionals, students, policymakers and the wider community. The Centre is also committed to contributing to the development of the Asian and migrant health research workforce.

In 2011, Ruth DeSouza completed her PhD on migrant maternity. In her thesis she adopted Foucault's genealogical method to examine the history of the discursive formation of migrant maternity that constructs the experience of mothers and health professionals today. Her study found that different groups of migrant women (white compared to Korean) are likely to have significantly different maternity experiences in Aotearoa New Zealand. In her study, white migrant mothers fitted relatively easily into the local discursive landscape while Korean migrant women felt silenced, unrecognised and often uncared for. Maternity professionals (in this case, Plunket nurses) recognised the different experiences of racialised migrant mothers, but were mostly unable to accommodate culturally different beliefs and practices about motherhood into their world view. The result is that their practice towards these "other" women was often marked by efforts to colonise them with the hegemonic values, beliefs and practices about maternity in Aotearoa New Zealand.

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

Ruth DeSouza, with assistance from Strengthening Refugee Voices groups, completed a report prepared for Refugee Services Aotearoa New Zealand called *Doing it for ourselves and our children: Refugee women on their own in New Zealand*. 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. The report will be launched in early 2012.

Contact: Dr Ruth DeSouza

**Social Psychiatry & Population Mental Health  
Research Group (SoPop)  
University of Otago, Wellington**

The Social Psychiatry & Population Mental Health Research Group (SoPop) is a team of researchers and clinicians who contribute to knowledge, policy and services by conducting high quality research in the areas of mental health, mental illness and suicide prevention. The Unit is directed by Professor Sunny Collings, who works as a Consultant Psychiatrist and is also Dean and Head of Campus at the University of Otago Wellington.

The Unit has been working to broaden its scope to issues of 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 (Research Manager & Pacific PhD Candidate). The Unit provides supervision to postgraduate Pacific students, mentoring and support, and is working with Pacific organisations and communities to improve the capacity and capability of New Zealand's Pacific mental health workforce.

Ongoing projects include:

*Developing a Pacific therapeutic mental health intervention*

This is a post doctoral research project by Dr Karlo Mila Schaaf, funded by the Health Research Council.

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

A PhD research project by Ms Nandika Currey, funded by the Ministry of Health.

*Community reintegration of male Pacific prisoners with mental illness*

A Masters research project by Mr Sione Feki, funded by the University of Otago Wellington.

*Improving Pacific peoples access to mental health services*

A Pacific Summer Studentship project by Malsha Kularatna, funded by the University of Otago Summer Studentship Funds.

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

Contact: Ms Nandika Currey, Research Manager & PhD Candidate

**Te Rōpū Rangahau Hauora a Eru Pōmare  
University of Otago, Wellington**

Te Rōpū Rangahau Hauora a Eru Pōmare strives to create a Kaupapa Māori space committed to improving Māori health outcomes and eliminating inequalities through quality science and ongoing theoretical development. It takes a rights-based approach consistent with the Treaty of Waitangi, and is engaged with community through a spectrum of influence from community development, policy advocacy, research dissemination and Māori health research workforce development.

Ongoing projects for 2011 were:

- *BreastScreen Aotearoa Māori Monitoring*
- *Educating for Equity (E4E)*
- *E Hine – reducing barriers to care for pregnant Māori women under 20 years and their infants*
- *Māori Health research fellowships*
- *Mauri Mahi, Mauri Ora – long term health effects of redundancy and unemployment*
- *Racism as a determinant of health*
- *Rural Māori Health*
- *Seclusion of Māori in adult mental health services Unequal Treatment – the role of health services*
- *Wahine Hauora – inequalities in uterine cancer.*



Projects completed in 2011 were:

- *Ethnicity data*
- *Hauora: Māori Standards of Health IV: A study of the years 2000-2005*
- *Oranga Waha – oral health research priorities for Māori*
- *Unequal Impact: Māori and non-Māori cancer statistics.*

For information, see: <http://www.otago.ac.nz/wellington/research/erupomare/index.html>.

Contact: Associate Dean Māori Bridget Robson

### University of Waikato

#### *Engaging Women and Migrants in Public Policy Making*

Waikato University senior lecturer Dr Rachel Simon-Kumar's ongoing research project, *Engaging Women and Migrants in Public Policy Making*, is about understanding and making Government more relevant to an increasingly more diverse New Zealand. Her research addresses the role minority groups, particularly new migrants, Māori, and women, play in the machinery of policy making, and how their involvement in the process enriches and recognises New Zealand's diverse society.

Contact: Dr Rachel Simon-Kumar

### Government Agencies

#### Department of Labour

Migration Research has the lead role in Government for research and evaluation about international migration, settlement, and employment dynamics. Migration Research undertakes a variety of programmes that contribute to an understanding of diversity in a New Zealand and international context. In 2011, Migration Research administered the following programmes that incorporate diversity research.

The *Longitudinal Immigration Survey: New Zealand (LisNZ)*, a partnership with Statistics New Zealand, is a survey designed to produce a detailed longitudinal information base of settlement outcomes by following migrants over time. Migrants in the survey were interviewed at 6 months (wave 1), 18 months (wave 2), and 3 years (wave 3) after they had taken up permanent residence in New Zealand. Recent 2010/2011 publications making use of this data include the following:

*Competing for Skills: Migration policies and trends in New Zealand and Australia* (Hawthorne, L.)

*Life After Study: International students' settlement experiences in New Zealand* (Wilkinson, A., Merwood, P., and Masgoret, A.M.)

*Leaving so Soon? Skilled migrants in New Zealand: Who stays and who goes?* (McLeod, K., Henderson, A., & Bryant, J.)

*Quota Refugees Ten Years On: Perspectives on integration, community and identity* is a three-year study that explores the experiences and perspectives of people who arrived in New Zealand through the refugee quota category ten or more years ago, through a nationwide survey of 512 former refugees and qualitative research to further explore the findings of the survey. Preliminary findings have been published in the report *New Land, New Life: Long-Term Settlement of Refugees in New Zealand* (Preliminary report). Migration Research is undertaking a more detailed analysis of the findings and will report on these next year.

*The Bhutanese Refugee Resettlement Research* followed a group of Bhutanese refugees from camps in Nepal through to settlement in New Zealand. The aims of this study were to find out about the pre-settlement hopes and expectations of the Bhutanese refugees, look at their short-term settlement outcomes and, suggest implications of these findings to

enable better support for the resettlement of Bhutanese refugee groups and of refugees more generally. Findings will be released in three reports in early 2012.

*Newcomer Settlement Indicators* is a webpage being developed that will measure key indications of settlement in terms of both migrants and hosts and receiving communities. The indicators will bring together measures from a variety of sources and will also feed into the OECD settlement indicators work.

*The Immigration Survey Monitoring Programme* encompasses new migrants to New Zealand (temporary and permanent), employers, and the New Zealand public. Its purpose is to build an evidence base of information about migrants' settlement and labour market outcomes, employers' experiences with migrants, and community attitudes towards immigration and migrant integration. Findings will be used for the development of both immigration policy and services aimed at improving migrant settlement.

For further information on Migration Research's work programme and links to research publications, visit <http://www.dol.govt.nz/research/>.

### Families Commission

In June, the Families Commission released *Navigating through mental health services: Perspectives and priorities of family members and mental health services staff* (Boyd, L., & Siggelkow, L.). The research project gathered from mental health services staff and families, their perspectives on the support and information needs of families that have a member who is receiving mental health care.

In November the Families Commission released *Work Experiences of Asian Immigrants: impact on family wellbeing*

by Dr Amritha Sobrun-Maharaj, Dr Fiona Rossen and Sun-Woong Kim. Utilising an ecological approach, a mental health model and qualitative research methods, this study explored the work experiences of immigrants of Asian origin living in the greater Auckland region.

The Families Commission is a member of the Health Research Council Whānau Ora research partnership which recently released its first completed report: *Mauri Ora – Growing healthy tamariki, whānau and hapū in Tūhoe communities* by the Tūhoe Education Authority.

### Families Commission Kaupapa Māori research

The work stream on whānau rangatiratanga resulted in the following research reports. *Whānau Yesterday, Today, Tomorrow* (Irwin, K. G., with Bassett, D., Davies, L., Potaka, S., Rokx, R., Tuuta, C., & Werata, W. ) highlights stories of inspirational whānau. It draws on Māori knowledge, cultural practices and methods to research stories of whānau success. Informed by the integrated nature of Māori knowledge, this paper addresses social, economic, cultural and environmental aspects of whānau development.

The report concentrates on the period often referred to as the time of the Māori renaissance, 1975 to the present. This was a period of significant cultural, social and economic development.

The report *Matiro Whakamua: Looking over the horizon* (Irwin, K.G., Tuuta, C., and Maclean, S. (Eds)) is part of the resource base for the Whānau Strategic Framework 2009–2012. It is based on interviews with Māori women; Ngaropi Cameron, Naida Glavish, Barbara Greer, Areta Koopu, Dame Dr Katerina Mataira, Moe Milne, Dr Rangimarie Rose Pere, Mereana Pitman, Dr Papaarangi Reid, Dr Khyla Russell and Dame Dr Iritana Tāwhiwhirangi.



Two further reports will be published in 2012: *Partnerships with Māori: He Waka Whanui* (Irwin, K.G., Love, H., Love, C., Dodd, M., Joe, M., Panapa, F., Hawea, D, and Te Rūnanga o Ngāi Tahu); a report on the Commission's partnerships with Ngāi Tahu, Te Kōhanga Reo National Trust, Māori Women's Welfare League and Ahikaa/Entrepreneurship New Zealand Trust; and *Te Pumautanga o te Whānau* (Baker, K., Tuuta, C., and Williams, H.)

The Family Violence Taskforce's Programme of Action includes a stream on ethnic families led by the Office of Ethnic Affairs. Three initial steps for this work are:

- raise awareness among ethnic communities – host and start conversations
- work done with service providers – increase the capability and capacity of service providers to deal with ethnic communities
- prevention and education.

The Families Commission is leading the *Family Violence Indicators* programme and is on the Family Violence Taskforce.

*White Ribbon – Show you're against violence towards women*

The White Ribbon campaign this year had a specific ethnic outreach that involved a number of government departments. The Families Commission met with ethnic communities and provided ethnic resources, for example, translated posters (downloadable from their website) and recruited ethnic Ambassadors.

The Families Commission provided sponsorship of the New Zealand Communities Football Cup and Youth Forum in Auckland on 26/27 October. Gregory Fortuin was a speaker and Harry Ngata, White Ribbon Ambassador, attended. The players signed a white ribbon banner.

## Ministry of Pacific Island Affairs

Projects by the Ministry of Pacific Island Affairs for 2011 included:

- specifically Pacific research (with the EEO Trust) – completed and released and outlined in the Inequalities chapter of this report
- first baseline study of Career Pathways research – ongoing
- Pacific debt research completed for the Families Commission.

Contact: David Schaaf

## Ministry of Health

*Tatau Kura Tangata: Health of Older Māori Chart Book 2011*

This publication released in March provides a snapshot of the health of Māori aged over 50 years. It is a companion document to *Tatau Kahukura: Māori Health Chart Book 2nd Edition* which was released in 2010. The chart book presents key indicators relating to the socioeconomic determinants of health, risk and protective factors for health, health status, health service utilisation, and the health system. This chart book looks at those aged 50 years and above because Māori continue to have a lower life expectancy than non-Māori. The indicators show that older Māori have poorer health outcomes and a higher burden of chronic illness than older non-Māori and are more likely to be exposed to risk factors for poor health. The information in *Tatau Kura Tangata* will guide the Ministry of Health, DHBs and other agencies in updating their respective strategies and action plans to improve the health of older Māori.

The report (plus summary posters and Overview Spinning Wheel) can be found on the Ministry of Health website: [www.health.govt.nz/publication/tatau-kura-tangata-health-older-maori-chart-book-2011](http://www.health.govt.nz/publication/tatau-kura-tangata-health-older-maori-chart-book-2011).

The statistics section of the Ministry of Health website has been updated with results from *Tatau Kura Tangata*.

#### *Māori Smoking and Tobacco Use 2011*

The *Māori Smoking and Tobacco Use 2011* profile presents information related to the tobacco use of Māori compared with non-Māori, using findings from the *Tobacco Use in New Zealand: Key findings from the 2009 New Zealand Tobacco Use Survey (NZTUS 2009)*. The purpose of the profile is to provide an overview of Māori smoking and tobacco use with easy-to-use statistical information.

The report can be found on the Ministry of Health website: <http://www.health.govt.nz/publication/maori-smoking-and-tobacco-use-2011>.

#### *Māori Health Review and Ministry Publications A to Z guide*

The A to Z guide will provide direct access to over 300 articles on specific Māori health topics featured in the Māori Health Review Publication and Ministry of Health publications. It provides links to the latest research articles and literature on a range of Māori health topics and can be found on the Māori Health website: <http://www.maorihealth.govt.nz/moh.nsf/indexma/maori-health-review>.

#### *Uia Tonutia Māori Disability Research Agenda 2011*

The Māori Disability Research Agenda aims to support research on Māori living with disability and their whānau/family.

It has three objectives:

- building quality evidence
- capability development
- transfer of knowledge.

Research priorities are identified to contribute to the achievement of Whānau Ora, more effective service

delivery, and improved health and disability outcomes for Māori.

The report can be found on the Ministry of Health website: <http://www.health.govt.nz/publication/uia-tonutia-maori-disability-research-agenda>.

#### *Oranga Waha: Oral Health Research Priorities for Māori 2011*

The Ministry of Health and the Health Research Council of New Zealand funded Te Rōpū Rangahau Hauora a Eru Pōmare (University of Otago, Wellington) and seven community group partners to identify research priorities intended to improve oral health for Māori and reduce inequalities, particularly for low income Māori adults, older Māori, and Māori with disabilities, special needs or who are medically compromised.

The report can be found on the University of Otago (Wellington) website: <http://www.otago.ac.nz/wellington/research/erupomare/projects/otago019586.html>.

#### *Future Directions for a Māori Dental Therapy Workforce*

The aim of this research project was to collate information on the status of the Māori dental therapy workforce, and analyse the needs of this workforce over the next eight years.

The report can be found on the Ministry of Health website: <http://www.health.govt.nz/publication/future-directions-maori-dental-therapy-workforce>.

#### *Evaluation of the Māori Oral Health Providers Project*

An evaluation of a project where four providers who built Mobile Dental Units and one provider who developed a two-chair static clinic. The providers received one-off funding from the Ministry of Health in 2007 and signed contracts with District Health Boards to maintain or expand



existing oral health services. The project enhanced the position of the Māori health providers to deliver oral health services within their communities, and DHB understanding of Māori health provider capabilities and capacity.

The report can be found on the Ministry of Health website: <http://www.health.govt.nz/publication/evaluation-maori-oral-health-providers-project>.

#### *Community Cancer Support Services Pilot Project Evaluation*

In 2008, the Ministry of Health commissioned Health Outcomes International to evaluate three community cancer support pilots. The pilot projects aimed at reducing inequalities in cancer access and outcomes for Māori and people living in rural areas, and were provided by Tamaki Healthcare, Auckland, Te Kahui Hauora Trust and Aroha Mai, Rotorua and West Coast Primary Health Organisation (PHO), West Coast.

The evaluation found that the pilot services had a number of positive impacts for patients and their whānau as well as for health and social service providers. The executive summary of the Evaluation Report outlines the success factors of these pilot services as well as strategies for developing similar services in the future.

The report can be found on the Ministry of Health website: <http://www.health.govt.nz/publication/community-cancer-support-services-pilot-project-evaluation>.

#### **Non-governmental, independent and non-profit organisations**

##### **Asia:NZ**

In 2011, Asia:NZ continued with its research on New Zealand's Asian populations and New Zealand's place in Asia. The key reports launched in 2011 as part of the Outlook series were:

Outlook 15 – *Engaging Asia: the role of the diaspora* by Dr Alan Gamlen

Outlook 16 – *Lining up a Persuasive Friend: Japan's expectations of how New Zealand can contribute to Asian security* by Professor Yoichiro Sato

Outlook 18 – *New Zealand's place in Asia: An Indian Perspective* by Dr Rajaram Panda and Dr Pankaj Jha.

The Outlook series also includes Asean's Perspective of New Zealand's Place in Asia by Daljit Singh and *Getting to Know the Neighbours: Building New Zealand-Asian business relations* by Rod Oram.

#### *Asia:NZ Perceptions of Asia Tracking Study*

This study was carried out by Colmar Brunton. This annual tracking study takes the temperature of New Zealanders' public opinion towards the peoples and countries of Asia. The 2011 results were presented by Asia:NZ executive director Dr Richard Grant to a public symposium on China's rise in April.

#### *Tracking Study of Asian Business Graduates*

The second of three reports commissioned by Asia:NZ to examine the study, work and life experiences of Asia-born New Zealand-educated business graduates was released in 2011. Survey participants have mostly positive attitudes to the quality of their education and employment. However, better policies and practices are needed to facilitate the role that these young professionals can play in the development of Asia-New Zealand business relationships, says the second report.

Contact: Dr Andrew Butcher, Director, Policy and Research or Brittany Chellew, Project Officer, Research. These reports can be found on the Asia:NZ website <http://asianz.org.nz/>.

## Motu

### *Immigrant Segregation in Auckland, New Zealand*

This paper quantified and analysed residential sorting patterns of immigrant groups in Auckland, New Zealand, using 1996, 2001 and 2006 unit record census data aggregated up to the level of Area Units (equivalent to a suburb with a population of 3000-5000). The data included country of birth, year of arrival, income and languages spoken. Arrival cohorts were defined based on key countries of birth: China, Korea, South Africa, UK and India. Global measures of residential sorting included the segregation index, the isolation index and Moran's I. Local analysis was based on Getis and Ord G\*. The main conclusions were that:

- immigrant residential segregation appears to be increasing
- there is no clear evidence that immigrants disperse geographically with increasing years of residence although some move from the city centre to the suburbs
- new immigrants locate where previous immigrants already reside
- high income immigrants are more clustered than immigrants generally
- there is significant clustering by language groups
- local measures of clustering based on spatial correlation show often patterns that are different from Auckland-wide measures of segregation or isolation.

Contact: David Maré

## Ecosynergy Group Limited

### *Engaging multi-cultural at-risk youth in transition to tertiary education and the workplace*

This study documents the factors that increase secondary school dropout rates. The research team surveyed and interviewed 25 youth educators and conducted in depth interviews with 25 young role models, from diverse ethnic and socio-economic backgrounds, to analyse the coping mechanism effective against early risk factors.

Thematic analysis of the stories uncovered elements from three topics: strengthening identity through personal growth; enablement through interpersonal development; and post-secondary transition mechanisms. Narratives expand on these topics. Obstacles were explained as inevitable parts of one's pathway with descriptions of turning points.

A trailer with excerpts from these interviews is available at: <http://tinyurl.com/rolemodelexcerpts>. An interactive resource is being developed for youth workers to help youth avoid risk factors and increase youth involvement in educational and community-based extracurricular activities. The long-term aim is to support at-risk secondary students in developing goals to guide their transition from secondary education.

The project was run in partnership with AIESEC New Zealand and in collaboration with The University of Waikato, Wintec, AUT, Asia:NZ Foundation, Entrepreneurship NZ: Ahikaa; the Hub Youth Charitable Trust, Pasifika Medical Association, Waikato Museum, Raukura Hauora O Tainui and over 20 schools throughout New Zealand. The project is funded by the Todd foundation.

Contact: Annick Janson, Associate Researcher, Centre for Applied Cross-Cultural Research, Victoria University of Wellington and Ecosynergy Group Ltd, Hamilton.





Human Rights  
Commission  
*Te Kāhui Tika Tangata*

