



Human Rights
Commission
Te Kāhui Tika Tangata

Tūi Tūi Tuituiā

Race Relations in 2008





Human Rights
Commission
Te Kāhui Tika Tangata

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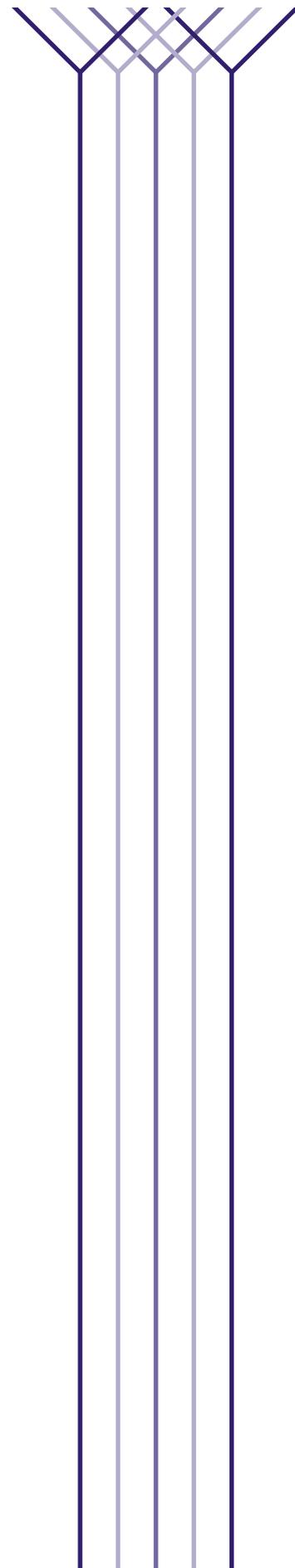
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The Human Rights Commission and Race Relations

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

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

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

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



This report is part of the Human Rights Commission's contribution to the New Zealand Diversity Action Programme for 2009.

For further details of the programme visit: www.hrc.co.nz/diversity.



Ngā Kaupapa

Contents

| | |
|--|----|
| 1. Kōrero Whakataki: Overview | 4 |
| 2. Te Takapiringa: Chronology | 8 |
| 3. Mahi Rerenga Kētanga: Action on Diversity | 10 |
| 4. Whakahāweatanga: Discrimination | 20 |
| 5. Te Tiriti o Waitangi: Treaty of Waitangi | 30 |
| 6. Ngā Tika Tangata: Human Rights | 46 |
| 7. Te Hekenga mē te Whakatau: Migration and Settlement | 56 |
| 8. Reo: Language | 66 |
| 9. Pāpāho: Media | 72 |
| 10. Rerekētanga Whakapono: Religious Diversity | 78 |
| Tāpiritanga 1: Te Rangahau Whānui | |
| Appendix 1: Overview of Diversity Research | 84 |
| Tāpiritanga 2: Mana ki te Tangata – Te Ahu Whakamua | |
| Appendix 2: Progress on the New Zealand Action Plan for Human Rights | 96 |

1. Kōrero Whakataki

Overview

Whakarongo ake au ki te tangi ā te manu nei, ā te mā-tui. Tūi-tūi-tuituiā. Tuia i runga, tuia i raro, tuia i waho, tuia i roto. Tuia te here tangata kā rongō te Pō, kā rongō te Ao. Tūi-tūi-tuituiā te whanaungatanga o te tangata.

INTRODUCTION

This is the fifth annual review of race relations in New Zealand. Its purpose is to record the major events, issues and developments of the past year and, on the basis of the available evidence, to identify issues that need to be addressed to maintain and enhance positive race relations in the year ahead. The shape of the report varies from year to year, depending on events. This year, there is more on the Treaty of Waitangi (the Treaty), discrimination and human rights, and less on migration, arts and culture, settlement, language, media and religious diversity. That is because one of the outstanding developments of the last year was the extent and pace of Treaty settlements and other Treaty related matters, which therefore occupy more space. Similarly, the human rights chapter deals with some key issues in policing, the criminal justice system, employment and education. Discrimination, harassment and race-hate crime, particularly as they affect Asian New Zealanders, also receive more attention.

THE GENERAL ELECTION

General election campaigns are always a touchstone for race relations. In 2005, there was a strong focus on Māori issues sparked by then National Party leader Don Brash's Orewa speech questioning the contemporary relevance of the Treaty and "race-based" policies. That year also featured the emergence of the Māori Party in response to the passing of the Foreshore and Seabed Act. In 1999 and 2002, the New Zealand First Party emphasised its anti-immigration platform in response to increased Asian migration.

Race relations were more of a positive issue in the 2008 election campaign, with political parties seeking to out-bid each other for the Māori, Pacific and migrant vote, as well as the general vote, with a vision of improved Crown-Māori

relations and a multicultural society. Party lists, especially those of the major parties, gave high places to Māori, Pacific and Asian candidates. The election produced not only the most diverse Parliament ever with increased numbers of Pacific and Asian MPs, but also resulted in a confidence and supply agreement between the National Party and the Māori Party. The agreement included ministerial positions for the co-leaders of the Māori Party and reviews of the Foreshore and Seabed Act and of constitutional arrangements in relation to the Treaty. There was a commitment to maintain the momentum of Treaty settlements.

Following the election, the National Party now has as many Māori MPs as the Labour Party, and the combined total of seven National Party and five Māori Party MPs associated in government is 12. National also has one Pacific and three Asian MPs. The Labour Party has seven Māori MPs, four Pacific and three Asian. Of the remaining parties only the Greens have a Māori MP. The overall total of Māori, Pacific and Asian MPs is 31 out of a Parliament of 122 members (25 per cent). There are two Māori ministers and one Chinese minister in Cabinet, and two Māori ministers (from the Māori Party) outside Cabinet. Of these five (18 per cent of ministers), all but one are women.

Race Relations in 2008: Executive Summary

Some key points from each section of the report are outlined along with the challenges for the coming year:

ACTION ON DIVERSITY

The diversity of New Zealand's population continues to increase. Many organisations, including community groups, faith communities, museums, galleries, libraries, media, businesses and central and local government are responding to this diversity in many different and creative ways. There was a high level of participation in the New Zealand Diversity Action Programme, Race Relations Day and the New Zealand Diversity Forum. The newly released Race Relations Statement offers a simple framework within which to discuss the status, the challenges and the opportunities of diversity.

2009 marks the fifth anniversary of the New Zealand Diversity Action Programme, which will be celebrated at the Diversity Forum in Wellington in August. New Zealand's performance in human rights and race relations will be reviewed by the United Nations Human Rights Council in Geneva in May.

DISCRIMINATION

Perceived discrimination against Asian people increased, but at the same time a greater number of New Zealanders felt warmly towards them, and there was increased personal interaction, particularly in urban areas. A man was convicted of the race-hate murder of a Korean backpacker on the West Coast five years ago and there was an increase in media reports of racially motivated crime. The highest number of race-related complaints to the Human Rights Commission concerned discrimination (in employment and the provision of goods and services) and racial harassment.

The only means of measuring instances of racially motivated crime at present is to monitor media reports, as the police do not collect data about complaints, prosecutions or convictions for racially motivated crimes. A system for effective monitoring needs to be established. Continued individual and community action is also needed to address discrimination and harassment, and Race Relations Day in March provides a good focus for this.

TREATY OF WAITANGI

2008 was an extraordinary year for Treaty settlements and other Treaty issues, with special recognition due to former Treaty Settlements Minister and Deputy Prime Minister Michael Cullen who, together with key Māori leaders, re-energised the settlement process. The most significant milestone was the completion of the central North Island forests settlement, which involved the transfer of more than \$400 million in forest assets and rentals to the iwi concerned. The close-off date for historical Treaty claims in September produced an unprecedented flow of more than 1800 new claims. The National Party's confidence and supply agreement with the Māori Party promised a review of the Foreshore and Seabed Act and of the place of the Treaty in New Zealand's constitutional arrangements.

The new government has a target of completing the settlement of all historical Treaty claims in the next six years, six years earlier than envisaged by the previous government. The momentum of Treaty settlements will therefore need to be maintained. The review of the Foreshore and Seabed Act and of constitutional arrangements are other important challenges.

HUMAN RIGHTS

The focus in 2008 was strongly on the police, with the previous year's raids, that became known as Operation 8, having their sequel in the courts, ethnic communities' perceptions of the Police coming under the spotlight, and Asian Aucklanders coming out in a mass protest against crime. The disproportionate rate of Māori imprisonment remained a concern. The Ministry of Social Development's 2008 Social Report indicated some improvement in social and economic outcomes for both Māori and Pacific peoples but noted the persistence of significant inequalities in health, safety and housing. Other surveys indicated positive trends for Māori and Pacific peoples in employment and education. A major strategy for improving Māori educational outcomes was launched.

The priority must be measures to soften the impact of the economic recession on those who are most vulnerable.

Police and Asian communities need to work together to strengthen their relationship, and action needs to continue to reduce the high rate of Māori imprisonment.

MIGRATION AND SETTLEMENT

There was a growing demand for temporary and seasonal migrant workers in the rural sector, met in part by the newly introduced Recognised Seasonal Employer policy for seasonal workers from the Pacific in horticulture and viticulture, and also by employers in the dairy industry hiring overseas workers on temporary permits. Along with the recruitment of international students and business and medical professionals, this has brought unprecedented diversity to provincial and rural communities. The change has raised issues for communities in assisting migrant workers, including the protection of workers from exploitation, the provision of pastoral care, countering prejudice, access to services, and support for acclimatising

to life in New Zealand. Overall, there has been encouraging and steady progress in the area of migration and settlement, with the implementation of a number of settlement programmes, and the streamlining of consultation processes between migrant and refugee communities and government.

The economic recession will have an impact on migrant labour requirements, but there is still a need to ensure that seasonal and temporary workers from overseas are treated fairly and enjoy a welcoming environment, particularly in provincial and rural areas where greater diversity is a relatively new phenomenon. The Immigration Bill, which has been carried over to the new Parliament, is still to be passed, and human rights concerns remain about some of its elements.

LANGUAGE

In the UN International Year of Languages, the launch of the first wholly Māori language television channel and a monolingual dictionary were major milestones for the Māori language, along with the introduction of a specific curriculum for Māori immersion schools. Progress in the protection of Pacific languages continued, with development of new language learning websites and the commencement of work on a Pacific languages strategy.

A revised Māori Language Strategy is due for completion in 2009. Work needs to continue on the development of a Pacific languages strategy and to commence on a strategy for community languages.

MEDIA

There were few complaints about race-related matters to the various media standards bodies and even fewer were upheld. A research report was critical of the mainstream media for their reporting of Treaty issues. The Pacific Media Centre was launched at Auckland University of Technology, a Pacific channel was mooted, and an excellence in reporting diversity award was launched. A series of conferences and workshops in New Zealand and overseas examined issues relating to diversity in the media.

Ongoing demographic change remains a challenge for the mainstream media in terms of representation of minority

ethnic communities in their publications and programmes and their staff.

RELIGIOUS DIVERSITY

The development of a national implementation plan for the United Nations Alliance of Civilisations initiative brought together a range of government programmes and initiatives. There were few problems in terms of religious diversity, and steady work continued to promote interfaith dialogue and religious tolerance.

The Statement on Religious Diversity will be reviewed in the coming year and guidance for parents and school boards of trustees on religion in schools will be completed. The challenges of religious diversity need to be addressed in specific contexts, such as universities, schools, hospitals, places of work and local communities.

LOOKING AHEAD

The deepening economic recession is the most challenging issue for race relations in 2009. After a gradual process of economic and social recovery for Māori and Pacific peoples, progress threatens to be halted and even reversed in terms of employment, standard of living and, consequently, other social conditions. Achieving racial equality remains one of the most important foundation stones for enduring positive race relations.

The post-election agreement between the National Party and the Māori Party holds a promise of strengthening Crown-Māori relationships in the longer term, through a review of the Foreshore and Seabed Act and of constitutional arrangements. The government has also expressed a commitment to maintaining the momentum of Treaty settlements. Apart from endorsing these issues, Māori leaders at Pukawa in December called for engagement on strategic matters, including climate change, water and geothermal energy.

The question of safety also remains high on the agenda, given the concerns of Asian communities, the increase in perceived discrimination against Asian people and the reported incidences of racially motivated crime. The police need to continue their efforts to be responsive to ethnic communities and to develop effective relationships with them.

New Zealand's human rights and race relations record will come under scrutiny in the international context when the United Nations Human Rights Council reviews New Zealand as part of its Universal Periodic Review Programme in May. Issues identified for consideration include the place of the Treaty in our constitutional arrangements, recognition and realisation of the rights set out in the UN Declaration on the Rights of Indigenous Peoples, the disproportionate number of Māori in prison, the elimination of poverty, equal access to education and respect for human rights in immigration policy.

The theme for Race Relations Day 2009 is People in Your Neighbourhood, which offers an opportunity to celebrate diversity, promote intercultural awareness and communication and foster inclusion and safety for everyone in the local community.

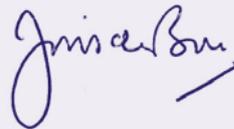
The annual New Zealand Diversity Forum will be held in Wellington in August, and will include a focus on Asian communities in New Zealand. It will provide an opportunity to take stock after two decades of increased migration from the Asian region.

The conviction of Hayden McKenzie for the murder of Korean backpacker Jae Hyeon Kim was a sobering reminder that there are a small number of people in New Zealand who are driven by racial hatred to commit serious assaults on innocent people. It is heartening that the police are strongly committed to bringing such people to justice. The words of Rev Taeil Choi at Jae Hyeon Kim's funeral in Nelson in November are a call to us all: "For the sake of Jae Hyeon Kim, we should all commit ourselves to making... our country... a place where people are welcomed, and a place where all cultures and all people are tolerated equally."

APPRECIATION

This report can only record a small sample of the contributions made by countless organisations and individuals to the development and maintenance of positive race relations in New Zealand. Cultural diversity is a reality in both private and community life and positive race relations in the community as a whole depend on

how we respond as individuals and as organisations to the challenges and opportunities it presents in our own contexts. The Commission acknowledges the contributions made and thanks those who have helped with the production of this report.



Joris de Bres

Race Relations Commissioner

Kaihautu Whakawhanaunga a Iwi

2. Te Takapiringa

Chronology

January

- Parihaka International Peace Festival
- TW Ratana's birthday celebrations, Ratana Pa

February

- Waitangi Day, nationwide
- Chinese New Year, nationwide
- International Mother Languages Day, launch of the UN International Year of Languages
- New Zealand International Arts Festival, Wellington

March

- New Zealand-UK multicultural policy dialogue hosted by the Office of Ethnic Affairs and British Council
- National Interfaith Forum, Wellington
- Kororareka Festival, Russell
- WOMAD Festival, New Plymouth
- ASB Polyfest, Auckland
- Celebrate Pasifika, Auckland
- St Patrick's Day, nationwide
- Race Relations Day, nationwide
- World Indigenous Television Broadcasting Conference, Auckland
- Te Reo Māori language TV channel launched by Māori Television
- TV7 channel launched by Television New Zealand, including Māori, Pacific and Asian programming

April

- Asia-Pacific Regional Dialogue on Interfaith Cooperation, Phnom Penh
- Te Rūnanga o Ngāti Porou recognised as mandated authority to begin Treaty negotiations

May

- Waitaki Multicultural Council launched in Oamaru
- Immigration Advisers Authority launched
- New Zealand Hindu Conference, Auckland
- Sāmoan Language Week, nationwide
- Māori Purposes Bill (No 2) passed
- Mauao Historic Reserves Vesting Bill passed

June

- Matariki, nationwide
- World Refugee Day, nationwide
- Wellington Regional Settlement Strategy and Plan of Action launched
- Terms of Negotiation signed between Ngāti Whatua o Kaipara and the Crown
- Terms of Negotiation signed between Ngāti Raukawa and the Crown

July

- Māori Language Week: Te Wiki o te Reo Māori, nationwide
- Terms of Negotiation signed between Ngai Tūhoe and the Crown
- Kimchi and Marmite Conference, Kowiana Association, Auckland

August

- Islam Awareness Week, nationwide
- Bananas NZ Going Global international conference, New Zealand Chinese Association, Auckland
- Annual New Zealand Diversity Forum, Auckland
- Statement on Race Relations released
- Terms of Negotiation signed between Te Kawerau a Maki and the Crown

- Joint Terms of Negotiation signed between Tapuika and Ngāti Rangiwewehi and the Crown
- Agreement in Principle signed by Tūranganui a Kiwa and the Crown

September

- Launch of *He Pātaka Kupu*, the monolingual dictionary of the Māori language
- Launch of Te Marautanga o Aotearoa, the Māori-medium curriculum
- Establishment of Porirua Ethnic Council
- First reading of Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Bill
- First reading of Waikato-Tainui Raupatu Claims Settlement Bill
- Terms of Negotiation signed between Te Roopu Whakamana o Ngā Hapū o Ngāti Ranginui and the Crown
- Agreement in Principle signed by Runanga-ā-iwi Ngāti Kahu and the Crown
- Te Roroa Claims Settlement Bill passed
- Central North Island Forests Land Collective Settlement Bill passed
- Te Arawa Iwi and Hapū Claims Settlement Bill passed
- Agreement in Principle signed between Te Runanga o Ngāti Manawa and the Crown
- Whakarewarewa and Roto-a-Tamaheke Vesting Bill introduced
- Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Bill introduced

October

- Diwali Festival, nationwide
- Te Unga Mai Festival, Gisborne
- Deed of Settlement signed between Ngati Apa (North Island) and the Crown

- Agreement in Principle signed by Waitaha and the Crown
- Agreement in Principle signed by Ngati Makino and the Crown
- Terms of Negotiation signed between Te Runanga o Ngāti Whatua and the Crown
- Office of Ethnic Affairs opens an office in Hamilton to service ethnic communities in the Waikato and Bay of Plenty regions
- National Dutch Festival Het Festijn, Hamilton

November

- General election
- GLOBALfest, Rotorua
- Takitimu Festival
- Tenth anniversary of the Ngāti Tahu Claims Settlement Act 1998

December

- UMR conducts a research poll for the Human Rights Commission on people's perceptions and experience of discrimination
- Meeting of Māori leaders with new Prime Minister at Pukawa

3. Mahi Rerenga Kētanga

Action on Diversity

What Happened in 2008?

- A national statement on race relations was launched.
- 259 organisations registered 624 projects with the NZ Diversity Action Programme.
- Christchurch organisations combined to address the issue of international student safety.
- Race Relations Day events took place around New Zealand in March.
- The New Zealand Diversity Forum took place in Auckland in August.
- The Race Relations Commissioner published a review on Pacific Peoples in New Zealand.
- The government responded to priority recommendations from the United Nations Committee on the Elimination of Racial Discrimination.
- New Zealand prepared for a United Nations review of its overall human rights performance and for the 2009 World Conference Against Racism.
- An Australia New Zealand Race Relations Round Table was established.

Statement on Race Relations

A national Statement on Race Relations was launched at the New Zealand Diversity Forum in August by the Prime Minister and the Race Relations Commissioner. The aim of the statement is to foster discussion on key issues in race relations within a human rights framework, to capture key principles which underpin harmonious race relations, and to reflect community agreement on these issues. The booklet is intended for use as a resource for advocacy, education and training.

New Zealand Statement on Race Relations

We live in an increasingly diverse society. We are a mix of Māori, Pākehā, Pacific, Asian and many other peoples. Although we are diverse, we are all New Zealanders.

Our growing diversity brings both benefits and challenges. It enriches our cultural heritage, increases our international connectedness and contributes to our economic well-being. It challenges us to counter instances of racism and discrimination and to foster intercultural communication, understanding and respect.

International treaties uphold the equal rights and dignity of us all. The universal human rights they contain are affirmed in the New Zealand Bill of Rights Act, the Human Rights Act, other statutes and the common law.

These human rights underpin our race relations. They are set out here as a number of brief statements that together provide a framework for further dialogue and monitoring of our progress in achieving harmonious relationships.

1. The Treaty of Waitangi

We acknowledge the Treaty as the founding document of our nation. It recognises both the rights of Māori as indigenous people and the rights of all who have subsequently settled here.

2. Freedom from Discrimination

We all have a right to protection from discrimination and to remedies if we experience it. Discrimination on the basis of race, colour, ethnic or national origins is unlawful.

3. Freedom of Expression

We all have a right to freedom of expression. It should be exercised in a manner that respects the rights of others. Incitement of racial hostility is a criminal offence. The media have a responsibility to be accurate, fair and balanced.

4. Safety

We all have a right to safety of our person and of our personal and communal property. Hateful

New Zealand's Increasing Ethnic Diversity

A Statistics New Zealand report in April, National Ethnic Population Projections 2006 (base) – 2026, highlighted the fact that New Zealand's Māori, Asian and Pacific populations will continue to grow at a faster rate than the European/Other category. The Māori population is projected to increase by an average of 1.4 per cent a year from an estimated 620,000 in 2006 to 820,000 in 2026; the Asian population by 3.4 per cent a year from 400,000 to 790,000; the Pacific population by 2.4 per cent a year from 300,000 to 480,000; and the European/Other population by 0.3 per cent a year from 3.21 million to 3.43 million.

The Asian population increase is driven by migration, while the Māori and Pacific population growth is driven by higher birth rates. The slower growth rate of the European/Other category is due to lower birth rates and an older age structure of the population. Because of the different population growth rates, the projections indicate that the proportion of New Zealand's population that identifies with a European or Other ethnicity will drop from 77 per cent in 2006 to 69 per cent in 2026.

New Zealanders identified their ethnicity in the 2006 census as follows:

| | | |
|---------------------------------|------------------|--------------|
| European | 2,609,592 | 67% |
| Māori | 565,329 | 14.6% |
| New Zealander | 429,429 | 11.1% |
| Asian | 354,552 | 9.2% |
| Pacific | 265,974 | 6.9% |
| Other (including MELAA*) | 36,237 | 0.87% |

* = people of Middle Eastern, African and Latin American ethnicities

The ethnicity of New Zealand children attending primary and secondary school in July 2008 was:

| | | |
|--------------------|----------------|--------------|
| European | 428,706 | 57.3% |
| Māori | 165,425 | 22.1% |
| Pacific | 71,322 | 9.5% |
| Asian | 65,583 | 8.8% |
| Unspecified | 17,156 | 2.3% |
| Total | 748,192 | |

The ethnicity of New Zealand babies born in the year ending September 2008 was:

| | | |
|---------------------------------|---------------|--------------|
| European | 44,740 | 69.3% |
| Māori | 19,010 | 29.5% |
| Pacific | 10,060 | 15.6% |
| Asian | 7,290 | 11.3% |
| Other (including MELAA): | 1,720 | 2.7% |
| Total | 64,540 | |

The 2006 census showed that 10 per cent of the usually resident population identified with more than one ethnic group. Birth registrations for the September 2008 year show that 13 per cent of mothers and 25 per cent of babies were identified with more than one ethnic group. This suggests that younger generations are becoming increasingly multicultural. Two-thirds of Māori babies and half of Pacific babies belonged to multiple ethnic groups, compared with just under one-third of babies within the European and Asian ethnic groups.

Note: Some of the above percentages total more than 100 because people can identify as having more than one ethnicity.

acts, including racially motivated threats, verbal abuse, harassment, physical assault and damage to property are unacceptable.

5. Participation

We all have a right to participate in public affairs. We should be involved in decisions that affect us, through consultation and representation in decision-making bodies.

6. Equal Opportunities

We all have a right to decent work, education, health and housing and an adequate standard of living. Where social and economic inequalities exist between ethnic groups, special measures should be taken to address them.

7. Newcomers

Newcomers have the same fundamental rights as the rest of us. We should welcome, inform and support them to settle and participate in the community.

8. Education for Diversity

We should all have the opportunity to acquire the knowledge we need for life in a diverse society, including an understanding of our history, the Treaty of Waitangi and the diversity of our cultures.

9. Cultural Identity

We all have a right to use our own languages and to practise our own cultures within the bounds of the law and respecting the rights of others. The diversity of our origins, languages and cultures is an important social, economic and cultural asset that shapes our common national identity.

10. Rights and Responsibilities

Human rights come with responsibilities. When we uphold and exercise our own rights and freedoms, we have a responsibility to respect the rights and freedoms of others and to contribute to harmonious race relations.

New Zealand Diversity Action Programme

The New Zealand Diversity Action Programme brings together organisations taking practical initiatives to:

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

Participants include community organisations, central and local government agencies, schools and universities, faith communities, media, libraries, museums and many others.

In 2008, there were 259 participating organisations with 624 diversity action projects registered, up from 220 organisations with 486 projects in 2007. Participants receive a monthly update on NZDAP projects, and monthly acknowledgments of positive contributions to race relations (which also go to a much wider audience). Other features of the programme are the annual New Zealand Diversity Forum and networks for religious diversity, media diversity, language policy and refugee issues. The Statement on Race Relations was also an NZDAP project and involved input from NZDAP participants at meetings in Auckland, Wellington and Christchurch. Many participants took part in Race Relations Day activities on and around March 21.

Welcome to Christchurch Campaign

Six Diversity Action Programme participants, the Christchurch City Council, the University of Canterbury, Te Rūnanga o Ngāi Tahu, the Human Rights Commission, New Zealand Police and Christchurch Polytechnic Institute of Technology joined together in March to launch a campaign to welcome Christchurch's international student and migrant communities. The purpose of the campaign was to raise awareness among Cantabrians and visitors alike of the region's commitment

to ensuring that every newcomer experiences the best of New Zealand hospitality and openness to diversity. The campaign was widely publicised with the distribution of posters and flyers around the region. Following the launch of the campaign a new website, www.report-it.org.nz, was launched in August to enable people to report incidents of bullying and harassment.

In addition to the campaign and website, the University of Canterbury created a new half-time position devoted to encouraging international student involvement in the University of Canterbury Student Association and building bridges between international and domestic students.

As part of the ongoing work following the Welcome to Christchurch campaign, a survey was run at the Christchurch Polytechnic Institute of Technology (CPIT), to find out if international students feel safe living in Christchurch. Survey touch screens were set up around the campus for two weeks. Around half of the respondents said that they had experienced hurtful remarks from people, but 86 per cent said they felt safe living in Christchurch. The most common nationalities of the people who participated in the surveys were Chinese, South and North Koreans, Japanese, Taiwanese and Saudi Arabians. The surveys revealed common reasons for not making complaints, including not knowing who to tell, a lack of confidence that the police would act on the complaints, and difficulties with language barriers.

Race Relations Day

People all over the world mark the International Day for the Elimination of Racial Discrimination on March 21. The day was designated by the United Nations in honour of the 69 people killed and 180 injured in a peaceful demonstration against apartheid in Sharpeville, South Africa, in 1960.

In New Zealand, the day is marked as Race Relations Day. It was officially observed in Wellington by a government reception hosted by the Minister of Ethnic Affairs and the Speaker of Parliament. The reception was attended by senior government officials, community leaders and members of the diplomatic corps.

Race Relations Day is very much a community event, with activities in schools, workplaces, religious centres and local communities. The Federation of Ethnic Councils again organised multi-ethnic festivals in many cities and towns throughout New Zealand, often in conjunction with local government. Some of the largest festivals took place in provincial centres such as Tauranga, New Plymouth, Palmerston North and Nelson. In Timaru, the local ethnic council organised a pot-luck dinner and concert that attracted more than 400 people, including the mayor, the local member of Parliament and the Race Relations Commissioner.

Other groups, such as the Kapiti International Friendship Society, the Marlborough Migrant Centre and the New Zealand China Friendship Society also collaborated with local councils to hold events and festivals in Paraparaumu, Blenheim and Hastings.

The theme for 2008 was Finding Common Ground, and people were encouraged to discuss the draft Statement on Race Relations. Te Papa adopted the theme for its 2008 Treaty Debates series.

The New Zealand Police announced a five-year sponsorship for the annual nationwide secondary schools Race Unity speech competition, which is organised by the New Zealand Baha'i community for Race Relations Day. This year's winner was Charon Maseka from Taita College, Lower Hutt.

New Zealand Diversity Forum

The annual New Zealand Diversity Forum (including the annual National Youth Forum on Diversity) is the signature event of the New Zealand Diversity Action Programme. It brings together organisations and individuals who have a commitment to practical action to support cultural diversity and foster harmonious race relations in New Zealand.

The 2008 Forum was held in Auckland on August 24-26,

continued on page 16

OUTSTANDING CONTRIBUTIONS

ACKNOWLEDGED

Twelve organisations were selected from more than 250 organisations participating in the New Zealand Diversity Action Programme and acknowledged for their outstanding contributions to the programme in 2008. These organisations were presented with awards at the 2008 Diversity Forum in Auckland by the Australian Aboriginal Social Justice Commissioner, Mr Tom Calma. The awards went to:

Auckland Interfaith Council

The Auckland Interfaith Council has partnered with the Human Rights Commission in hosting the past two annual Religious Diversity Forums and has worked closely with the Auckland City Council on religious diversity in the city, organised activities for the International Day of Peace and run a series of interfaith forums this year on social issues. Next year, the council will host the National Interfaith Forum.

Asia New Zealand Foundation

The Asia New Zealand Foundation brings together business, government and communities to promote better relations with Asia and greater understanding of Asian peoples and cultures within New Zealand. The foundation has been instrumental in raising the profile of events such as the Chinese Lantern Festival and Diwali, and has active programmes for young leaders, business, education, the media and culture. It achieves much more than it could alone, by working in very effective partnerships with a wide range of other organisations.

ChangeMakers Refugee Forum

ChangeMakers Refugee Forum is a refugee community-based non-government organisation (NGO), which supports people from refugee backgrounds to participate fully in their own community and contribute to the wider community. It is an active participant in the Wellington Region Refugee Health and Well-being Action Plan, undertakes mentoring and capacity building programmes and has recently published a guide to working with refugee communities.

Christchurch Art Gallery

Christchurch Art Gallery has a wide-ranging cultural diversity programme, including activities to mark Waitangi Day, Matariki, and Māori Language Week. The gallery held a series of Around the World panel discussions last year and illustrated lectures on cultural diversity topics. Its exhibition programme also reflects a wide range of artists and cultures.

Federation of Islamic Associations of New Zealand (FIANZ)

The Federation of Islamic Associations of New Zealand (FIANZ) is the representative organisation for New Zealand Muslims. The federation has a very open approach to engagement with other communities, including through the Building Bridges Programme, Islam Awareness Week, imam training, women and youth programmes, interfaith dialogue and a recent stakeholders conference at Parliament.

Marlborough Migrant Centre

Marlborough Migrant Centre provides migrant services and promotes the benefits of diversity in the Marlborough region. Although only in its second year of operation, the centre has established a strong public presence as a service provider and advocate for migrant communities. It has introduced an annual multicultural festival for Race Relations Day in March and a global football festival in September.

National Association of ESOL Home Tutors

The National Association of ESOL Home Tutors provides English language skills and social support for the effective resettlement of adult refugees and migrants. ESOL Home Tutors is the largest settlement agency in the country with 200 staff based in 23 towns and cities throughout New Zealand, and 3000 volunteer workers providing services to 6000 migrants and refugees per annum. The association provides one-to-one tutoring in the home, community-based social English groups and formal literacy classes.



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New Plymouth District Council

New Plymouth District Council has a wide range of programmes celebrating and exploring the diversity of the Taranaki region. The council has an extensive Waitangi Day programme, including seminars as well as a community festival. It promotes diversity by supporting WOMAD, the annual Taranaki Multicultural Extravaganza. It is a sponsor of the regional museum Puke Ariki, which is undertaking a multi-year exhibition programme on Finding Common Ground, and the Govett-Brewster Art Gallery, which has a programme of exhibitions and activities showcasing a wide variety of cultures.

Tagata Pasifika

Tagata Pasifika is a weekly half-hour programme on Television New Zealand. Fronted by presenters Robbie Magasiva and Beatrice Faumuina and produced by Stephen Stehlin, the dedicated team that produces and presents the programme provides the only window on

New Zealand's Pacific community seen on mainstream television. Although it screens late at night, it is re-broadcast on Maori Television and Freeview, is available on their website and is watched throughout the Pacific and beyond. This year the programme celebrates its 21st birthday.

Waikato Museum

Waikato Museum followed up its excellent exhibition on the Hamilton Somali community with *Keeping Faith*, a major community exhibition on the various faiths present in the Waikato region. The exhibition featured families from eight different religions, as well as the Statement on Religious Diversity. The museum has a standing exhibition on Tainui, and other exhibitions this year have included *Qui Tutto Bene*, featuring Italian New Zealanders, and *Te Atairangikaahu, The Soaring Hawk of the Dawn*, with official photographs of the tangi of the Maori Queen.

Waitakere City Libraries

Waitakere City Libraries provides a wide range of multicultural and migrant services, including an extensive ESOL and multicultural collection. Throughout the year they organise community programmes and events to mark occasions of cultural significance to Waitakere's diverse communities. For the past three years they have organised the National Forum on Public Libraries and Diversity as part of the New Zealand Diversity Forum, this year in association with Auckland City Libraries.

Asia Downunder

A special award went to *Asia Downunder*, which like *Tagata Pasifika*, occupies a small but vitally important slot on Television New Zealand, providing a window on New Zealand's Asian communities and reflecting these communities back to themselves. *Asia Downunder* has each year provided an extensive report on the New Zealand Diversity Forum, which will form part of the permanent record of this annual event.

organised by the Human Rights Commission in partnership with the Office of Ethnic Affairs, the Ministry of Social Development, the Auckland and Manukau City Councils and the New Zealand National Commission for UNESCO. The programme incorporated a wide range of specialist and public forums by participants in the New Zealand Diversity Action Programme. The occasion was also used to launch a number of publications, including:

- the Statement on Race Relations, *Race Relations in Aotearoa New Zealand*
- the Race Relations Commissioner's report on Pacific Peoples in New Zealand
- two books on Pacific media published by the Pacific Media Centre: *South Pacific Islands Communication: Regional Perspectives, Local Issues, and Development*, and *Media: Issues and Challenges in the Pacific Islands*.
- *A Welcome that Works*, a DVD produced by the Department of Labour providing practical advice to employers on retaining skilled migrants in the workplace
- DVDs of the first two series of *My God* screened on TV One, comprising interviews with well-known New Zealanders of different faiths
- a book edited by Ruth de Souza and Andy Williamson on *Researching with Communities: Grounded Perspectives on Engaging Communities in Research*
- draft guidelines for parents and boards of trustees on religion in schools.



Pasifika Festival 2008

PACIFIC PEOPLES IN NEW ZEALAND

A lead story appeared in *The Dominion Post* in May headlined Pacific Migrants 'Drain on Economy'. It reported on a paper to be presented to an international conference by Massey University economist Dr Greg Clydesdale. The report quoted Dr Clydesdale's paper as stating that: "Pacific Islanders' poor educational attainment, crime rates, poor education and low employment were creating an underclass and a drain on the economy." The newspaper subsequently issued a correction stating that Dr Clydesdale had not used the specific words "drain on the economy".

Pacific people were angered and dismayed by the academic's claims and the subsequent media coverage. In response, the Race Relations Commissioner initiated a review pursuant to the Human Rights Commission's statutory role of encouraging harmonious race relations and promoting respect for human rights.

The review, *Pacific Peoples in New Zealand*, noted that Dr Clydesdale's paper contained only a few paragraphs about Pacific peoples and that he had relied on out-of-date data that gave a misleading impression of the situation. Subsequent academic reviews were critical of the paper's academic standard. The review presented data that showed, while Pacific peoples in New Zealand did suffer inequalities, the trends over recent years had been positive in many areas and it was important that efforts to address disparities continued.

According to the review, the controversy highlighted four key issues:

- the responsibility of academics to maintain high standards in the research and publication of their work
- the responsibility of the media to be careful, accurate and balanced when publishing controversial claims about vulnerable groups
- the responsibility and accountability of universities to uphold ethical and professional standards as an integral part of academic freedom
- the vulnerability to racial prejudice of distinct population groups that experience social and economic inequality.

The review was released at the 2008 Diversity Forum in Auckland. In conjunction with its release, a panel of expert speakers addressed the forum on issues arising from the controversy.

The Ministry of Pacific Island Affairs indicated that they would be working with Statistics New Zealand to provide a new publication on the economic and social situation of Pacific peoples in New Zealand, updating the 2002 report used by Dr Clydesdale. This report is expected to be completed in 2009. In December, the Victoria University Institute of Policy Studies published a collection of essays edited by Alastair Bisley in an e-book format called *Pacific Interactions: Pasifika in New Zealand, New Zealand in Pasifika*.

CONFLICTS ABOUT FUNERAL ARRANGEMENTS

In early 2008, there were several high-profile media reports about bodies of deceased persons being removed by members of one side of a family who wanted to take the deceased home for a traditional Māori tangi, against the wishes of the other side of the family. There were public calls for the police to intervene. The police, however, pointed out that the law did not provide them with any legal powers to do so, unless the High Court issued an injunction. As the body of a deceased person was not owned by anyone, the removal of a body by family members for burial elsewhere was, therefore, not a criminal offence. An initial briefing by the Ministry of Justice considered a number of options to deal with such situations, including providing the police with the power to take charge of and hold a body when family disputes were not able to be resolved. The Race Relations Commissioner held informal discussions with the police, the Funeral Directors Association, the Ministry of Justice and Te Puni Kōkiri, and warned that the issues were complex and a good deal of discussion was required before changes to the law were contemplated. He said early intervention during conflicts was important to resolving them. It was very easy to sensationalise such matters, but in the vast majority of cases conflicts were resolved without unilateral action by one party. When they could not be resolved, mediation options needed to be identified. There were steps at each stage that needed understanding, and the most important

thing was to provide family members and funeral directors with information to identify issues and opportunities for mediation.

Taranaki: Finding Common Ground

Taranaki Whenua: Life Blood Legacy was an exhibition that ran from February to May at Puke Ariki, in New Plymouth. It featured artwork, images and objects inspired by the relationships of people with the land. It was the second in a series of five annual Common Ground exhibitions looking at different aspects of the social history of Taranaki. Taranaki Whenua: Life Blood Legacy investigated the landforms, the history and politics of land ownership and how land has been divided, exploited or protected in Taranaki. Coinciding with the exhibition, Puke Ariki published a book also called Taranaki Whenua: Life Blood Legacy. It features a variety of essays by Māori and non-Māori writers and includes an examination of Taranaki's land forms and features, coastline, archaeological history, settlement and politics.

International

UNITED NATIONS REVIEW OF NEW ZEALAND RACE RELATIONS

The United Nations Committee on the Elimination of Racial Discrimination (CERD) conducted its five-yearly review of New Zealand's compliance with the Convention on the Elimination of Racial Discrimination in 2007. The committee issued a set of recommendations to the New Zealand Government and requested a report on four of the recommendations in one year's time. These related to inclusion of the Treaty in the revised school curriculum, renewed dialogue on the Foreshore and Seabed Act, free access to education for the children of undocumented migrants, and the New Zealand First private member's bill proposing to delete references to the Treaty in legislation. The Human Rights Commission convened a meeting with various government departments to facilitate a coordinated government response to the Committee. The New Zealand

Government presented its response in September. It noted that the Treaty had been included as a principle underpinning the revised curriculum, that the New Zealand First bill had been rejected by Parliament, the issue of free access to education for children of undocumented migrants had been addressed administratively pending a change to the law in the Immigration Bill, and negotiations had taken place with some iwi on claims under the Foreshore and Seabed Act. The Human Rights Commission is continuing to monitor government responses to the CERD's other recommendations.

FOLLOW-UP TO THE WORLD CONFERENCE AGAINST RACISM

A World Conference against Racism, Racial Discrimination, Xenophobia and Racial Intolerance was held under the auspices of the United Nations in Durban, South Africa, in 2001. The conference produced a declaration and a programme of action. A follow-up conference will be held in Geneva in April 2009 to review progress in implementing the programme of action.

The Human Rights Commission has produced a review of the declaration and programme of action, in terms of developments in New Zealand since 2001 and future priorities.

The review outlines New Zealand's follow-up to the 2001 Durban declaration and programme of action, including identification of priorities by the Human Rights Commission in 2002, an international race relations round table in 2004, inclusion of key elements of the programme of action in the comprehensive status report on human rights in New Zealand in 2004, and adoption of the New Zealand Action Plan for Human Rights in 2005.

It notes developments in relation to the revised mandate of the national human rights institution and its new initiatives in the field of race relations, processes for reconciliation and redress for past injustices, establishment of the Office of Ethnic Affairs, the adoption of a settlement strategy and action plan for migrants and refugees, initiatives by the New Zealand Police, developments in indigenous language maintenance and Māori and Pacific media, interfaith dialogue and the adoption of a new school curriculum.



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The review finds that, overall, New Zealand has made significant progress in addressing race relations issues since the Durban conference in 2001.

It identifies as priorities for the future: the continuation of treaty settlements; strengthening of relationships between the government and Māori; promoting Māori and Pacific economic development; further reducing economic and social inequalities experienced by Māori and Pacific peoples; reducing the high rate of Māori imprisonment; addressing domestic violence against women and children; ensuring the proper treatment, well-being and safety of temporary migrant workers and international students; developing a national languages policy and implementing strategies for the maintenance of Māori, Pacific and other community languages; and producing a new action plan for human rights by 2010.

UN REVIEW OF NEW ZEALAND'S HUMAN RIGHTS COMPLIANCE

The United Nations Human Rights Council will conduct its Universal Periodic Review of New Zealand's human

rights performance in May 2009. The Human Rights Commission, in conjunction with the Ministry of Foreign Affairs and Trade, facilitated round tables for NGOs in Auckland, Wellington and Christchurch to encourage NGO input into the review process. The Commission, along with a number of NGOs, made a submission to the United Nations in November, which identified the following achievements with regard to race relations:

- improvements in key social and economic indicators for Māori and Pacific peoples
- positive developments in the promotion and use of the Māori language
- initiatives to foster Pacific languages
- development of a range of settlement support initiatives for new migrants.

The Commission made the following recommendations to the Human Rights Council with regard to race relations:

- That a review be undertaken of New Zealand's constitutional arrangements to give greater effect to the Treaty of Waitangi and human rights protections.
- That the government engage with Māori and the wider community to promote greater recognition and realisation of indigenous rights as set out in the United Nations Declaration on the Rights of Indigenous Peoples.
- That the government commits to specific targets and timelines for reducing the high levels of imprisonment and the disproportionate number of Māori in prison.
- That New Zealand adopt a national plan to combat poverty with targets and a timeline, and with clear indicators to assess its impact, particularly on children, marginalised groups and Māori and Pacific peoples.
- That the government commit to fully realising the right to education for all students by removing remaining barriers to access, participation and achievement.
- That the government review immigration and counter-terrorism legislation to ensure it is fully compliant with human rights.

The Commission's submission was informed by a mid-term review of the New Zealand Action Plan for Human Rights, which was released on the 60th anniversary of the signing of the Universal Declaration of Human Rights in December. The section on race relations is reproduced as an appendix to this report. The government is due to complete its own report to the United Nations early in 2009.

AUSTRALIA-NEW ZEALAND RACE RELATIONS ROUND TABLE

A round table of the New Zealand Human Rights Commission, the Australian Human Rights Commission and commissions from a number of Australian states was held in Auckland in August. The meeting resolved to formally establish an Australia-New Zealand Race Relations Round Table, which will meet annually to discuss good practice and issues of common concern.

LOOKING BACK

The diversity of New Zealand's population continues to increase. Many organisations, including community groups, faith communities, museums, galleries, libraries, media, businesses and central and local government are responding to this diversity in many different and creative ways. There was a high level of participation in the New Zealand Diversity Action Programme, Race Relations Day and the New Zealand Diversity Forum. The newly released Race Relations Statement offers a simple framework within which to discuss the status, the challenges and the opportunities of diversity.

LOOKING AHEAD

2009 marks the fifth anniversary of the New Zealand Diversity Action Programme, which will be celebrated at the Diversity Forum in Wellington in August. New Zealand's performance in human rights and race relations will be reviewed by the United Nations Human Rights Council in Geneva in May.

4. Whakahāweatanga Discrimination

What Happened in 2008?

- A UMR Research public opinion survey found that Asian people were perceived to be the group most discriminated against, with 74 per cent of respondents perceiving that Asians experience 'a great deal' or 'some' discrimination in today's society.
- The survey also found that one in five respondents (18 per cent) felt they have been personally discriminated against in the past year, and the most common reason was race and ethnicity related.
- There were a number of media reports of racially motivated crime, including verbal abuse, physical assault and damage to property.
- A 26-year-old man was convicted of the racially motivated murder of Korean backpacker Jae Hyeon Kim and sentenced to 21-years' imprisonment without parole. There is currently an appeal lodged against the sentence.
- The Human Rights Commission received 407 complaints of racial discrimination and harassment. Of these, 175 related to employment, 39 to language, 56 to racial harassment, 60 to the provision of goods and services, 26 to accommodation, 37 to education, and 23 to exciting racial disharmony.
- The Human Rights Review Tribunal made a decision in one race and ethnicity-related case.

New Zealanders' Perceptions of Asia 2008

In January 2009, the Asia New Zealand Foundation released the 2008 results of a longitudinal research project, which included research on public perceptions regarding the peoples of Asia and how they contribute to New Zealand society. In general, the results indicated that New Zealanders' perceptions of peoples from Asia were positive and continuing to improve.

The results showed that 58 per cent of New Zealanders have 'a lot' or 'a fair amount' of personal involvement with people from Asia. This was an increase from 48 per cent in 2007. More females (62 per cent) than males (54 per cent) reported 'a lot' or 'a fair amount' of contact, while those who identified as Asian (86 per cent) reported high levels of contact. Results were also highest among those in the highest socio-economic groups, and those in urban centres (particularly Auckland). The report noted that results over time indicate that personal involvement with people from Asia has been steadily increasing since 1998. Primary points of contact included shopping (89 per cent), friends (71 per cent), through schools and education (71 per cent), work or business (67 per cent), and the neighbourhood or community (63 per cent). Secondary points of contact with peoples from Asia included sports (33 per cent), local Asian events (32 per cent), marriage (29 per cent) and religion or spiritual groups (26 per cent).

Asked about 'warmth' towards people from China, India and Japan, respondents indicated that overall 'warmth' for people from China has increased since 2007, although, in the same period, it fell for people from India. Although in a small minority (14 per cent), some respondents said they felt less warm towards people from China because "too many are coming to New Zealand and taking over New Zealanders' space". Some respondents (6 per cent) also believe that people from China do not assimilate into New Zealand society, "that they are arrogant, and live by their own rules, not the rules of this country". The report noted that contact remains a key factor when it comes to beliefs about and feeling towards people from Asia. It noted that New Zealanders who have 'hardly any' contact with Asian people on average feel slightly cooler towards people from China, Japan and India, than those who have had some contact.

The research also found that 85 per cent of New Zealanders agree that people from Asia contribute to New Zealand's economy, an increase from 81 per cent in 2007. A further 82 per cent of New Zealanders agreed that immigrants from Asia bring valuable cultural diversity to New Zealand. This figure also showed an increase, up from 76 per cent in 2007. There was an increase in the number of New Zealanders who feel Asian employees improve workplace productivity, up to 64 per cent from 54 per cent in 2007.

Perceptions and experience of discrimination

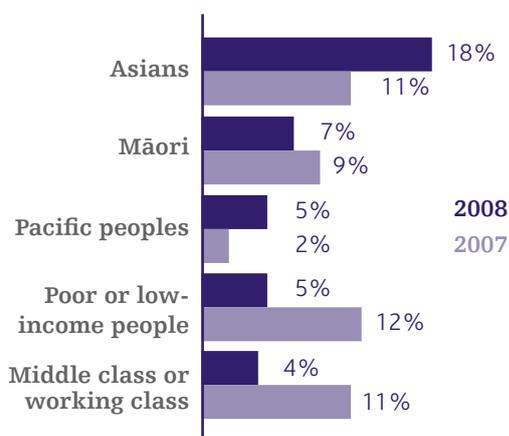
UMR Research conducted a public opinion survey for the Human Rights Commission in December 2008 on New Zealanders' perceptions of discrimination and their personal experience of it. The survey found:

- Around half of all respondents (47%) nominated an ethnic group when asked which group of people they think are most discriminated against in New Zealand. This included 18% who mentioned Asians, 7% who mentioned Māori and 5% who mentioned Pacific peoples.
- Around 9% gave an income-related group as their first mention, including 5% who said poor or low-income people and 4% who said middle-class or working-class people.

The 2008 results were fairly similar to those in 2007. The main changes were:

- The proportion mentioning Asians increased 7% to 18%, the highest since 2004.
- The proportion mentioning income-related groups fell 7%.
- The proportion mentioning Pākehā, white people or Europeans fell 4%.

WHO DO YOU BELIEVE IS THE MOST DISCRIMINATED AGAINST?

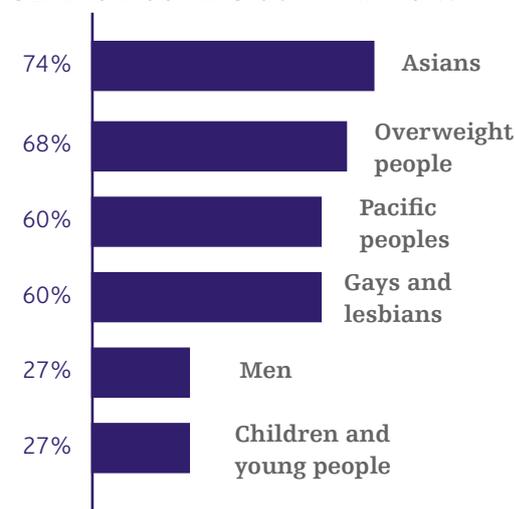


The level of perceived discrimination among a number of groups in today's society was generally higher than in 2007. There were increases in the perceived level of discrimination ('a great deal' and 'some') for nine of the 13 groups tested. The greatest increases were recorded for:

- Pacific peoples up 9% to 60%
- People who are overweight up 6% to 68%
- Gays and lesbians up 6% to 60%.

Asians topped the list of groups, as they have done since 2001, with 74% of respondents perceiving that Asians experience 'a great deal' or 'some' discrimination in today's society. Men, along with children and young people (a new addition to the list) were the groups with the lowest level of perceived discrimination (27%).

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



With regard to respondents' personal experience of discrimination, the survey found:

- Around one in five (18%) felt they were discriminated against in the past year, similar to the proportion recorded in 2007.
- Of these, 42% felt they were most recently discriminated against by a government department or agency. Around a third felt they were most recently discriminated against in a public place or facility (33%), by a retailer or provider of goods and services (32%), and by an employer or potential employer (31%).
- Many respondents who felt they were discriminated against felt that they were discriminated against for multiple reasons. The most common reason was race and ethnicity related, which was also the most common in 2007. This was most prominent amongst those who were discriminated against by a government department agency or in a public place, with around 40% giving this as a reason.

Age was also a common reason for feeling discriminated against, and to a lesser extent so were sex and gender.

MOST RECENT EXPERIENCE OF DISCRIMINATION:



International Students' Experience of Discrimination

The results of a 2007 survey of international students were published in May. The survey, undertaken by Deloitte for the Ministry of Education and the Department of Labour, monitored the health of the educational and pastoral support given to international students. It found that, for the most part, international students have a largely positive experience of their education in New Zealand.

Although experiences of discrimination were infrequent, three-quarters of respondents said that they had experienced some discrimination on campus by other students, while around 50 per cent had experienced discrimination by teachers, administrative or support staff and other international students. The survey authors recommended more work to promote cultural understanding in educational institutions.

Race-Hate Murder

It is extremely rare for someone to be murdered in New Zealand because of their race. A 2008 police inquiry indicated that is what happened to 25-year-old Korean economics student Jae Hyeon Kim in 2003.

Jae Hyeon Kim was on a 12-month backpacking holiday in New Zealand when he disappeared en route from Westport to Greymouth in September-October 2003. A missing person inquiry in 2004 failed to find anything, but when the police re-opened the inquiry in May 2008 they received two anonymous letters.

This led to the arrest in June 2008 of 28-year old Nelson fisherman Shannon Brett Flewelling and two other men, whose details were suppressed. A number of skinhead supporters attended when the defendants first appeared in court.

At a depositions hearing in the District Court in Greymouth in October 2008, one of the men pleaded guilty to the murder. The other two were committed to a trial scheduled for June 2009 in Greymouth. During the depositions

hearing the police located Jae Hyeon Kim's body near Charleston, south of Westport.

Hayden Brent McKenzie (26), who pleaded guilty to the murder charge, was sentenced to 21 years without parole in December 2008. An appeal against the sentence has been lodged.

Jae Hyeon Kim's mother and brother travelled to New Zealand to visit the site of the murder and attend the sentencing. They also attended a funeral at Nelson's Marsden House, where they were joined by members of the Nelson Multi-Ethnic Council, a representative of the Race Relations Commissioner and other concerned citizens.

Reverend Taeil Choi of the Nelson Full Gospel Korean Church paid tribute to a bright student whose life was "too short". He said Jae Hyeon Kim had been drawn to New Zealand because he, like many other young Koreans, believed it was a peaceful country, free of violence and aggression. He said those responsible for Mr Kim's death had carried the disease of racial hatred: "For the sake of Jae Hyeon Kim, we should all commit ourselves to making this city of Nelson, and our country as a whole, a place where people are welcomed, and a place where all cultures and all people are tolerated equally."

Media reports of race-related incidents

There were a number of media reports of racially motivated crime, harassment, assault and discrimination, including the following:

- A Nelson man was charged with disorderly and threatening behaviour after verbally abusing two Chinese people as they walked down the street, calling them "Asian monkeys". He later admitted to abusing them, saying that "he had a right to". The judge sentenced him to 200 hours of community service and warned him "racist taunts are strongly disapproved of". (*The Nelson Mail*, January 23, 2008)
- Members of Christchurch's Somali community reported an increase in incidences of abuse after an alleged hijacking attempt by a Somali woman in February. A woman was verbally abused by a group of young men in a car and was called a "terrorist". (*The Press*, February 11, 2008)
- Two men were arrested and charged with intimidation in New Plymouth in February after racially abusing a group of Asian people at a playground. At their court hearing, the defence said there was neo-Nazi motivation behind the abuse. They were sentenced to two months' imprisonment. (*Taranaki Daily News*, February 15, 2008)
- A Taupo man was sentenced in February to six months' home detention and ordered to pay \$350 reparation for racial abuse and assault of an Asian teenager in Napier in July 2007. (*New Zealand Herald*, February 16, 2008)
- A skinhead was found guilty by a High Court jury for trying to corrupt a juror during a white-supremacist trial. He allegedly left a note on the juror's doorstep with a swastika on it and the words "not guilty" during the trial of four men charged with the kidnapping of a Canadian Indian tourist. He was sentenced to two years' imprisonment for seeking to influence the jury. (*Stuff*, April 9, 2008)
- Eight Danish and English tourists were attacked in central Christchurch in April because they "spoke funny". Six were taken to Christchurch Hospital, including two with knife wounds. (*The Press*, April 14, 2008).
- Police in Westport charged two men in relation to an attack on an Irish tourist in April. The attack was "without provocation and appears to have occurred only because the victim spoke with an accent". One man was fined \$250 for disorderly behaviour and the other sentenced to 200 hours of community work, ordered to pay \$4000 reparations and required to undertake drug addiction counselling and treatment. (*The Press*, April 23, 2008)
- A Hamilton gaming shop was repeatedly vandalised in what the manager said could be racially motivated attacks. One such attack was targeted at the manager's

- friend, who was assaulted as he left the shop by a man who had been making Nazi salutes at the windows and yelling white-power slogans. (*Waikato Times*, May 3, 2008)
- A man pleaded guilty in the District Court in Wellington to assaulting his daughter, saying it was for religious reasons. He is an Assyrian Christian and said that he had assaulted her because she was going out with a Muslim. He was given a 12-month suspended sentence. (NZPA, May 14, 2008)
 - A man involved in the white-supremacist kidnapping of a Canadian Indian tourist two years ago was sent to jail after ignoring the directives of the court. The man refused to complete his community service because he had received death threats while carrying out his sentence at the community work centre. The judge said the failure to complete the community service had made a mockery of what was a very generous sentence. The man was sentenced to 10 months in prison. (NZPA, 6 June 2008)
 - Racist threats were made to a Māori school principal in Rotorua, who received an anonymous threatening letter at the kura kaupapa where he works. He had been outspoken about Māori issues, including the use of te reo Māori. He contributed to a policy change by Land Transport New Zealand in regard to Māori signs on school buses and advocated for Māori wards to be established in Rotorua. (NZPA, June 18, 2008)
 - A 19-year-old Nelson fisherman who chanted “white power” at two Māori women was sentenced in the Nelson District Court to 100 hours of community service. He admitted one charge of disorderly behaviour and one charge of possessing a pipe to smoke cannabis. (*The Nelson Mail*, July 9, 2008).
 - Swastikas and obscenities were written in graffiti on a Burmese family's car in Lower Hutt. This was the third attack on the family, who said that they no longer felt safe at their home. (*The Dominion Post*, July 15, 2008)
 - Southern Institute of Technology Chief Executive Penny Simmonds told a meeting of Venture Southland that two Indian students had decided to return home after they were abused by a carload of youths for wearing turbans. (*Southland Times*, October 7, 2008).
 - A 19-year-old Nelson man was convicted in the Nelson District Court of using offensive language in public. He swore at a Saudi Arabian student, called him a terrorist and told him to go home. (*The Nelson Mail*, November 18, 2008).
 - A Filipino schoolgirl had stones thrown at her on a bus in Christchurch, was called a “bloody Asian” and told to go back to her own country by three teenage boys. (*The Press*, November 29, 2008).
 - An African-American migrant left Christchurch after being attacked in a Lyttelton street in October. She was surrounded by six people, who started shouting abuse and threatening her. The group of men and women used such words as “nigger” and “blackie” and told her to “go home”. A man was charged by the police with threatening behaviour. (*The Press*, December 19, 2008).
 - A 23-year-old unemployed Nelson man was convicted of a range of offences, including careless use of a motor vehicle, assault and threatening behaviour for two incidents on the same day in Nelson in June. He had abused and threatened an Asian man pumping up his car tyres at a service station, and in the afternoon abused another Asian man and two friends from his car outside a supermarket. He swerved towards them, struck the victim and attempted to pin him against a fence then threw a bottle of bourbon at him. A member of the public stopped to help the victim and his friends get into his car. The man was sentenced to nine months' imprisonment for what the judge called “disgraceful behaviour”, and said it was essential the court denounced the offending because of its racial undertones. Another man was sentenced to 300 hours' community work for his involvement in one of the incidents. (*The Nelson Mail*, November 22, 2008)
 - The Manawatu Chinese Trust reported that racism was on the rise in Palmerston North, with taunts and food being thrown at members of the Chinese community. A helpline set up by the trust was getting up to 60 calls a

week, with a third relating to racism. This compared with a couple of calls a day when the helpline was first set up in 2007. (*Manawatu Standard*, January 10, 2009).

MANAWATU CHINESE COMMUNITY TRUST MEMBERS REPORT RACIAL HARASSMENT

Trust member Melody Chang moved to Palmerston North nine years ago with her husband and children and has noticed a big change. “Last year I was walking along Milverton Park with my husband when a group of men strode towards us yelling ‘white is good, yellow is bad’. They followed us for a few blocks home, jumping in front of us, pulling the Nazi salute. Several times when we go walking people have yelled at us.”

Kevin Sun said he had reached the point where he will soon call the police. He believed constant attacks on his car over the past three years are racially motivated. “Every few months we come out in the morning to find rubbish on our car – one day they painted a black skull on the window. I don’t know who did it, but we are the only Asian people in our area and no one else in the street has had any problem. Whoever did it knows what we are and where we are from.”

Manawatu Standard, January 10, 2009

Complaints to the Human Rights Commission

The Human Rights Commission received 407 complaints and enquiries involving race-related grounds in 2008, out of a total of 1518 complaints and enquiries about unlawful discrimination. This number is slightly lower than the 414 received in 2007, and is the lowest number of race complaints received since 2005. During the five years that the Commission has been publishing data on race-related complaints and enquiries, the highest number of complaints with a race component was received in 2005, when 597 complaints and enquiries were received, accounting for 33 per cent of all discrimination complaints and enquiries.

The proportion of race-related complaints and enquiries has remained steady over the past three years, with race-related complaints in 2008 accounting for 26.8 per cent of

all discrimination complaints. In 2007, they accounted for 27.9 per cent of complaints, and 26 per cent in 2006.

The grounds of complaint are broken down as follows (including the percentage of overall complaints):

| | | |
|----------------------------------|------------|----------------|
| Colour | 8 | (0.4%) |
| Ethnic or national origin | 188 | (10.5%) |
| Race | 252 | (14%) |
| Racial disharmony | 27 | (1.5%) |
| Racial harassment | 56 | (3%) |

The generic ground of race has consistently been the second most commonly cited ground of discrimination (following disability) since 2005, representing between 13-16 per cent of all discrimination complaints and enquiries received. Although this ground continued to be the second most commonly cited in 2008, the number of complaints has declined in the past three years, with 277 in 2007, 319 in 2006 and 310 in 2005.

Although the total number of race-related complaints was similar to 2007, there was a notable rise in the number of complaints and enquiries received on the ground of ethnic or national origin in 2008, with 188 being received. In 2007, 142 were received, 144 in 2006 and 133 in 2005. In the past two years, the ground of ethnic or national origins was the fifth most commonly cited ground, after disability, race, sex and age. In 2008, ethnic or national origins overtook both sex and age to become the third most commonly cited ground of discrimination. The main increase was in complaints related to government activity, which rose from 23 in 2007 to 44 in 2008.

The rise in ethnic or national origins complaints coincides with a decline in the number of racial harassment complaints, which have been declining steadily over the last five years, from a peak of 141 in 2005 (6 per cent of all discrimination complaints) to 114 in 2006 (also 6 per cent), 75 in 2007 (5 per cent) and 56 in 2008 (3 per cent).

The ground of colour has consistently received the fewest complaints. In 2008, the number of complaints dropped to eight from 14 in 2007, 18 in 2006 and 17 in 2005. The number of racial disharmony complaints reached a peak

of 66 in 2007, largely because of the anti-terrorism raids by the police in Ruatoki that year. In 2008, the number of complaints on this ground fell to 27, the same number as was received in 2006.

In 2008, the Commission began collecting demographic information from complainants, where this was possible and agreeable to the complainant. Information on the ethnicity and region was collected from slightly over half of the complainants. Of those who gave information about where they resided, the majority were from the main regions of Auckland, Wellington and Canterbury: 38 per cent were from the Auckland region, 17 per cent from the Wellington region and 13 per cent from the Canterbury region.

Of the complainants who provided information about their ethnicity on the five specified race grounds, more complaints were received from New Zealand European/Pākehā than any other group (18 per cent). The second largest number of complaints came from Māori (15 per cent) followed by Indian (12 per cent) and African (9.5 per cent). Complaints from European groups also figured prominently. Eleven per cent of the complaints were from people who identified as European without giving further nationality/ethnicity information. This proportion grows to 17 per cent if those who specified a particular European nationality/ethnicity (excluding NZ European/Pākehā) are included.

Of the 407 complaints and enquiries on race-related discrimination grounds, 85 were resolved at the first stage of contact. The matters resolved at this early stage were largely enquiries that required information or the registration of concern rather than laying a complaint. Others that were brought to the Commission as complaints were closed at this early stage when it was apparent that, although the matter was clearly of concern to the complainant, it was not within the scope of the Human Rights Act's discrimination provisions. These matters were resolved by the provision of information and by external referral to more appropriate agencies.

The majority of the complaints (290) were forwarded to the Commission's disputes resolution team for assessment and follow-up, and the remaining 32 complaints referred to the policy team as broader human rights matters, or to

external relations advisors, depending on the nature of the complaints.

GOVERNMENT AGENCIES

Part 1A of the Human Rights Act applies to discrimination by agencies or persons acting in accordance with legislation. Part 2 applies principally to the private sector.

There were fewer Part 1A complaints in 2008 than in 2007: 22 per cent of the 2008 complaints were classified as Part 1A, compared with 39.7 per cent in 2007, 14 per cent in 2005 and 23 per cent in 2005. The higher percentage of Part 1A complaints in 2007 is related to the anti-terrorism raids carried out by the police in late 2007.

Although there was a decrease overall in the number of Part 1A complaints, there was an increase in the number of complaints on the ground of ethnic or national origins in the area of government activity. In 2008, there were a total of 43 complaints received in this area, compared with 22 in 2007, 25 in 2006, 19 in 2005 and 23 in 2004. There was no single issue to account for this significant rise in complaints. Instead, the increase in complaint numbers is consistent with an increase in the numbers of agencies that are the subject of complaints. The agencies noted in 2007 had similar numbers of complaints against them in 2008.

EMPLOYMENT

The most common areas for race-related complaints were obtaining or retaining employment, with 175 complaints in this area. It is notable that although this was the most common area of complaint, the number decreased to 175 in 2008, from 186 in 2007, 184 in 2006 and 185 in 2005.

A total of 39 complaints relating to language were received in 2008, representing 9.6 per cent of the race-related complaints. The majority of these complaints were in the area of employment. This is slightly higher than the 34 language-related complaints received in 2007, which represented 8.2 per cent of the race complaints. The complaints included a number relating to workplaces instituting English-only language policies, as well as several relating to people from other countries that were experiencing difficulties because of their accent.

Other common types of complaints related to bullying in the workplace because of a person's race, which often

included name-calling, racist slurs and telling the complainant to “go home” if she/he wasn’t happy. There were several complaints from people from other countries, who were finding it difficult to find work, which they believed was related to their race. There were also a number of complaints from people alleging that foreign workers were being favoured over New Zealanders, or that New Zealanders were not being employed by some employers.

A number of the employment-related complaints were resolved through the Commission’s dispute resolution process. For example, by telephoning employers who advertised for specific nationalities or native-English speakers, when the criteria weren’t necessary to perform the roles advertised.

Complaint About Racist Comments

What happened?

The complainant, a taxi driver, complained that a dispatcher made racist comments over the radio to fellow drivers. These included offensive remarks to ethnic drivers about their knowledge of English. He provided the taxi company with a list of the names of drivers who were upset about the dispatcher’s comments.

The disputes resolution process

A complaint was made to the Commission. The taxi company’s managing director sought to resolve the matter with the complainant, the dispatcher and other drivers. The complainant agreed to this, while keeping the option of mediation open.

The outcome

The parties later contacted the Commission to advise that the matter had been settled. The issue was resolved by addressing concerns about communication with the dispatcher, educating all drivers and staff about the process for addressing complaints over communication and a process to identify training needs.

RACIAL HARASSMENT

Fifty-six (14 per cent) of complaints to the Commission involved allegations of racial harassment. This was lower than in 2007, when there were 75 racial harassment complaints (18 per cent) of all the race-related complaints and 114 in 2006 (24 per cent). For a matter to reach the threshold required by the act, it must be repeated, or of such significance that it has a detrimental effect on the person complaining in one of the areas of public life to which the act applies.

In most cases, the complaints did not reach the necessary threshold for the Commission to formally intervene. In many of these cases, the Commission is able to provide information and advice to assist complainants to address the issues themselves. In other cases, successful outcomes were achieved through the dispute resolution process.

Claim of Racial Harassment

What happened

The complainant had a disagreement with a bus driver about the fare he had paid. He didn’t have enough money to pay the extra he was being asked for and in the midst of a heated row, in which the complainant’s immigrant status and command of English was brought up, the complainant was removed from the bus.

The disputes resolution process

The bus company investigated the incident and found the driver had followed procedures for when a passenger could not pay the full fare. It did, however, acknowledge that the complainant and the driver’s accounts of the incident were different and agreed to mediation to hear the complainant’s version of events in more detail.

The outcome

The company was not prepared to admit the driver’s actions were discriminatory or based on racial harassment but agreed the situation was handled badly and apologised to the complainant about the distress caused. The company also agreed to develop a case study based on the complainant’s experience. This

will be used in driver induction training to show how actions and behaviour could be perceived to be discriminatory and the effects that can have.

GOODS AND SERVICES

Complaints about the provision of goods and services remained at the same level as in 2007, with 60 complaints (14.7 per cent) compared with 61 in the previous year (also 14.7 per cent of the race-related complaints).

ACCOMMODATION

As in 2007, there were 26 race-related complaints about accommodation in 2008, representing 5.8 per cent of all race-related complaints. Most of the complaints related to people being denied accommodation, which they believed was on the basis of their race. Some of the cases were referred to the Tenancy Tribunal, which is a more appropriate agency to handle all of the issues involved in the complaints raised.

In some cases it is possible for the Commission to assist through its dispute resolution process. In one case an application for rental accommodation was turned down but no reason was given. The applicant was unsure why this was, because the letting agency did not follow up the provided references, which were excellent, and concluded that it was because of race. Mediation resulted in an apology from the letting agency and a commitment to amend the tenancy application form so that this issue might be avoided in the future.

In other cases, the Commission was able to facilitate a successful outcome for complainants. For example, in a case where an African applicant was turned down for a rental tenancy, the complainant's New Zealand friends later phoned the letting agency and found that the property was still available, leading the complainant to believe that the application had been turned down on the basis of race/colour discrimination. The Commission assisted by phoning the agency to discuss the complaint. This resulted in a private meeting between the complainant and the agency, where the issues were discussed and the reasons for denying the tenancy were explained to the satisfaction of the complainant. The complainant was subsequently offered the property but declined it.

EDUCATION

The number of complaints about educational establishments was similar in 2008 to 2007, with 37 complaints received compared with 36 in 2007.

A successful outcome was achieved in a case involving a complainant whose children were denied enrolment in the local school because the complainant did not yet have a work visa, even though the children had student permits from immigration. Intervention from the Commission resulted in immigration issuing limited-purpose permits, a new category of permit, which enabled them to attend school.

In some other cases, students were being racially harassed at school but were already attempting to seek a resolution privately at the time of contacting the Commission. Rather than seeking active intervention through the dispute resolution process, they were seeking advice about how best to go about progressing their complaints directly with the educational establishments concerned.

RACIAL DISHARMONY

There were fewer complaints received in 2008 under section 61 (exciting racial disharmony) than in 2007, with 23 complaints received compared with 66 in 2007. The number of complaints in 2007 was significantly higher than in previous years, because of the large number of complaints on a single topic relating to the comments of a councillor in the media regarding the police action in Ruatoki.

Complaints of exciting racial disharmony are not generally able to be progressed under the Commission's disputes resolution process, because the material complained about must have the possibility of exciting hostility or contempt against a group of people on the grounds of their race. None of the complaints received in 2008 reached the threshold for progression via mediation.

Several complaints were received regarding a front page news item in the *The Dominion Post* that referred negatively towards Pacific Islanders living in New Zealand, referring to them as an underclass. The news item was based on a proposed conference paper by a Massey

University academic. Although these complaints were not progressed via the disputes resolution system, the Race Relations Commissioner did undertake a review of both the academic paper and the way in which the *The Dominion Post* reported the findings (see chapter 3 for a report on the review).

Office of Human Rights Proceedings

The Office of Human Rights Proceedings (OHRP) provides legal representation, under certain circumstances prescribed in the Human Rights Act, for people who have complained of breaches of the Human Rights Act, so that they can take their case to the Human Rights Review Tribunal. The OHRP received 10 applications relating to race in 2008. Of these, the director of the OHRP agreed to provide representation in one case. The director declined to provide representation to seven applicants and decisions have not yet been released for the remaining two applicants.

Human Rights Review Tribunal

The Human Rights Review Tribunal made a decision in one race and ethnicity-related case in 2008: *Bullock v the Department of Corrections*.

HUMAN RIGHTS REVIEW TRIBUNAL DECISION IN BULLOCK V THE DEPARTMENT OF CORRECTIONS

Josie Bullock claimed that the Department of Corrections subjected her to unlawful discrimination in the way it dealt with what occurred after her refusal to sit where she had been expected to sit during a departmental graduation ceremony. According to the tikanga for the event, the front row seating was for the manuhiri, and specifically for males only (including, but not limited to, the men who were to speak at the ceremony). As a woman, Bullock was expected to sit at the back of the audience, behind the men, and was not considered as a speaker. She decided to sit in the front row and refused to move when she was asked to do so. The department rejected all her claims. The case drew attention to a tension that exists between an employer's obligation to ensure that its employees do not suffer detriment in the workplace by reason of their sex, and, in this case, the employer's initiatives to incorporate tikanga Māori into departmental events (depending on the kawa of the area,

tikanga assigns different roles to participants on the basis of their sex).

In May, the Human Rights Review Tribunal concluded that the department's expectations of Bullock when she attended the graduation (specifically, that she would not be a speaker, and that she would sit behind the men) amounted to detrimental treatment by reason of her sex, because male employees employed on work of the same description as Bullock were not subjected to the same expectations. In all other respects, her claims were dismissed.

LOOKING BACK

Perceived discrimination against Asian people increased, but at the same time a greater number of New Zealanders felt warmly towards them and there was increased personal interaction, particularly in urban areas. A man was convicted of the race-hate murder of a Korean backpacker on the West Coast five years ago, and there was an increase in media reports of racially motivated crime. The highest numbers of race-related complaints to the Human Rights Commission concerned discrimination (in employment and the provision of goods and services) and racial harassment.

LOOKING AHEAD

The only means of measuring instances of racially motivated crime at present is to monitor media reports, as the police do not collect data about complaints, prosecutions or convictions for racially motivated crimes. A system for effective monitoring needs to be established. Continued individual and community action is also needed to address discrimination and harassment, and Race Relations Day in March provides a good focus for this.

5. Te Tiriti o Waitangi Treaty of Waitangi

What Happened in 2008?

- The National Party and the Maori Party reached a confidence and supply agreement after the general election in November. This included a review of the Foreshore and Seabed Act and of constitutional arrangements including the place of the Treaty.
- Over 1800 new claims were lodged with the Waitangi Tribunal prior to the cut-off date of 1 September.
- The Waitangi Tribunal published reports on two major inquiries (He Maunga Rongo and Te Tau Ihu), with nine other inquiries in progress.
- A settlement was reached on a contemporary claim concerning the closure of Napier hospital and health services.
- Six Terms of Negotiation and five Deeds of Settlement were reached for historical claims. Bills were passed by Parliament to give effect to the central North Island forests, Affiliate Te Arawa iwi and hapū and Te Roroa settlements. Bills were introduced to give effect to the Taranaki Whānui ki Te Upoko o Te Ika and Waikato River settlements.
- One Agreement in Principle, one Terms of Negotiation and two Heads of Agreement were reached for claims under the Foreshore and Seabed Act.
- Ngāi Tahu commemorated 10 years since the passing of their historic Treaty settlement.
- Fisheries settlement assets were transferred to two more iwi organisations.
- An Agreement in Principle was reached for a taiapure-local fishery off Ninety Mile Beach, and four mātaimai reserves were established.
- The title of Mauao (Mount Maunganui) was transferred to three Tauranga iwi.
- The Whakarewarewa and Roto-a-Tamaheke Vesting Bill was introduced into Parliament.
- A public opinion survey found the number of New Zealanders who felt they had a

reasonable understanding of the Treaty declined from 41 per cent to 34 per cent. Nearly 60 per cent viewed it as the founding document of New Zealand for all New Zealanders.

AGREEMENT BETWEEN THE NATIONAL PARTY AND THE MĀORI PARTY

Following the general election in November, the National Party entered into a relationship and confidence and supply agreement with the Māori Party. The parties agreed to act in accordance with the Treaty. The agreement recorded the Māori Party's desire to see "significant outcomes in whanau ora, through eliminating poverty, advocating for social justice, and advancing Māori social, cultural, economic and community development in the best interests of the nation."

The agreement provides for consultation on legislation, policy, broad budget parameters and government appointments, an additional staff member for all Māori electorate MPs, and the appointment of Māori Party co-leaders to ministerial positions outside Cabinet. Dr Pita Sharples was appointed Minister of Māori Affairs, Associate Minister of Education and Associate Minister of Corrections. Tariana Turia was appointed Minister for the Community and Voluntary Sector, Associate Minister of Health and Associate Minister of Social Development and Employment. The key policy features of the agreement relate to a constitutional review and a review of the Foreshore and Seabed Act as follows:

Constitutional review, including the status of the Māori seats

Both parties agreed to the establishment, by no later than early 2010, of a group to consider constitutional issues including Māori representation. The Māori Party will be consulted on membership and the choice of chairperson, will be involved in establishing terms of reference, and will be represented on the group. The National Party agreed it would not seek to remove the Māori seats without the consent of the Māori people. Accordingly, the Māori Party and the National Party will not be pursuing the entrenchment of the Māori seats in the current parliamentary term. Both parties agreed that there will be

no question about the future of the Māori seats in the referendum on MMP planned by the National Party.

Foreshore and Seabed

The National Party recognised the concerns of the Māori Party about the Foreshore and Seabed legislation. The Māori Party recognised the public interest and concern of all New Zealanders to ensure that the use of the foreshore and seabed is protected. During the first term of Parliament, the National Party and the Māori Party will initiate a review of the application of the Foreshore and Seabed Act 2004 to ascertain whether it adequately maintains and enhances mana whenua. Ministers representing the two parties will prepare agreed terms of reference for the review by 28 February 2009. The review will be completed by 31 December 2009. In the event that repeal of the legislation is necessary, the National-led government will ensure that there is appropriate protection in place to ensure all New Zealanders enjoy access to the foreshore and seabed both through potentially new and existing legislation.

In addition, the new government stated in the speech from the throne at the opening of Parliament in December that it was “committed to the expeditious completion of final, durable settlements of historical grievances. Accordingly, it will devote fresh energy to this important area. This will be essential to reaching its medium-term goal of achieving just and durable settlement of all historical Treaty claims by 2014.”

PUKAWA HUI

In December, Ngāti Tuwharetoa Paramount Chief Dr Tumu Te Heuheu called a meeting of Māori leaders at Pukawa to discuss the strengthening of the Maori-Crown relationship with new Prime Minister John Key. Pukawa, on the southern shores of Lake Taupo, was where tribes gathered in 1856 to appoint the first Māori king, Potatau Te Wherowhero, and also where they met with Governor Sir George Grey in 1858. In a re-enactment of a ceremony that took place during Grey’s visit, Dr Te Heuheu and the Prime Minister jointly tied a rope around the flagpole.

By the numbers

- Since 1975, the Waitangi Tribunal has registered over 1500 claims, with another 1800-plus claims received prior to the September 2008 cut-off date.
- The tribunal has reported on 15 of its 37 inquiry districts, covering 71 per cent of the nation’s land area. Adding those under or in preparation for inquiry, 73 per cent of districts and 89 per cent of the land area have been or are currently subject to tribunal inquiry.
- Treaty settlement agreements in 2008 resulted in the transfer of over \$400 million to Māori claimant groups as well as an innovative form of redress over one of the country’s major waterways. To date \$1,018,697 million has been committed to final and comprehensive settlements and several part settlements. This includes \$19.846 million paid as claimant funding separate from the negotiated settlement redress.
- Since 1990, 26 Treaty settlements have been completed, of which 14 are comprehensive.
- Treaty settlements cover 61 per cent of the total land area of New Zealand, but only 21 per cent of the land area of the North Island to date.
- Over 20 groups are currently in active negotiations with the Crown.
- There are 57 iwi recognised in the Māori Fisheries Act 2004, of which 49 have been mandated to receive fisheries assets. Of these, 41 have also been approved as iwi aquaculture organisations.
- Te Ohu Kaimoana has transferred a total of \$435.7 million in cash and fisheries assets to mandated iwi organisations.
- Since 1996, eight taiapure-local fisheries have been established, including one in 2008.
- Since 1998, 10 mātaihai reserves have been established, including four in 2008.

Dr Te Heuheu told the Prime Minister that Māori were looking for a partnership relationship with the Crown. They wanted to see the increased momentum of Treaty settlement negotiations over the past year continue, and to engage with the government on strategic issues, including water and geothermal resources. The Prime Minister affirmed Māori would be consulted on strategic issues. He was accompanied by the Māori Party co-leaders and Treaty Settlements Minister Chris Finlayson.

Waitangi Tribunal

The Waitangi Tribunal is an independent commission of inquiry. It makes findings and recommendations on claims brought by Māori in relation to actions or omissions of the Crown that are alleged to breach the Treaty. Tribunal panels are drawn from a pool of 20 members, increased from 16 in 2008, and are usually presided over by a judge of the Māori Land Court.

In 2005, the then Labour-led Government announced its aim of settling all historical claims by 2020 and set a deadline of 1 September 2008 for lodging claims. An amendment to the Treaty of Waitangi Act in 2006 brought the deadline into force. The policy of the new National-led government is to complete all Treaty settlements by 2014. In response to the deadline the tribunal received more than 1800 claims from July to September compared to the previous average of about five claims per month.

Judge Joe Williams, chairperson of the tribunal and, since 1999, Chief Judge of the Māori Land Court, was appointed to the bench of the High Court in Auckland in September. Until new permanent appointments are made, Judge Carrie Wainwright is acting chairperson of the tribunal and Deputy Chief Judge Wilson Isaac is acting chief judge of the Māori Land Court.

REPORTS PUBLISHED

He Maunga Rongo: Report on Central North Island Claims

Published in August, the report on the Central North Island (CNI) Claims covers more than 120 individual claims made by Māori from approximately 50 iwi and hapū. The central North Island region stretches from the Bay of Plenty coastline inland to south of Lake Taupō and eastwards

across the Kaingaroa plains. The report considers a wide range of issues, including the political relationship between CNI Māori and the Crown; the administration and alienation of Māori land; the difficulties caused by the Crown's title system; public works and economic development issues (including farming, forestry, tourism, and power generation); and Crown policies for managing natural resources (especially geothermal and water resources) and the environment. The tribunal found that the Crown had breached the Treaty in depriving CNI Māori of the authority to manage their own affairs and taonga. This had contributed to economic, social, cultural, and political marginalisation. A number of recommendations related to mechanisms to ensure better recognition of Māori development rights and improved participation in planning and management regimes in accordance with the principle of partnership as provided for in the Treaty.

Te Tau Ihu o te Waka a Maui: Report on Northern South Island Claims

In June, the tribunal published a draft of the Te Tau Ihu report to help claimants and the Crown in settlement negotiations. The tribunal's inquiry covered 31 claims from eight iwi: Ngāti Apa, Ngāti Koata, Ngāti Kūia, Ngāti Rārua, Ngāti Tama, Ngāti Toa Rangatira, Te Atiawa and Rangitane. There were also several specific or whanau claims and a claim by the Wakatu Incorporation concerning the operation of the Nelson Tents.

The report incorporated two preliminary reports published the previous year that addressed issues of customary rights. The tribunal particularly urged the Crown to address Treaty breaches in relation to Te Tau Ihu iwi customary interests in lands that had been vested in Ngāti Tahu under their earlier settlement with the Crown in 1998. It recommended that the Crown negotiate equitable compensation with those affected. The report also addressed a wide range of other major grievances, including early New Zealand Company and Crown purchases; the establishment of the Nelson settlement and Nelson and Motueka Tents; the provision of reserves and issues of landlessness; 20th century socio-economic impacts; and specific and whanau claims. The final report was published in November.

INQUIRIES

Te Paparahi o Te Raki (Northland)

The tribunal conducted a round of consultative judicial conferences on inquiry process options in the Northland region, which comprises five districts with over 100 claims. The Crown Forestry Rental Trust's research programme has produced a number of large overview reports, with the remainder due for completion and filing by early 2009. The tribunal is preparing for the start of hearings – which will focus on understandings of Te Tiriti o Waitangi and He Wakaputanga o Rangiratanga o Niu Tirenī (the 1835 Declaration of Independence) – at Waitangi in October 2009.

East Coast

The East Coast Inquiry is a district inquiry with over 100 claims from Ngāti Porou and a number of other iwi and hapū, including Uepohatu, Ruawaipu, Te Aitanga a Hauiti and Te Whanau-a-Apanui. It covers an area from Gisborne to just south of Cape Runaway, and inland to the Raukumara Range and the Waipaoa River. Issues include the East Coast 'civil war'; Crown and private purchases of East Coast land in the 19th century and the operations of the Native Land Court; Crown and private purchases in the 20th century and land rating issues; the provision of social services; and environmental and resource issues. A judicial conference was held in January and the inquiry is still in its research phase. Te Rūnanga o Ngāti Porou has commenced settlement negotiations with the Crown but has remained in the inquiry for the time being.

Te Rohe Pōtae (King Country)

Encompassing the area on the west coast of the North Island to the northwest of Lake Taupo, this inquiry comprises over 140 claims from Ngāti Maniapoto and other iwi and hapū, including Ngāti Hāua. Issues include the Crown's relationship with the Kingitanga movement and the creation of the Rohe Pōtae; the construction of the main trunk railway through the district; the operation of the Native Land Court and the alienation of Māori land in the 19th century; the management of Māori land in the 20th century, waterways, environmental impacts, and public

works takings. The research programme for the inquiry was confirmed in January and the boundary finalised in May.

National Park

There are 40 individual claims involved in this inquiry, which encompasses Tūwharetoa, Ngāti Hikairo, Ngāti Rangī, Ngāti Haua, and several other iwi and hapū. It covers the area from Turangi to Ohakune, which encompasses most of Tongariro National Park, including the mountains Tongariro, Ruapehu, and Ngauruhoe. Main issues include: the operations of the Native Land Court in the district; the alleged 'gift' of the mountain peaks by Tūwharetoa paramount chief Te Heuheu Tukino in 1887; the management of the National Park; and the Tongariro Power Development scheme.

Tauranga Moana

In the Tauranga district, the Waitangi Tribunal conducted a two-stage inquiry into over 60 claims relating to an area which extends from the Kaimai ranges to the Bay of Plenty coast and from Athenree to Papamoa. The inquiry also included claims concerning the islands of Motiti and Tuhua (Mayor Island). The boundary of the inquiry equates almost exactly to that established in the Tauranga District Lands Act 1868, which defined the Tauranga lands liable to confiscation. Stage one of the inquiry investigated issues relating to the military operations in Tauranga in the 1860s, the associated land confiscations (raupatu) and their immediate aftermath. A report on that part of the inquiry was issued in 2004. Stage two concluded in 2006 and investigated claims about the administration and alienation of land 'returned' to Tauranga Māori; development issues; urbanisation and local body rates; and the environment and local government planning.

Te Urewera

Most of the 33 claims in this inquiry are from Ngāti Tūhoe. Other claimant communities involved include Ngāti Whare, Ngāti Manawa, Ngāti Ruapani, Ngāti Haka Patuheuheu, and Ngāti Kahungunu. Issues include the military conflict of the 1860s and the ensuing raupatu (confiscation); the political relationship between the Crown and Urewera Māori; land administration and alienation, including the Urewera

District Native Reserve Act, Crown purchasing, and the Urewera consolidation scheme; environmental issues and the creation of the Urewera National Park; and socio-economic issues. To assist settlement negotiations, the report is planned to be issued in stages in early and mid 2009.

The Wairarapa ki Tararua Inquiry

This district covers the area from the Manawatu Gorge to the South Wairarapa coast, to Cape Turnagain and down to the gorge. The inquiry involves 17 claims filed by members of Ngāti Kahungunu and Rangitāne hapū and other claimant groups. Issues include the relationships between the Crown and Māori from 1840-1900; pre-1865 Crown purchases; native land laws and the Native Land Court; non-agrarian resources and the environment, with a particular emphasis on the Wairarapa Moana (Lakes Wairarapa and Onoke/Ferry); rivers, foreshore and seabed and environmental management and degradation; loss of land and resources in the 20th century; management of heritage; sites of cultural significance; the environment; the coast; and the taking of land for public purposes.

Indigenous Flora and Fauna and Intellectual Property (Wai 262)

This Inquiry relates to mātauranga Māori or Māori knowledge, and indigenous flora and fauna. In the claimants' view, rights relating to these are guaranteed under the Treaty. The claim raises issues in respect of intellectual property rights that are challenging in their complexity and which will impact on many areas of government policy. Closing submissions were heard in 2007 and the report is now being written.

Whanganui

The Whanganui Inquiry encompasses over 50 claims, covering an area from the Whanganui River to Taumarunui. It also includes lands around the Whangaehu River and Waiouru, and the catchment of the Waitotara River in the west. Claims relate to the early purchase of Whanganui lands by the New Zealand company; the Native Land Court and Crown purchasing of Māori land in the 19th and early 20th centuries; the vesting and management of land in the 20th century; takings for public works, particularly for scenery preservation; the foundation of the Whanganui

National Park; the main trunk railway line; the creation and management of native townships; and issues of authority and kaitiakitanga of the environment. Hearings are expected to be completed in March 2009, when the tribunal will hear Crown evidence and closing submissions.

Treaty Claims and Settlements

CONTEMPORARY CLAIMS

In October, a Deed of Settlement was signed between the Crown and claimants for the contemporary aspects of the Wai 692 - Napier Hospital and Health Services Claim. In 1998, the majority of hospital services were moved from Napier hospital to the regional hospital in Hastings. A claim was lodged with the tribunal that year by representatives of Te Taiwhenua o te Whanganui a Orotu and Ngāti Kahungunu. The resulting report, Napier Hospital and Health Services Report (Wai 692), published in 2001, focused on the closure of the hospital in the 1990s and the delivery of state health services to Ahuriri Māori from the mid-19th century to recent times. The tribunal concluded that the claim was well-founded and provided guidelines for settlement.

The 2008 settlement will provide claimants with resources to provide targeted health services in the Maraenui area of Napier. This is the first settlement to address a health related Treaty of Waitangi claim. The historical aspects of the claim, which encompass grievances prior to 1992, will be settled separately with the Office of Treaty Settlements.

HISTORICAL CLAIMS

A Treaty settlement is an agreement between the Crown and a Māori claimant group to settle all of that group's historical claims against the Crown. The Office of Treaty Settlements is responsible for negotiating settlements on behalf of the Crown and oversees their implementation as well as managing properties for settlement purposes. The settlement process includes recognition of a group's claim, the signing of Terms of Negotiation, followed by the signing of an Agreement in Principle, then a Deed of Settlement. The passing of settlement legislation is the last major step before the settlement is implemented. Unprecedented progress was made this year in the area of

Treaty settlements, culminating in the passing and introduction of several bills in September. Milestones in 2008 are outlined below.

SETTLEMENT LEGISLATION

Central North Island

The Central North Island Forests Land Collective Settlement Bill was passed in September, following a Deed of Settlement signed by representatives of the Central North Island Iwi Collective. The collective comprises Ngāti Tuwharetoa, Ngāti Whakaue, Ngāti Tūhoe, Ngāti Whare, Ngāti Manawa, Raukawa, and the Affiliate Te Arawa Iwi and Hapū, and represents over 100,000 people. The CNI settlement provides commercial redress concerning claims to central North Island forests covering 176,000 hectares of land and is the largest reached in the Treaty settlements process to date. Ngāti Rangitīhi was originally part of the collective but did not endorse the settlement in the collective endorsement process. The Crown gave them until December to opt into the settlement and they signed a Deed of Accession in November.

The settlement includes an amended financial redress package to reflect Te Pūmāutanga o Te Arawa's participation in the CNI collective settlement. The iwi agreed their historical claims to the central North Island forests would be settled with the CNI collective settlement. The value of the Crown land transferred to the CNI collective amounts to \$195.7 million. The iwi also received forest rentals of \$223 million, which have been accumulating since 1989 with an annual income of approximately \$13 million. The money from the rentals is not considered to be part of the redress package as it is not at a cost to the Crown. The CNI collective has agreed to preserve public access to the forest lands. Formal apologies will be given by the Crown in the separate settlements for each member of the collective.

Te Arawa

The Affiliate Te Arawa Iwi and Hapū Claims Settlement Bill was passed in September, concluding a long process of negotiation with the Crown. Te Pūmāutanga o Te Arawa, the claimant group which negotiated the settlement, comprises 11 Te Arawa iwi and hapū, with a membership of 24,000 people with interests in over 500,000 hectares of land.



A revised Deed of Settlement was signed between Te Arawa and the Crown in June. This reflects that the settlement no longer includes redress over the forestry assets, which were settled under the CNI collective settlement. The Affiliate Te Arawa Iwi and Hapū Claims Settlement Bill concerns Te Arawa claims not included in the CNI collective settlement.

The Te Arawa Claims Settlement Act provides for \$38.6 million in redress and the transfer to Te Arawa of 19 areas of Crown owned land of special significance, including the land under six Rotorua schools and the Ngatamariki geothermal assets.

Te Roroa

The Te Roroa Claims Settlement Bill was passed in September. The negotiations began in 1992, following the release of the Te Roroa Report (Wai 38) that year. The settlement package contains a formal Crown apology for its failure to deal with the grievances of Te Roroa in an appropriate way and for its actions which caused alienation, division and spiritual and emotional pain to the people of Te Roroa. The settlement also includes a financial package of \$9.5 million. It enables Te Roroa to have increased input into the protection of the Waipoua Forest, home to Tane Mahuta, New Zealand's largest living kauri tree. The passing of the bill provides closure on one of the longest Treaty negotiations to date.

Taranaki Whānui ki Te Upoko o Te Ika

The Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Bill had its first reading in September. Taranaki Whānui ki Te Upoko o Te Ika is a collective that comprises people from a number of Taranaki iwi – including Te Atiawa, Taranaki, Ngāti Tama and Ngāti Ruanui – whose ancestors migrated to Wellington in the 1820s and 1830s and signed the Port Nicholson Block Deed of Purchase in 1839. The settlement covers the area of the Port Nicholson Block, an area of 271,000 hectares spanning across what is now Wellington, Lower Hutt and Upper Hutt. The grievances relate largely to the Crown's role in the sale of land within the Port Nicholson Block, the subsequent displacement of Taranaki Whānui ki Te Upoko o Te Ika from their traditional lands, and certain acts and

omissions in relation to the delay in implementing legislation and administration of their reserves. The settlement package includes an historical account, Crown acknowledgements of historical breaches of the Treaty, a Crown apology, a cultural redress package including \$25 million, the opportunity to purchase a number of Crown properties in the Wellington region, and a Statement of Forgiveness from Taranaki Whānui ki Te Upoko o Te Ika to the Crown. The Statement of Forgiveness is the first of its kind in the history of Treaty of Waitangi settlements.

Waikato River

The first reading of the Waikato River Settlement Bill was held in September following the signing of the Deed of Settlement at Tūrangawaewae Marae. The Deed of Settlement provides for the following:

- a contestable clean-up fund to which the Crown will contribute \$7 million per annum for 30 years
- a \$50 million fund for the Waikato Raupatu River Trust to undertake initiatives to restore and protect their relationships with the river and its flora and fauna
- a \$20 million endowment to support the vision of the late Sir Robert Mahuta, who initiated the Waikato Tainui claims and led the iwi through the historical settlement process
- the establishment of a co-management regime for the Waikato River led by the Guardians Establishment Committee and the Waikato River Statutory Board.

The Guardians Committee was established in March under the Waikato River Agreement in Principle, which was signed in December 2007 by the Crown and Waikato-Tainui. The committee provides a forum by which stakeholders can develop and manage a vision and strategy to protect the health and well-being of the Waikato River.

Members include representatives of the Waikato River Statutory Board, consisting of Waikato-Tainui, Te Arawa, Ngāti Maniapoto, and Raukawa, other river iwi, Environment Waikato and Crown appointees representing the regional community. The committee developed a draft vision and strategy for the Waikato River at the beginning

of May for consultation with iwi, local authorities, businesses and other groups who have an interest in the river. The Waikato River Statutory Board will be responsible for the implementation of the final vision and strategy, which will form a national policy statement for the purposes of the Resource Management Act, and a statement of general policy for the purposes of conservation legislation.

As part of their membership in the Guardians Committee, the Iwi of Te Arawa and Raukawa signed an agreement to participate in the co-management of the Waikato River with Waikato-Tainui. The Crown and Ngāti Maniapoto signed an agreement which proposed to extend the vision and strategy to the most important tributary of the lower Waikato River, the Waipā River. The agreement provides for the co-management of the Waipā River under the Guardians Committee.

DEED OF SETTLEMENT

Ngāti Apa

In October, a Deed of Settlement was signed between Ngāti Apa (North Island) and the Crown. The signing follows the ratification by Ngāti Apa of a draft Deed of Settlement initialled in September. The claims relate to the Crown's purchase in 1849 of the Rangitikei-Turakina Block, including the Crown's subsequent failure to adequately protect approximately 35,000 acres of reserves set aside from this transaction. The deed includes a historical account, Crown acknowledgement of historical Treaty breaches, a Crown apology, a cultural redress package featuring the transfer of a number of cultural sites, including five papakainga properties (ancestral land pertaining to homes and marae), \$16 million in redress, and the opportunity to purchase 6500 hectares of Crown forest license land.

AGREEMENTS IN PRINCIPLE

Tūranganui a Kiwa

An Agreement in Principle was signed by Tūranganui a Kiwa and the Crown in August. Tūranganui a Kiwa is a collective of three iwi groupings: Ngai Tamanuhiri, Rongowhakaata

(including Ngā Uri o Te Kooti Rikirangi) and Te Pou a Haukai, which consists of Te Aitanga a Mahaki, Ngā Ariki Kaiputahi and Te Whanau a Kai. The claims relate to Crown acquisition of land in the Gisborne district through the Deed of Cession, the Native Land Court and the Poverty Bay Commission, the execution of unarmed prisoners by the Crown, the detention of Tūranganui a Kiwa prisoners on the Chatham Islands and the removal of Te Hau ki Turanga, now located at Te Papa o Tongarewa Museum in Wellington. The settlement is to consist of \$59 million plus interest, the transfer of sites of cultural significance and cultural redress, including a cultural revitalisation plan.

Ngāti Kahu

In September, an Agreement in Principle was signed by Te Runanga-ā-iwi o Ngāti Kahu and the Crown. The settlement concerns the large-scale land loss of Ngāti Kahu in the areas around Kaitāia, Taipā and Mangonui, much of it within 25 years of the signing of the Treaty of Waitangi. The proposed settlement includes redress of \$14 million, the opportunity to purchase Rangiputa Station, a social revitalisation package, and cultural redress, including a statutory board, consisting of Ngāti Kahu and Crown representatives, to manage conservation lands. It also includes the transfer of 17 sites of cultural and historical significance to Ngāti Kahu.

Te Rūnanga o Ngāti Manawa

An Agreement in Principle was signed between Ngāti Manawa and the Crown in September, following the signing of Terms of Negotiation in 2004. Ngāti Manawa's claims concern the Kaingaroa Plains and the upper Rangitāikī River and relate to the New Zealand Wars, Crown actions and omissions in respect of the native land laws, the Crown's purchasing techniques in relation to land that Ngāti Manawa wished to retain, and 20th-century land, river and forestry development. This is a separate settlement for the remainder of Ngāti Manawa's historical Treaty claims not relating to the central North Island forests.

Waitaha and Ngāti Makino

Agreements in Principle were signed by the Crown and two iwi from the central North Island – Waitaha and Ngāti

Makino – in October following the signing of Terms of Negotiation in February. Waitaha claims encompass the areas between Tauranga harbour across to Maketū, and relate to the New Zealand Wars, including the treatment of their chief, Hakaraia, the Tauranga confiscation, the operation and impact of the native land laws, and the Crown's land purchasing techniques. Ngāti Makino claims concern the Bay of Plenty region from Lakes Rotoiti and Rotomā to the coast. The claims also relate to the New Zealand Wars, the Bay of Plenty confiscation, the operation and impact of the native land laws, the Crown's purchasing techniques, and 20th-century issues relating to public works and scenic reserve takings.

TERMS OF NEGOTIATION

Ngāti Raukawa

Terms of Negotiation were signed between Ngāti Raukawa and the Crown in June. The claims relate to the loss of large areas of the central North Island, including claims to the Waikato River and the impact of the Crown's military actions and land confiscations in the Waikato region. As part of Ngāti Raukawa's membership in the Guardians Committee, established under the Waikato River settlement, Raukawa joined with Te Arawa and Waikato-Tainui in signing an agreement in September to co-manage the clean-up of the Waikato River.

Ngāti Whatua o Kaipara and Te Kawerau a Maki

Terms of Negotiation were signed between Ngāti Whatua o Kaipara and the Crown in June and between Te Kawerau a Maki and the Crown in August. The south Kaipara claims and the Kawerau a Maki claims have been the subject of two Waitangi Tribunal reports, the Kaipara Interim Report in 2002, and a final report in 2006. Te Kawerau a Maki's area of interest also covers the Mahurangi and Tamaki Makaurau regions. The claims relate to the Crown's purchase of their land, the operation of the native land laws and public works takings.

Ngāti Tūhoe

Terms of Negotiation were signed between Ngāti Tūhoe and the Crown in July. The Waitangi Tribunal held hearings into Ngāti Tūhoe claims as part of the Te Urewera district inquiry in 2004, which included the

loss of land and lives as a result of Crown actions, the execution of unarmed prisoners by the Crown forces during the New Zealand Wars, and the Crown's 1916 raid on Maungapohatu and arrest of Rua Kenana. In response to a joint Crown-Ngāti Tūhoe request, the Waitangi Tribunal has agreed to a staged release of its Te Urewera report to assist the parties in their negotiations. Redress given under the Ngāti Tūhoe settlement will take into account their part of the CNI settlement.

Tapuika and Ngāti Rangiwewehi

Joint Terms of Negotiation were signed between Tapuika and Ngāti Rangiwewehi and the Crown in August. The two iwis' claims have been heard as part of the Central North Island Inquiry and relate to the operation of the native land laws, the New Zealand Wars, Crown purchases of land, public works takings and impacts on the natural environment. Tapuika's area of interest includes the coastal Bay of Plenty north of Rotorua, and Ngāti Rangiwewehi area of interest is to the west of Lake Rotorua.

Te Roopu Whakamana o Ngā Hapū o Ngāti Ranginui

Terms of Negotiation were signed between Te Roopu Whakamana o Ngā Hapū o Ngāti Ranginui and the Crown in September. The claims relate to raupatu, or confiscation, of approximately 42,000 hectares of land in the Tauranga district following the war of 1864, and later land purchases made by the Crown. The Te Roopu Whakamana Deed of Mandate was recognised by the Crown in April to represent Ngāti Ranginui in their Treaty settlement with the Crown.

Te Runanga o Ngāti Whatua

Terms of Negotiation were signed between Te Runanga o Ngāti Whatua and the Crown in October. Ngāti Whatua lands border four harbours: Hokianga, Kaipara, Waitematā and Manukau.

MANDATE RECOGNISED

Te Rūnanga o Ngāti Porou

Te Rūnanga o Ngāti Porou was recognised as the mandated authority to begin negotiations for the Ngāti Porou Treaty settlement.

TENTH ANNIVERSARY OF THE NGĀI TAHU CLAIMS SETTLEMENT ACT 1998

More than 1000 members of Ngāti Tahu gathered in Kaikoura on 21 November 2008 to celebrate the 10th anniversary of their historic settlement. The South Island iwi, whose members number 45,000, received \$170 million in 1998, which has been invested in a variety of assets, from seafood businesses to property ventures. The iwi now have more than \$600 million in assets.

Sir Tipene O'Regan, the former Ngāti Tahu chairman who led the negotiations, says he remembers the days when the marae grounds at Kaikoura were just paddocks filled with 'Pākehā horses'. "My vision was of a time when we could sustain completely our own culture without any dependence on wider society. So we can independently pay for our own marae and always be ourselves and be what we wanted to be and build our own dream."

Foreshore and Seabed

Under section 96 of the Foreshore and Seabed Act 2004, the Attorney-General and Minister of Māori Affairs may enter into an agreement with a group to recognise that, but for the vesting of the full legal and beneficial ownership of the public foreshore and seabed in the Crown, the group, or members of that group, would have had a claim for territorial customary rights over a specific area of the public foreshore and seabed. The following groups are currently in negotiations with the Crown.

Ngāti Porou and Te Whānau a Apanui

In February, Heads of Agreement were signed between two East Coast iwi, Ngāti Porou and Te Whānau a Apanui, and the Crown. The agreements were a key step forward in reaching an agreement over access and rights in, on and over the foreshore and seabed. The two East Coast iwi conducted their negotiations jointly with the Crown, and the provisions in the two agreements are largely the same. Both agreements seek to recognise the unbroken, inalienable mana of the hapū in relation to the foreshore

and seabed in their region, which is held and exercised as a collective right, and to provide legal protection and recognition of these rights.

The Heads of Agreement between Te Whānau-a-Apanui and the Crown consisted of a letter to the hapū of Te Whānau a Apanui recording the progress made to date, and noted the next steps to reach a finalised Deed of Agreement, and the draft Deed of Agreement outlining the nature, scope and extent of the instruments to be provided to the hapū who choose to ratify the finalised Deed of Agreement. The draft deed will be the basis of the finalised Deed of Agreement.

In August, the Crown and Ngāti Porou initialled a Deed of Agreement outlining the nature, scope and extent of the recognition instruments to be provided to those hapū that ratify the Deed of Agreement. Te Rūnanga o Ngāti Porou held a series of ratification hui between August and October for hapū to consider the initialled Deed of Agreement and vote on whether or not they wished to be included in it.

In October, representatives of the Crown and the hapū of Ngāti Porou that ratified the deed signed Ngā Hapū o Ngāti Porou Foreshore and Seabed Deed of Agreement. The Deed of Agreement contains nine instruments that provide legal recognition and protection of the mana of ngā hapū o Ngāti Porou. The deed also provides an additional level of protection and authority where territorial customary rights are recognised. The Deed of Agreement contains a provision giving the iwi the right to give or refuse to give permission to resource consents in their area and to make bylaws under customary fishing regulations. The agreement also establishes a statutory relationship between the iwi and ministers with responsibilities for energy, fisheries, conservation, environment and arts, culture and heritage.

Appointed representatives of ngā hapū o Ngāti Porou will now apply to the High Court for confirmation that the requirements under section 96 of the Foreshore and Seabed Act have been met. Legislation is also required to give effect to the contents of the signed Deed of Agreement. Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Bill was introduced in September and reinstated by the 49th Parliament in December.

Ngāti Pahauwera

In September, an Agreement in Principle was signed by Ngāti Pahauwera and the Crown, following the signing of Terms of Negotiation in May 2008. The Agreement is the first to combine historical Treaty claims and foreshore and seabed claims. Ngāti Pahauwera are a confederation of hapū centered around the Mōhaka River in northern Hawke's Bay.

Te Rarawa and Ngāti Porou ki Hauraki

In November, the Crown signed milestone documents with Te Rūnanga o Te Rarawa and the Ngāti Porou ki Hauraki Trust. These documents set out the progress of negotiations with the groups to date and included an agreed work programme by which the parties would work towards an Agreement in Principle.

Māori Fisheries

MĀORI FISHERIES ACT 2004

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

There are 57 iwi recognised in the Māori Fisheries Act. When a recognised iwi organisation (RIO) has met the governance criteria set out in the Māori Fisheries Act, it is entitled to receive fisheries assets as the mandated iwi organisation (MIO) for that iwi. Mandated iwi organisations are responsible for the management of assets allocated. These assets consist of cash, quota and shares in Aotearoa Fisheries Limited, and are based on the population of iwi and the length of the coastline concerned. By the end of 2008, 48 recognised iwi organisations had been mandated. Further progress in the transfer of fisheries assets is dependent on the remaining iwi gaining mandated status. Of the 48 MIOs, 41 have been approved as iwi aquaculture organisations by Te Ohu Kaimoana. The remaining seven MIOs are yet to apply.

Māori fisheries settlement assets were transferred to Te Aupouri in Northland in April, after a March mandate. Nga Ruahine of Taranaki received fisheries assets in April. Assets allocated were based on the population component of the settlements. The coastline components will be transferred once negotiations are complete with neighbouring MIOs on the coastline.

In terms of allocated assets, Te Ohu Kaimoana has transferred a total of \$435.7 million in cash and assets to MIOs, with unallocated assets of \$152.1 million remaining. Of this amount, \$111.9 million relates to fisheries assets that require coastline agreements on proportionate shares between MIOs.

MĀORI COMMERCIAL AQUACULTURE CLAIMS SETTLEMENT ACT 2004

An Agreement in Principle was signed in October by the Crown and representatives of 10 iwi (Hauraki, Ngāti Apa ki Te Ra To, Ngāti Koata, Ngāti Kuia, Ngāti Rārua, Ngāti Tahu, Ngāti Tama, Ngāti Toa, Rangitāne, and Te Ati Awa o Te Tau Ihu) to settle early the Crown's obligations under the Māori Commercial Aquaculture Claims Settlement Act. The Agreement in Principle covers the vast majority of New Zealand's aquaculture development areas, including the Hauraki Gulf, Marlborough Sounds, Tasman Bay and remaining parts of the South Island. Assets amount to a one-off cash payment of \$97 million. Progress is being made by all parties to establish a deed to give effect to the Agreement in Principle. Legislative amendment will be introduced this year to finalise the settlement.

TAIAPURE-LOCAL FISHERIES AND MĀTAITAI RESERVES

Taiapure-local fisheries and mātaimai reserves are two means of protecting significant sites for Māori. The main distinction between a taiapure-local fishery and a mātaimai reserve is that in a mātaimai reserve all commercial fishing is banned, though it can be re-instated, while in a taiapure-local fishery the wider area fishing rules remain unchanged. Tangata kaitiaki /tiaki of a mātaimai reserve – who are members of the local iwi and act as guardians or managers of the reserve – can recommend to the Minister of Fisheries regulations for the reinstatement of commercial fishing and bylaws for management of fisheries resources.

A management committee for a taiapure-local fishery can recommend regulations to the Minister of Fisheries for the management of fisheries resources.

Taiapure-local fisheries

There are currently eight taiapure-local fisheries. In September, the Minister of Fisheries agreed in principle to Te Aupouri's proposal to establish a taiapure-local fishery in the waters surrounding Te Wakatehaua Island off Ninety Mile Beach. The minister's decision puts the proposal through to the statutory process, which involves a two-month public consultation process administered by the Māori Land Court.

Mātaitai reserves

There are 10 mātaitai reserves, with four established in 2008:

- In April, the Puna-wai-Toriki Mātaitai Reserve between Tirohanga and O-Waea (Campbell Point), east of Balclutha on the south Otago coast, came into effect. The reserve covers approximately 2.3km² and will be managed by Waikoau Ngai Tahu Runanga.
- In May, the Aotea Harbour Mātaitai Reserve on the south-west coast of the Waikato came into effect. The reserve covers approximately 40km², encompassing Aotea Harbour and the coastal waters outside the harbour. It will be managed by Ngā Hapū o Aotea Moana.
- In September, the Te Maunga o Mauao Mātaitai Reserve, covering the waters surrounding Mount Maunganui and part of Tauranga Harbour in the Bay of Plenty, came into effect. The reserve covers approximately 6km². The Tauranga Moana Iwi Customary Fisheries Committee, comprising representatives of Ngāti Te Rangī, Ngāti Ranginui and Ngāti Pukenga, will manage the reserve.
- In October, the Waikawa/Tumu Toka Mātaitai Reserve, covering the waters within Waikawa Harbour, the lower sections of the Waikawa River, and Tumu Toka (Porpoise Bay and Curio Bay) came into effect. The reserve covers approximately 7km² and will be managed by Te Rūnanga o Awarua.

Bills and Legislation Relating to Treaty and Indigenous Rights

MAUAO HISTORIC RESERVES VESTING ACT 2008

Enacted in May, the Act transfers the title of Mauao (Mount Maunganui) to the Mauao Trustees, who represent the three iwi of Tauranga Moana: Ngāti Te Rangī, Ngāti Ranginui and Ngāti Pūkenga. Although the title was not transferred as part of a Treaty settlement with the three iwi, the effective return of the ancestral maunga nonetheless marks a significant step in enhancing the relationship between the Crown and Māori in the area.

THE MĀORI PURPOSES BILL (NO 2)

The Māori Purposes Bill (No 2) received its first reading in December 2007, and was referred to the Māori Affairs Committee. The bill comprises amendments to the Maniapoto Māori Trust Board Act 1988, the Māori Trust Boards Act 1955, the Treaty of Waitangi Act 1975 and Te Ture Whenua Māori Act 1993. The bill was divided into four separate bills during the committee stages and passed in May. The Māori Trust Boards Amendment Act reduces the minimum voting age from 20 to 18 years for Māori Trust Board elections, and gives effect to a new Deed of Agreement reached between the Tūwharetoa Māori Trust Board and the Crown, in relation to Lake Taupō. The Treaty of Waitangi Amendment Act 2008 increased the maximum membership of the Waitangi Tribunal from 16 to 20, to provide the tribunal with the level of human resources and expertise it requires to meet an increasing workload.

THE MĀORI TRUSTEE AND MĀORI DEVELOPMENT AMENDMENT BILL

The bill was introduced to the House in November 2007. It proposed setting up the Māori Trustee as a stand-alone organisation separate from Te Puni Kōkiri and ensuring that the Māori Trustee pays account holders the income received from the investment of funds in the common fund (minus a management fee). Consultation with Māori on these proposals and associated changes took place in 2007 and indicated support for the measure.

The bill also proposed establishing a new statutory corporation, Māori Business Aotearoa New Zealand (MBANZ), to further Māori economic development. This proposal brought together work under way to better utilise funds available for Māori development, with suggestions that the Māori Trustee take a leadership role. The bill provided a transfer of \$35 million from the Māori Trustee's general purposes fund to the new MBANZ fund. Following the 2008 Budget, the then government announced its intention of contributing \$40 million to the new fund subject to the passage of the bill.

The bill had its first reading in March and was referred to the Māori Affairs Select Committee. The committee divided the bill into the Māori Trustee Amendment Bill and the Māori Affairs and Māori Development Amendment Bill.

The Māori Trustee Amendment Bill, which now contained the provisions setting up the Māori Trustee as a stand-alone organisation and associate changes, received the unanimous support of the committee in its report. The committee reported that it was unable to agree whether the Māori Affairs and Māori Development Amendment Bill, which now contained the provisions establishing MBANZ, should proceed. The use of trustee funds for this purpose was strongly opposed by Opposition parties in Parliament. Both bills were awaiting their second reading when Parliament was dissolved before the general election, and their future is uncertain.

WAKA UMANGA (MĀORI CORPORATIONS) BILL

The Waka Umanga Bill presents a simple, easily-accessible governance entity (called a 'waka umanga') for Māori collectives. The purpose of the bill is to provide basic and adaptable requirements for the incorporation, organisation and operation of waka umanga on behalf of a Māori collective. It also defines the relationships between the waka umanga, its governors and the collective. The bill had its first reading in December 2007 and was referred to the Māori Affairs Select Committee.

The select committee reported back to the House in September, recommending the bill be passed with amendments. The most significant of these was that the process for a waka umanga to gain recognition as the 'legitimate representative' of a tribal group be removed.

PROMOTION OF MORIORI CULTURE

The Crown gifted the Moriori with a one-off \$6 million grant in June to preserve and promote the identity, heritage, culture and the legacy of peace of the Moriori people of the Chatham Islands. The grant will create income for Te Keke Tura Moriori Identity Trust, the charitable entity which will work to preserve, revive, support, and promote Moriori identity. The trust deed recognises the Moriori as the indigenous people of the Chatham Islands. The grant was not part of the Moriori Treaty of Waitangi Settlement, although the Moriori have separately lodged such a claim. This claim was the subject of a Waitangi Tribunal report published in 2004, *Rekohu: A Report on Moriori and Ngāti Mutunga Claims in the Chatham Islands*. The grant sets a basis on which Moriori can rebuild their culture and language and honour the legacy of peace left by their ancestors.

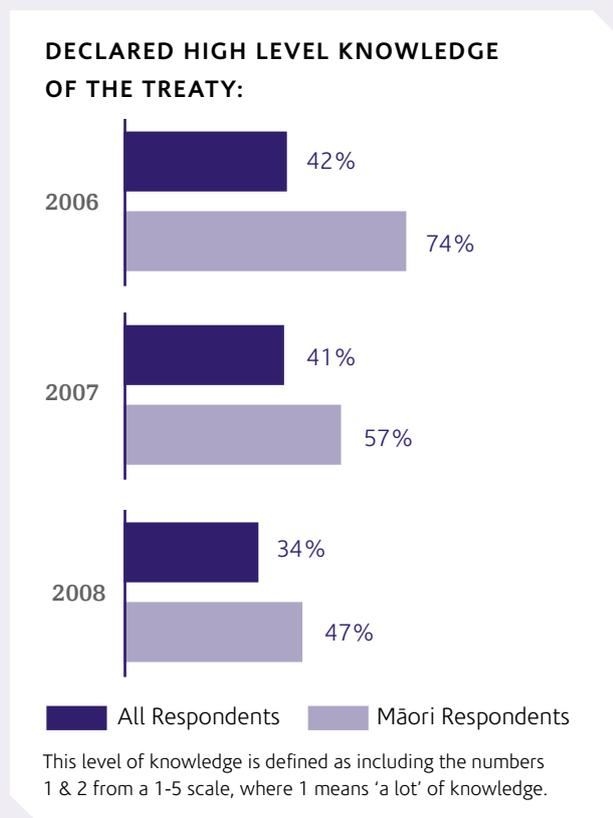
This removes the representative aspect of the bill and narrows its focus to providing a new legal entity. A reduction in the formation and transition requirements for waka umanga was also recommended. The select committee's report further recommended a number of changes to the governance and management provisions of the bill to make them more flexible and closely align them with accepted corporate governance standards. At the end of the last Parliament the bill was set down for its second reading.

WHAKAREWAREWA AND ROTO-A-TAMAHEKE VESTING BILL

This bill provides for the transfer of the title of Whakarewarewa Valley lands and the Roto-a-Tamaheke reserve to a joint trust that is representative of Ngāti Whakaue and Tuhourangi-Ngāti Wāhiao. The title transfer occurred independently of the settlement process between Māori claimants and the Crown, although it had the effect of enhancing their relationship. The bill passed its first reading in September.

Public Awareness of the Treaty

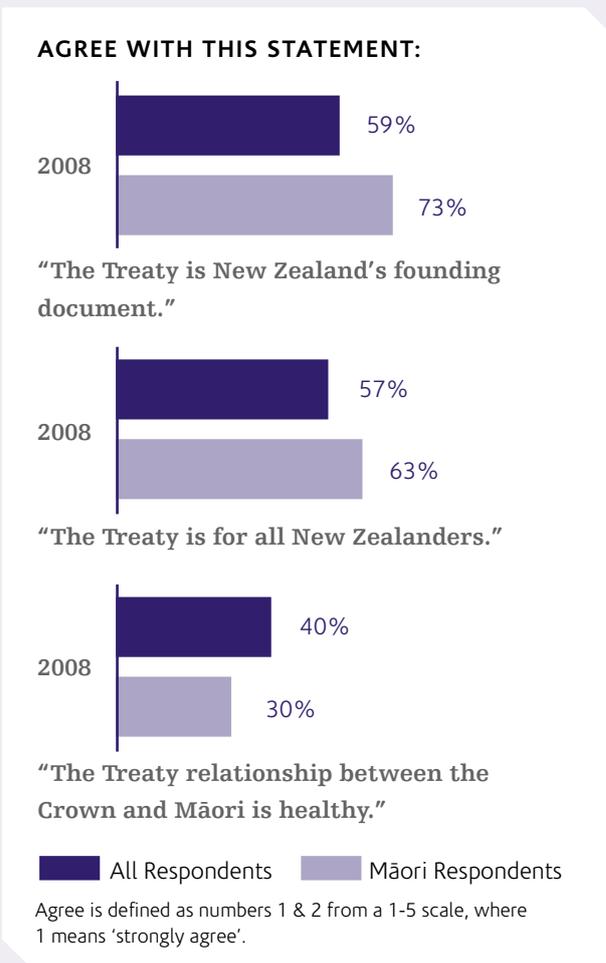
Research company UMR Research has conducted public opinion polling on the Treaty of Waitangi for the Human Rights Commission since 2002. The most recent survey in December 2008 showed the following:



- Among respondents, declared knowledge of the Treaty was down on previous years. Only 34% of those surveyed said they had a reasonably high level of knowledge about the Treaty.
- This level of knowledge was the lowest since tracking began in 2002 (which was also the previous lowest at 36%), and was down from the highs of 42% in 2006 and 41% in 2007.
- Amongst Māori respondents, the level of knowledge was higher at 47%. Due, however, to the small sample size, this result should be treated with caution. The level of knowledge was also higher amongst Māori respondents in 2006 and 2007.



- Across all respondents, from the same 1-5 scale, the level of knowledge about human rights and indigenous rights were 37% and 26% respectively.



- A majority of respondents agreed with two of the three statements related to the Treaty.
- 59% agreed with “*The Treaty is New Zealand’s founding document*”.
- 57% agreed with “*The Treaty is for all New Zealanders*”.
- 40% agreed with “*The Treaty relationship between the Crown and Māori is healthy*”.

Māori respondents were more likely to agree with the first two statements, but less likely to agree with the third.

- 73% agreed with “*The Treaty is New Zealand’s founding document*”.
- 63% agreed with “*The Treaty is for all New Zealanders*”.
- 30% agreed with “*The Treaty relationship between the Crown and Māori is healthy*”.

Across all respondents there was a significant (17%) increase in the level of agreement with the statement “*The Treaty relationship between the Crown and Māori is healthy*” since May 2007.

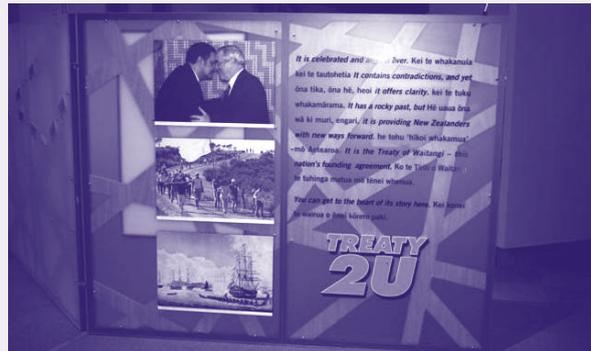
WAITANGI DAY

Waitangi Day commemorations were held throughout the country in February, including many forums, informational activities, and opportunities for cultural exchange. The Ministry of Culture and Heritage operates an annual Commemorating Waitangi Day Fund to promote wide community participation around the country. In 2008, events supported by the fund included those run by Auckland Workers Educational Association, ESOL Home Tutors and the Chatham Islands Council. For 2009, the ministry has approved 64 grants ranging from \$150 to \$82,000. Many successful applications have an inter-cultural focus, such as the New Zealand Thirumurugan Temple Society’s range of events, which includes the release of a Tamil translation of the Treaty, and the Migrant Action Trust’s educational events for recently arrived Filipino family migrants.

TREATY 2 U EXHIBITION

The Treaty 2 U exhibition was created by the Museum of New Zealand Te Papa Tongarewa, the National Library and Archives New Zealand, with Te Papa as the lead agency.

Designed to tour in a truck, the exhibition completed a successful tour of Auckland secondary schools in July. The 12-month tour was funded by the ASB Community Trust and the government through Te Puni Kōkiri.



Treaty 2 U exhibition – Puke Ariki gallery, New Plymouth.

The exhibition content remains part of Te Papa’s domestic touring programme and retains its status as a collaborative product of Archives NZ, the National Library, and Te Papa. Treaty 2 U was at the Museum of Wellington from August to October 2008 before moving to Puke Ariki in New Plymouth. Other venues are booked for 2009. Work is also under way to place a replica exhibition in Te Papa on the mezzanine floor.

THE TREATY AND THE CONSTITUTION

Deputy Crown Solicitor Matthew Palmer’s book *The Treaty of Waitangi in New Zealand’s Law and Constitution* was published by Victoria University Press in November. The book was the product of a two-year study funded by the New Zealand Law Foundation through its 2005 International Research Fellowship. Palmer examines the place of the Treaty in law and the constitution since 1840, current interpretations of the Treaty, its current legal status and force and its current place in New Zealand’s constitution. He concludes that the time has come to stabilise the place of the Treaty in New Zealand’s law and constitution. Palmer puts forward the concept of a Treaty of Waitangi Court to rule on issues that are not able to be addressed through the normal processes of the Crown-tangata whenua relationship. He proposes that the court be drawn from High Court judges and Waitangi Tribunal members and the contemporary jurisdiction of the Waitangi Tribunal be transferred to the new body.

LOOKING BACK

2008 was an extraordinary year for Treaty settlements and other Treaty issues, with special recognition due to former Treaty Settlements Minister and Deputy Prime Minister Michael Cullen who, together with key Māori leaders, re-energised the settlement process. The most significant milestone was the completion of the central North Island forests settlement, which involved the transfer of more than \$400 million in forest assets and rentals to the iwi concerned. The close-off date for historical Treaty claims in September produced an unprecedented flow of more than 1800 new claims. The National Party's confidence and supply agreement with the Māori Party promised a review of the Foreshore and Seabed Act and of the place of the Treaty in New Zealand's constitutional arrangements.

LOOKING AHEAD

The new government has a target of completing the settlement of all historical Treaty claims in the next six years, six years earlier than envisaged by the previous government. The momentum of Treaty settlements will therefore need to be maintained. The review of the Foreshore and Seabed Act and of constitutional arrangements are other important challenges.

6. Ngā Tika Tangata

Human Rights

What Happened in 2008?

Civil and Political Rights

- The general election produced a more diverse Parliament, with increased Asian and Pacific representation.
- A report was published on ethnic communities' perception of the police.
- United Nations officers enquired about the police's 2007 anti-terrorism raids, media faced contempt of court charges, and those arrested appeared in court for deposition hearings.
- Three killings in South Auckland sparked safety concerns in Asian communities.

Economic and Social Rights

- The 2008 Social Report noted some improvements in social and economic indicators for Māori and Pacific peoples, although overall inequalities still persist.
- Ka Hikitia – Management for Success: The Māori Education Strategy 2008-2012 was released in April.
- The Ministry of Education consulted on a revision of the Pasifika Education Plan.
- Reports showed that Māori labour outcomes remained the same as the previous year, while Pacific ones improved.

Civil and Political Rights

DEMOCRATIC REPRESENTATION

The 2008 general election resulted in the most ethnically diverse Parliament ever in New Zealand. Although the number of Māori MPs reduced by one from 21 to 20, the number of Pacific MPs increased from three to five and the number of Asian MPs doubled from three to six.

Ethnic Composition of the New Zealand Parliament:
December 2008

| | | |
|----------------|---------|------------------------------------|
| European/Other | 91 | 75% |
| Māori | 20 (-1) | 16% (vs 18% general population) |
| Pasifika | 5 (+2) | 4% (vs 7% general population) |
| Asian | 6 (+4) | 5% (vs 9% general population) |

There are two Māori ministers and one Chinese minister in Cabinet, and two Māori ministers (from the Māori Party) outside Cabinet. Of these five (18 per cent of ministers), all but one are women.

OPERATION 8

In October 2007, the police executed search warrants in a number of centres, notably in the small Tūhoe settlement of Ruatoki, following 18 months of surveillance of people suspected of terrorist activity. Around 300 police were involved in what was code-named Operation 8. The police obtained the warrants authorising the interceptions under provisions of the Crimes Act by convincing a High Court judge they had a reasonable belief that the warrants were necessary to prevent terrorist activity (as defined in the Terrorism Suppression Act 2002).

The information obtained was used to acquire search warrants under section 198 of the Summary Proceedings Act 1957. Those warrants authorised police searches of homes and businesses in Wellington, Auckland, Palmerston North, Christchurch, Hamilton, Whakatane and Ruatoki, which took place on October 15 .

In Ruatoki, the police set up a road block, stopping and searching vehicles entering and leaving the valley and photographing the occupants. A Kōhanga Reo bus on the way to Whakatane, with three people on board, was stopped and searched. At the request of the principal, a bus carrying school children was escorted through the cordon without being boarded or searched.

Four homes and three workplaces in Ruatoki were searched. Five people were taken away and two

subsequently charged. In total, 17 people were arrested as a result of the operation and a variety of weapons were allegedly seized. A number of those arrested were subsequently charged with the possession of firearms under the Arms Act 1983.

On November 8, the Solicitor-General concluded there was insufficient evidence for him to authorise prosecution under the Terrorism Suppression Act 2002, but that the use of the act to obtain the interception warrants had been justified.

The Solicitor-General's decision not to prosecute under the terrorism legislation meant the conversations recorded by police under the interception warrants were inadmissible at the trial of those facing charges under the Arms Act.

The government, on the advice of the Solicitor-General, asked the Law Commission to consider and report on the effectiveness of the Terrorism Suppression Act in preventing organised threats to public safety and security.

On November 14, *The Dominion Post* published extracts of the affidavit presented to the Manukau District Court to obtain the search warrants. The 156-page affidavit contained details obtained during the surveillance operation.

Complaints were made to the Human Rights Commission, the Independent Police Complaints Authority and the United Nations about the operation and media coverage of it.

The United Nations Special Rapporteur on Counter-Terrorism, the Special Rapporteur on the situation of the fundamental freedoms and human rights of indigenous people, and the Secretary-General's Special Representative on Human Rights Defenders requested information from the government. In particular, they wanted to know about the surveillance, the disturbance of the life of people in Ruatoki, the search of a school bus, and the Terrorism Suppression Act. They urged the government to take all necessary measures to guarantee that the rights and freedoms of concerned persons were respected and that the accountability of any officials guilty of violations of the law or international human rights standards was ensured. In its response, the government noted that those charged would be accorded the right to a fair trial in the courts

and that the actions of the police were the subject of an investigation by the Independent Police Complaints Authority.

In February 2008, three more people from the Bay of Plenty were charged with firearms offences relating to Operation 8.

In May, police announced that following an investigation, they considered there was a prima facie case against six Fairfax newspaper editors and a reporter for an alleged breach of the Crimes Act for their reporting of the police evidence of Operation 8. Section 312K of the Crimes Act limits publication of information gathered using an interception warrant. The police considered these matters were "finely balanced" and decided a formal warning rather than a prosecution was the appropriate course to take.

This decision was criticised by the High Court in September when it considered an action by the Solicitor-General against *The Dominion Post* editor and Fairfax Media Ltd for criminal contempt of court in relation to the same reports. The judges said the police should have prosecuted Pankhurst and Fairfax for breaches of suppression orders and illicit publication of intercepted communications. They said Pankhurst and Fairfax had breached court suppression orders and unlawfully published communications intercepted by police.

However, the court dismissed the Solicitor-General's application for Fairfax and Pankhurst to be declared in contempt of court for publishing material that affected the right to a fair trial of people arrested in Operation 8. The Solicitor-General had not proved beyond reasonable doubt that the Fairfax articles caused a real risk "as distinct from a remote possibility" of prejudicing future trials.

A month-long depositions hearing took place against those charged in relation to Operation 8 in September. In October, all but one of the defendants were committed for trial on firearms charges. Following the depositions hearing, the police issued a further indictment charging five of the accused with participation in a criminal gang.

By the end of 2008, reports from the Human Rights Commission and the Independent Police Complaints Authority were still to be completed and published.

ETHNIC COMMUNITY PERCEPTIONS OF NEW ZEALAND POLICE

A report on Ethnic Community Perceptions of New Zealand Police, commissioned by the police from the Migrant Research Group at Waikato University, was released in January. The main findings were:

- The participants in the research had experienced contact with police over the past 12 months predominantly as victims of crime. Only a small number of participants had made contact with police for non-crime-related matters.
- Members of ethnic communities did not approach police for assistance for non-crime-related incidents for a number of reasons. These included a lack of English proficiency and insufficient knowledge of policing systems and services.
- Language barriers acted to reduce contact between ethnic communities and police and impacted on how people reported crime and accessed police services.
- The majority of participants had limited knowledge about police services offered to ethnic communities, such as Asian and ethnic liaison officers, the ethnic information page in multiple languages on the police website, and police use of Language Line.
- The knowledge that migrants and refugees held about policing and judicial systems was based on their home-country ideas and cultural underpinnings. Education about New Zealand policing systems and procedures was required.
- Media reports impacted negatively on ethnic communities' perceptions of police, because they indicated to members of ethnic communities how police responded to crimes involving their community. Members of ethnic communities were concerned that police should resolve high-profile cases quickly to offset negative perceptions about their community that might arise.

The report also stated that crime and safety issues were of major concern to ethnic communities and that an improvement in the relationship between ethnic communities and police was needed. It concluded that

communication and information between police and communities requires face-to-face contact and provision of information in the communities' first languages.

Killings spark safety concerns in Asian communities

The killings of three Asian New Zealanders in South Auckland in separate incidents in June sparked fears among Asian communities about their safety. Liquor store owner Navtej Singh was killed during a robbery at his Manurewa store; 80-year-old pensioner Yan Pin Yang was killed in a robbery at her home in Manurewa; and businesswoman Joanne Wang was run over in the Manukau shopping centre car park after trying to stop her handbag being snatched. The killings prompted an unprecedented protest march by 15,000 people, mostly Chinese and Indian, in the Manukau City suburb of Botany Downs. The protest was organised by Asian Anti-Crime Group leader Peter Low and promoted by Chinese radio station Chinese Voice AM 936, and called for greater police protection and tougher laws and sentences.

In a background article following the march (July 13) the *Sunday Star Times* noted police do not collect ethnicity data on victims of crime. A recent Ministry of Justice survey concluded Asians were the victims of around 8 per cent of crime, a slight under-representation given that they make up 9.2 per cent of the population. Official figures did, however, show that fear of crime was far higher among Asians than any other group. The Ministry of Justice's 2006 Crime and Safety Survey reported that while 7 per cent of the New Zealand population were "greatly affected" by fear of crime, the figure was 18 per cent for Asians (and 12 per cent for Pacific peoples). A remarkable 59 per cent of Asians felt worried about intimidation because of their ethnicity, against a population average of 20 per cent.

The Office of Ethnic Affairs, the Ministry of Social Development and the New Zealand Police organised community engagement forums in the greater Auckland region, Wellington, Nelson/Marlborough and Christchurch in August and September. The forums were organised to address concerns and rebuild ethnic communities' trust in safety and security. Other social service agencies and non-government organisations also participated, providing information and receiving feedback from ethnic communities.

The New Zealand Federation of Ethnic Councils also organised workshops in a number of centres, together with the police, on the safety of migrant communities.

Following the election, Manukau Mayor Len Brown met with Prime Minister John Key in December to discuss ways to improve the situation in South Auckland. They discussed high-priority issues, including more police, a clampdown on drugs, control over the number of liquor outlets, and social and economic initiatives.

CRIMINAL JUSTICE SYSTEM

Disproportionate representation of Māori, in particular, continues to be a feature of apprehensions, community-based sentences and imprisonments.

Apprehensions 2007-2008

Total numbers and percentages of apprehensions

| | | |
|----------------------|---------------|---------------|
| European | 98,110 | 44.56% |
| Māori | 91,944 | 41.76% |
| Pacific | 20,030 | 9.09% |
| Asian | 5,963 | 2.71% |
| Other/unknown | 4,135 | 1.88% |

Imprisonment 2008

Average numbers and percentages of prisoners

| | | |
|----------------------|--------------|---------------|
| Māori | 3,874 | 49.84% |
| European | 2,741 | 35.26% |
| Pacific | 882 | 11.35% |
| Asian | 197 | 2.53% |
| Other/unknown | 79 | 1.02% |

Community-based Sentence Offenders 2008

Average numbers and percentages of community-based sentence

| | | |
|----------------------|---------------|---------------|
| Māori | 15,714 | 44.69% |
| European | 13,219 | 37.59% |
| Pacific | 3,391 | 9.64% |
| Asian | 462 | 1.31% |
| Other/unknown | 2,379 | 6.77% |

Sources: Department of Corrections and New Zealand Police

The 2007-08 figures for apprehensions, imprisonment and community-based sentences have remained consistent with the statistics from the previous year. The figures for apprehensions of Māori have gone down slightly from 42.5 per cent to 41.76 per cent, as have figures for Māori imprisonment, down from 50.4 per cent to 49.84 per cent, and community-based sentences for Māori, down from 45.21 per cent to 44.68 per cent.

Despite these slight decreases, Māori are still disproportionately represented in the criminal justice system:

- Māori are apprehended for committing at least three times the number of offences as Europeans.
- Māori receive fewer warnings/cautions or diversions than Europeans.
- 12 per cent of all convictions against Māori result in a custodial sentence (compared to 8 per cent for Europeans and Pacific peoples).
- More monetary sentences are imposed on Europeans compared to other ethnicities, while more community-based sentences are imposed on Māori.
- Māori victims experience almost twice as many victimisations as non-Māori victims.
- Māori women victims have the highest victimisation rate, with an average number of reported offences per victim of 4.8.
- Māori youth are more likely to be apprehended.
- Māori are over-represented in younger age groups, particularly among 17-19-year-olds.
- Māori women are particularly over-represented compared to other ethnicities.
- 22 per cent of Māori prisoners are gang-affiliated compared to 5 per cent of Europeans.
- Māori offenders have lower literacy and numeracy skills compared to other ethnicities.
- Health problems are higher for Māori prisoners compared to other ethnicities.

- The rate of imprisonment for Māori is 5-8 times higher than for other ethnicities.
- Māori have a higher risk of conviction and likelihood of imprisonment compared to other ethnicities.
- More Māori (68 per cent) are imprisoned on sentences less than 12 months in comparison to Europeans (63 per cent).
- Māori reconviction and re-imprisonment rates are high.

JUSTICE SECTOR MEDIUM-TERM PRIORITIES

The Ministry of Justice worked with justice sector agencies in 2007-08 to agree five medium-term priorities for the sector. One of these was to reduce offending by Māori.

The Effective Interventions Package, launched in 2006 by the Labour-led government, was one series of measures undertaken to address these priorities. Developed in partnership between the Ministry of Justice, Department of Corrections, New Zealand Police and Ministry of Social Development, the package focused on four key areas:

- Revamp of the sentencing system to make it more transparent and consistent, with a standardised approach to sentencing.
- Introduction of home detention as a sentence in its own right for lower-risk offenders.
- Introduction of a new tier of community sentences which will increase the number of sentencing options available to judges.
- Establishment of two new drug and alcohol treatment units and two further general purpose special treatment units to provide intensive rehabilitative programmes in prisons.

This package is being reviewed by the new National-led government.

DEPARTMENT OF CORRECTIONS INITIATIVES

In 2007-08, the Department of Corrections released a report on Māori over-representation in the criminal justice system, published new Māori and Pacific Strategies,

extended its Tikanga Māori programmes and established a new Pacific Focus Unit.

Over-representation of Māori in the Criminal Justice System: An Exploratory Report

This report, released in September 2007, sought to answer the question "when Māori make up just 14 per cent of the national population, why do they feature so disproportionately in criminal justice statistics – 42 per cent of all police apprehensions, and 50 per cent of the prison population?" The report explored two explanatory approaches:

- that bias operates within the criminal justice system, such that any suspected or actual offending by Māori has harsher consequences for those Māori, resulting in an accumulation of individuals within the system
- that a range of adverse early-life social and environmental factors result in Māori being at greater risk of ending up in patterns of adult criminal conduct.

The evidence pointed to an interaction between the two processes, where the operation of one makes the other more likely. For example, early environmental influences may predispose people towards certain types of illegal or antisocial behaviour, which in turn raises the risk of police involvement. Additionally, the risk of apprehension is amplified because of formal and informal profiling by official agencies, as well as society in general.

The report also found there are indications of a degree of over-representation related solely to ethnicity, rather than any other expected factor, at key points in the criminal justice system. Although mostly small, the cumulative effect is likely to be sufficient to justify closer examination and investigation of options to reduce disproportionate representation of Māori. Nevertheless, the report concluded:

- The primary domain for government intervention to address disproportionality is in the areas of health, social support and education, in order to reduce disadvantage and the problems it confers.
- Criminal justice sector agencies have a key role to play in preventing re-offending through rehabilitation and re-integration of youth and adult offenders.

- There is an important contribution to be made by criminal justice agencies in recognising that the suspects, offenders, and prisoners being dealt with are also family and community members – sons and daughters, siblings, whānau and parents – requiring greater cooperation and collaboration with Māori communities and other agencies responsible for early intervention strategies.

Māori Strategic Plan 2008-2013

The Māori Strategic Plan focuses the department's efforts to ensure sentence compliance and reduce re-offending by:

- positive participation of Māori offenders in Te Ao Māori (the Māori world)
- positive participation of Māori offenders in Te Ao Hurihuri (the global world).

Positive participation of Māori offenders in Te Ao Māori aims to reconnect the world view of offenders to the pro-social and traditional Māori cultural world view. This means those who identify as being Māori and are motivated are exposed to the Māori world view supported by staff, whānau, hapū, iwi, Māori service providers and other community members in order to develop a secure and positive cultural identity. During 2007-08, the number of new starts for the community-based Tikanga Māori programme increased by 29 per cent.

Positive participation of Māori offenders in Te Ao Hurihuri helps Māori offenders to learn skills and gain knowledge that will contribute to their success in wider society.

Pacific Strategy 2008-2013

The Pacific Strategy 2008-2013 highlights areas of focus that will ensure sentence compliance and reduce re-offending by Pacific peoples, including:

- identifying and addressing language barriers
- offering Pacific offenders rehabilitation opportunities to address the key issues related to their offence.

Pacific Initiatives

The department recently established its first Pacific Focus Unit at the Spring Hill Corrections Facility. This unit operates according to Pacific cultural values and beliefs and is supported by a Pacific advisory group comprising of



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community members. Saili Matagi, the department's Pacific violence prevention programme, and the Pacific Legends initiative are also delivered at the unit.

Fautua Pasefika (Pacific community volunteers) provide support to Pacific prisoners. This includes general visiting, spiritual guidance, support for prisoners and their families during court appearances, and making contact with the families of offenders both in New Zealand and the Islands to assist in reintegrating the offender back into the community on their release.

In addition to Fautua Pasefika, at regional levels the presence of community groups, church services and cultural constructive activities are encouraged and supported.

Economic and Social Rights

GENERAL

Social Report 2008

The Social Report 2008, which monitors measures of well-being and quality of life in New Zealand and includes data to 2007, was published by the Ministry of Social Development in October.

The report shows Māori have continued to make gains in social well-being over time, and in some areas have improved at a greater rate than the total population. Outcomes for Māori have improved significantly in the areas of life expectancy, participation in secondary and tertiary education, and unemployment and employment rates.

Despite improvements in these and other areas, average outcomes for Māori tend to be poorer than average outcomes for the total population. Areas in which the gap between Māori and Europeans is significant are: health (especially smoking rates, obesity and potentially hazardous drinking patterns), safety (assault mortality and as victims of crime), employment (median hourly earnings and workplace injury claims) and housing (house overcrowding).

Outcomes for Pacific peoples have improved in a number of areas, including employment, education and housing. While a number of these improvements have been greater than for the total population, Pacific peoples' outcomes overall are poor compared to the total population. In particular, Pacific peoples have significantly worse outcomes in health (especially in obesity, cigarette smoking and potentially hazardous drinking patterns) and in housing (house overcrowding). There are some mixed results: while educational attainment has improved overall, there are some declining statistics, such as the proportion of Pacific students leaving school with NCEA Level 2 or above (the rate in 2007 is similar to that in 1997).

Outcomes for Other ethnicities are greatly varied in the Social Report 2008. This is due to the wide diversity of people grouped together under the Other category, as well as the lack of data on the social outcomes of these groups. Positive outcomes were shown in the areas of education, employment, with mixed results in housing. Within the Other category, there are a limited number of more specific statistics for Asian peoples, which show positive outcomes in health, education and employment. Asian peoples were, however, most likely to be perceived as being subject to discrimination and had the second-highest rate of criminal victimisation.

Employment

UNEMPLOYMENT RATES

Unemployment rates dramatically decreased in the period from 1986 to 2007. Statistics New Zealand has reported the following ethnicity data in the Household Labour Force Survey for this period:

- In 2007, 3.6 per cent of the labour force were unemployed.
- The Māori unemployment rate rose from 11.3 per cent in 1986 to a peak of 25.4 per cent in 1992, before falling to 7.7 per cent by 2007.
- Between 1986 and 1991, the unemployment rate for Pacific peoples rose from 6.6 per cent to 28 per cent, the highest rate for any ethnic group. However, since the early-1990s, the Pacific peoples' unemployment rate has declined more than that of Māori, to 6.5 per cent in 2007.
- The unemployment rate is lowest among people of European ethnicity. Their unemployment rate rose from 3.3 per cent in 1986 to a peak of 7.9 per cent in 1992. In 2007 it had dropped to 2.6 per cent.
- The unemployment rate of the Other ethnic group category increased from 3.7 per cent in 1986 to 14.8 per cent in 1992, before falling to 5.5 per cent in 2007.

By September 2008, however, 4.2 per cent of the labour force were unemployed. This is the highest rate of unemployment since December 2003. The annual average unemployment rate for the year to September 2008 is highest for the Middle Eastern, Latin American and African group (11.7 per cent) followed by Māori Only (8.9 per cent), Pacific Peoples Only (7.1 per cent), European/Māori (6.3 per cent) and Asian Only (5.3 per cent). The lowest rate is for European Only (2.8 per cent).

MĀORI LABOUR MARKET

The Department of Labour published a Māori labour market fact sheet in November. The fact sheet summarises key labour market information for the year to September 2008 over a range of areas, including unemployment, employment and participation.

While gaps continue to exist between the Māori and non-Māori labour markets, there have been slight improvements in Māori labour markets for the year to September 2008. The fact sheet indicates:

- Labour force participation has remained static at 61.9 per cent. However, this remains below the national annual average of 68.4 per cent.

- Employment growth for Māori (1.4 per cent) continues to be higher than the economy-wide employment growth (1.0 per cent).
- Unemployment remained the same at 7.7 per cent. This remains above the annual average for all persons (3.8 per cent).

PACIFIC PEOPLES LABOUR MARKET

The Department of Labour published a fact sheet on Pacific Peoples in the labour market in June. The fact sheet summarises key labour market information for the year to June 2008. There has been no further report on Pacific peoples in the labour market since this time.

Generally, there was an improvement in employment outcomes for Pacific peoples in the year to June 2008. The fact sheet indicates:

- Labour force participation increased to 63.6 per cent. However, this remains below the national annual average of 68.3 per cent.
- Employment growth for Pacific peoples increased strongly to 4.8 per cent. This is well above economy-wide growth of 1.1 per cent.
- Unemployment dropped slightly to 6.3 per cent.
- Although the rate of unemployment for Pacific peoples remains above the annual average of 3.6 per cent, the percentage fall since 1999 is greater than for all other ethnic groups.

Despite the general improvement in employment outcomes for Pacific peoples, there continues to be significant gaps

between Pacific women and youths, other ethnic groups, and the economy-wide average. The fact sheet indicates:

- The Pacific female participation rate of 55.9 per cent was below that of Māori and European ethnicities.
- The unemployment rate for Pacific females of 7.6 per cent still remains above the average for all females.
- The unemployment rate for Pacific youth (aged 15-24) of 14.4 per cent remains higher than that for all 15-24-year-olds (10.0 per cent).

Education

STATUS OF EDUCATION: TRENDS AND PROGRESS

New Zealand European children remain the most likely to have attended an early childhood education service before entering primary school. However, the gap is narrowing, and from 2000 to 2004 the prior participation rate for both Māori and Pacific new entrants increased faster than the rate for New Zealand European new entrants.

Generally, the proportion of students leaving with a qualification at NCEA Level 2 or above has increased. The proportion of school leavers with upper secondary school qualifications continues to vary widely by ethnic group. However, between 2006 and 2007 the proportion of Māori and Pacific students leaving with a qualification at NCEA Level 2 or above increased more than European and Asian students.

In 2007, the age-standardised tertiary education participation rate was highest for Māori. However, Māori and Pacific students were less likely to be enrolled in degree-level courses than students from Asian or European ethnic groups.

In the peak tertiary education age group, 18-19 years, Asian and European ethnic groups had considerably higher participation rates than Māori and Pacific peoples. However, in the 20-24 years age group the differences between ethnic groups were much smaller.

At older ages, Māori had the highest tertiary participation rates in 2007, followed by Asian, Pacific peoples and European ethnic groups.



Māori and Pacific adults are much less likely than adults in the European and Other ethnic groups to have higher qualifications. However, the gap is narrowing. While the proportion of adults with a tertiary qualification at bachelor degree level or above almost doubled in the decade to 2007, it more than trebled for Māori and Pacific adults.

LITERACY AND NUMERACY

As part of the work involved in gaining a NCEA Level 1 (typically in Year 11), students need to accumulate eight specified literacy credits and eight specified numeracy credits. The proportion of students to meet both the literacy and numeracy requirements for NCEA Level 1 by the end of Year 11 has increased between 2004 and 2007. In 2007, 73 per cent of students met both requirements by the end of Year 11, compared to 66 per cent in 2004. Asian and European/Pākehā students remain more likely than other ethnic groups to meet both requirements in 2007. However, Pacific students demonstrated a six percentage point increase compared to the 2006 final results, with 63 per cent of Pacific students meeting both literacy and numeracy requirements.

2007 SCHOOL LEAVERS STATISTICS

In July, the Ministry of Education released a report summarising the key statistics on school leavers in 2007.

The report indicated that the attainment levels of school leavers is improving. Between 2006 and 2007 the proportion of leavers with University Entrance (UE) or a Level 3 qualification or higher increased by three percentage points and the proportion leaving with little or no formal attainment decreased by six percentage points.

Large differences in rates of qualification attainment continue to be seen between ethnic groups in the report. European and Asian students continue to be more likely to gain an NCEA qualification than Māori and Pacific students. Attainment of Māori school leavers experienced the biggest relative change in this period. However, they are still not achieving as well as other groups. The attainment of Pasifika school leavers has improved between 2006 and 2007, although they remain under-represented in the group attaining UE or a Level 3 qualification or higher.

The report also shows that females continue to have higher attainment across all ethnic groups except Māori.

KA HIKITIA – MANAGING FOR SUCCESS: THE MĀORI EDUCATION STRATEGY 2008-2012

Following extensive public consultation in 2007, Ka Hikitia – Managing for Success: The Māori Education Strategy 2008-2012 was launched in April. It is a five-year strategy that sets out priorities, actions, targets and outcomes for Māori education. It focuses on boosting the achievement of Māori students by making the education system more effective for them.

Ka Hikitia is underpinned by a cross-government policy framework – the Māori potential approach – developed by Te Puni Kōkiri which aims to realise students' potential by using a personalised learning approach based on two core principles:

- Culture counts – knowing where students come from and building on what students bring with them.
- Productive partnerships – Māori students, whānau, and educators sharing knowledge and expertise with each other to produce better outcomes.

Ka Hikitia identifies a further four main areas that have most impact on Māori students:

- Foundation Years (early childhood education and the first years at school)
- Young People Engaged in Learning (particularly in Years 9 and 10)
- Māori Language Education (setting and resourcing priorities)
- Organisational Success (first for the Ministry of Education, and then for the rest of the education sector).

Ngā Haeata Mātauranga: the Annual Report on Māori Education will report on the progress that the Ministry of Education and the sector are making in improving Māori student outcomes.

PASIFIKA EDUCATION PLAN 2008-2012

In 2008, the Ministry of Education revised the 2001 Pasifika Education Plan. The updated Pasifika Education Plan (2008-2012) sets out goals and targets for the improvement of education outcomes for Pacific peoples in New Zealand.

LOOKING BACK

The focus in 2008 was strongly on the police, with the previous year's Operation 8 raids having their sequel in the courts, ethnic communities' perceptions of the police coming under the spotlight, and Asian Aucklanders coming out in a mass protest against crime. The disproportionate rate of Māori imprisonment remained a concern.

The 2008 Social Report indicated some improvement in social and economic outcomes for both Māori and Pacific peoples, but noted the persistence of significant inequalities in health, safety and housing. Other surveys indicated positive trends for Māori and Pacific peoples in employment and education. A major strategy for improving Māori educational outcomes was launched.

LOOKING AHEAD

The priority must be measures to soften the impact of the economic recession on those who are most vulnerable. Police and Asian communities need to work together to strengthen their relationship, and action needs to continue to reduce the high rate of Māori imprisonment.

7. Te Hekenga mē te Whakatau Migration and Settlement

What Happened in 2008?

- There were 46,077 migrants in the 2007-08 year, with the largest numbers coming from the United Kingdom, followed by China, South Africa, the Philippines and India.
- There were 14,160 migrants from Australia, who are entitled to residence as of right. Of these, 5691 were Australian-born migrants.
- The Refugee Quota programme accepted 795 people for resettlement in 2007-08, with the largest number coming from Burma, followed by Bhutan, Eritrea, Iraq and Afghanistan.
- There were 89,613 international students in 2007-08, with the largest numbers coming from China, followed by South Korea, India, Japan and Fiji.
- 105 employers were granted Recognised Seasonal Employer (RSE) status, and 4913 visas and permits were approved for Pacific workers under the scheme.
- The Immigration Bill was reported back to Parliament by a select committee but failed to pass before the election.
- The Immigration Advisers Authority was established.
- The new Wellington Regional Settlement Strategy and its Plan of Action for Wellington Regional Settlement were launched.
- The Auckland Regional Settlement Strategy was implemented, completing 17 of its actions.
- Four regional Strengthening Refugee Voices initiatives were established, representing 37 resettled refugee community groups.
- The Refugee Status Appeals Authority identified a critical shortage of suitably qualified or experienced legal counsel who are willing to take such cases.
- The Court of Appeal upheld the High Court's decision to release asylum seeker Thomas Hossein Yadegary from prison.

Migration

MIGRATION TRENDS

A total of 46,077 migrants were approved for residence in 2007-08, down slightly from 46,964 from the 2006-07 year. The largest group came from the United Kingdom (22 per cent), followed by China (13 per cent), South Africa (9 per cent), the Philippines (8 per cent), India and Fiji (7 per cent), Samoa (5 per cent), USA (3 per cent), and Tonga and South Korea (2 per cent). All others comprised 22 per cent. Among the top 10 countries of origin, the number of migrants had decreased from the UK, India and South Korea, while numbers increased from China, South Africa, the Philippines, Fiji and Samoa.

| Country of Origin: | 2006-07 (%) | 2007-08 (%) |
|--------------------|-------------|-------------|
| United Kingdom | 26% | 22% |
| China | 12% | 13% |
| South Africa | 8% | 9% |
| Philippines | 6% | 8% |
| India | 9% | 7% |
| Fiji | 5% | 7% |
| Samoa | 4% | 5% |
| USA | 3% | 3% |
| Tonga | 2% | 2% |
| South Korea | 2% | 2% |

The total number of permanent long-term arrivals in 2008, including 22,870 returning New Zealand citizens, was 82,468, compared with 82,790 the previous year. Permanent long-term departures, including 56,000 New Zealand citizens, totalled 77,600. Net permanent long-term migration was 4868, a significant decrease from 10,100 last year.

These migration statistics do not include figures for Australian migrants, nor for migrants from Niue, Tokelau and the Cook Islands, who are all entitled to reside in New Zealand without applying for specific residence status. In 2007-08, the total number of migrants from Australia

was 14,160, comprising people born overseas (including New Zealand) and in Australia. 5691 were Australian-born. This number has increased slightly from year to year. This means Australian-born migrants were, in fact, the third largest group to arrive in New Zealand in 2007-08 after those from the UK and China.

PACIFIC MIGRATION

There were 1202 people approved for residence through the Samoan Quota in 2007-08, up slightly from 1106 the previous year. There were 1117 approvals through the Pacific Access Category (PAC), down slightly from 2006-07. These migrants included 97 from Kiribati, 277 from Tonga and 102 from Tuvalu. Fijian citizens can not currently register for PAC, as part of the New Zealand Government's sanctions against Fiji.

INTERNATIONAL STUDENTS

Around 60,000 students from more than 180 countries were granted a permit to study in New Zealand in 2007-08, down from 67,000 in 2006-07. A further 29,000 study visas were approved, as opposed to 24,000 in 2006-07, bringing the total of international students to 89,613 in 2007-08, down from 92,696 in 2006-07. Chinese student numbers have continued their decline, falling by nearly 10,100 approvals from 34,461 in 2006-07 to 25,182 in 2007-08. Numbers have also declined from other top 10 source countries, particularly from Asia, including South Korea, Japan and Malaysia. The remaining countries have shown increases, most markedly from India. China, however, remains the largest source country (28 per cent), followed by South Korea (15.5 per cent), India (7.5 per cent), Japan (4.5 per cent) and Fiji (4 per cent).

In November 2007, the Graduate Job Search work permit was extended from six months to 12 months. In 2007-08, 10,772 permits and visas were approved. Of these, 67 per cent were for Chinese students, a decrease from the previous year, with 14 per cent from India, an increase from the previous year, followed by South Korea (3 per cent), Malaysia and Japan (2 per cent).

IMMIGRATION BILL

The Immigration Bill was introduced to the House in August 2007, and referred to the Transport and Industrial Relations

select committee. With a closing date in November 2007, the select committee received 90 written submissions and heard 67 oral submissions. The select committee's report on the bill was issued in July 2008, and included a number of changes. Key areas of change related to the classified information system, the refugee protection system and the detention and monitoring system. The bill was not passed before the election and remains on the order paper, carried over to the new Parliament in 2009.

The new government has said that its focus in immigration will be on "ensuring that immigration flows are matched to New Zealand's economic development needs, providing a world-class immigration service and making it easier for ex-pat Kiwis to return home."

IMMIGRATION ADVISERS AUTHORITY

The Immigration Advisers Authority (IAA) was launched in May, a year after the Immigration Advisers Licensing Act was passed. The IAA was created by the act, which requires all people giving immigration advice to be licensed by the authority by May 2009. Off-shore immigration advisers will have to be licensed by 2010. The IAA keeps a publicly available register of licensed immigration advisers, administers complaints against licensed advisers and takes enforcement action against non-licensed agents. The Minister of Immigration launched the professional standards and code of conduct for immigration advisers in March, and the first Immigration Advisers License was approved in July 2008.

ESSENTIAL SKILLS POLICY

The Essential Skills Policy was introduced in July 2008 by the Department of Labour to replace the General Work Policy. The Essential Skills Policy is a temporary work policy for overseas workers to protect lower-skilled local workers and encourage the recruitment of high-skilled overseas workers. The new policy will differentiate between occupations on the basis of skill level. It also carries over the requirement for employers to ensure that there are no New Zealand workers available before recruiting an overseas worker, and the requirement that terms and conditions of employment meet those of the New Zealand market.

TEMPORARY MIGRANT WORKERS

A record number of 187,667 temporary work applications were approved in 2007-08, up 13 per cent from 2006-07. Employers are increasingly using temporary migrants to fill positions in areas of skill shortages. Since 2000-01, the number of temporary work applications approved by the Department of Labour has increased an average of 18 per cent per year.

The rapid growth of the New Zealand dairy industry, in particular, has meant that there has been a shortage of qualified workers for New Zealand dairy farms. In recognition of this, Immigration NZ deemed that farm workers have skills that are not available within New Zealand in the current Immediate Skilled Shortage List. As a result, there has been a steadily increasing number of dairy farm workers from overseas, especially from the Philippines, employed by New Zealand farmers. In Southland, 1000 Filipino workers were among an influx of migrant workers recruited by employers in the dairy sector. The region campaigned to attract workers because Southland's economy, led by the dairy industry, threatened to stall if vacancies could not be filled. To continue Southland's economic growth, it was estimated that an additional 12,000 workers would be needed by 2016 and most would come from overseas. The burgeoning migrant population has led to some problems in the area including the reported abuse of two migrant farm workers

and complaints from foreign students. The New Zealand Federation of Ethnic Councils said that life in the regions was more difficult for new arrivals because they were outside the reach of mainstream services, including access to places of worship, language and education support and different types of food.

RECOGNISED SEASONAL EMPLOYER (RSE) WORK POLICY

The Department of Labour, in conjunction with industry stakeholders, developed the RSE scheme as a long-term seasonal labour shortage solution and as a response to the Pacific's requests for improved access to the New Zealand labour market. Seasonal work policies such as RSE are increasingly recommended by international aid agencies as a way for both developed and developing countries to benefit from migration. They allow workers to send remittances home and to gain new skills, without the source country losing the worker permanently and the host country facing long-term immigration costs.

The RSE policy allows employers in the horticulture and viticulture industries, which often suffer from a shortage of workers, to recruit workers from eligible Pacific Island Forum member nations countries – Federated States of Micronesia, Papua New Guinea, Kiribati, Nauru, Palau, The Republic of Marshall Islands, Solomon Islands, Tonga, Tuvalu, Samoa, Vanuatu – if there are no New Zealand workers available for these positions. Under current New



Zealand Government sanctions, Fiji is not eligible to participate in the scheme. RSE facilitates the temporary entry of overseas workers for seven months during any 11-month period to plant, maintain, harvest and pack crops. RSE employers also have a duty of pastoral care for their workers: they are required to make arrangements for suitable accommodation, translation, transportation, and induction to life in New Zealand, including providing opportunities for recreation and religious observance where appropriate. The recognition of employers as RSE participants may be withdrawn if they breach any conditions.

In the 2007-08 year, in which the RSE Work Policy was implemented:

- 105 employers were granted RSE status, enabling them to recruit workers offshore
- 4913 RSE visas and permits were approved
- 74 per cent of RSE workers came from the five 'kick-start' states: Kiribati, Samoa, Tonga, Tuvalu and Vanuatu
- a further 1631 Temporary Recognised Seasonal Employer (a two-year programme for employers who require additional time to gain RSE status) work permits were approved.

During its first year, there were a number of community complaints about the scheme relating to accommodation, conditions of work, provision of pastoral care, the amount of take-home pay that workers received, and constraints on workers' freedom of movement.

In September, the then Immigration Minister said that the scheme's uptake had exceeded expectations and for the first time in many years there were no concerns about labour shortages during the busy apple harvests in Nelson and Hawke's Bay. The minister also noted that changes would be made in response to ongoing feedback from all parties, such as improvements to pre-departure orientation for RSE workers, changes to freedom of movement provisions and enhanced pastoral care planning. The Department of Labour is considering the establishment of liaison officers to help with effective communications, as well as investigating ways to ensure that health costs are manageable for RSE workers, and developing good practice guidance for employers around induction.

Settlement

It is important that newcomers to New Zealand settle quickly, feel welcome and contribute positively to their new communities and workplaces. A number of central and local government agencies, non-government agencies, migrant and refugee communities, and the business sector are focused on supporting their settlement.

NEW ZEALAND SETTLEMENT STRATEGY

The Department of Labour's Settlement Division is responsible for leading the whole-of-government approach to supporting settlement for newcomers to New Zealand. This approach is described in *Our Future Together – the New Zealand Settlement Strategy (2007)* and its accompanying Settlement National Action Plan. The action plan involves 15 government agencies leading or contributing to 25 new actions that are not agency 'business as usual' to improve settlement outcomes.

As at the end of 2008, 17 of the 25 new actions had been completed, and subsequently 16 of the actions have been embedded into agencies' ongoing support for settlement. Some examples are:

- The Ministry of Education implemented the Home School Partnership scheme in secondary schools to improve learning outcomes for migrant and refugee young people from culturally and linguistically diverse backgrounds by involving their family. The scheme, evaluated by NZCER, is now being promoted to schools as additional support for these students.
- The Housing NZ Corporation developed specific programmes for refugee tenants, supported by interpreters, to raise awareness of practical skills for living in a New Zealand house. They also developed new training for their staff in areas where refugees are resettled, raising awareness of resettlement issues and sources of support for language and interpreting.
- The Department of Labour identified the opportunity for local workshop activities throughout New Zealand that would enhance the responsiveness of government and non-government organisations, including the business

sector. Sixty seven such workshops were hosted in 19 areas in 2007-08 as part of the local Settlement Support New Zealand initiative, and these workshop activities will be ongoing.

REGIONAL SETTLEMENT STRATEGIES

The development of regional settlement strategies and implementation of regional settlement action plans is another ongoing activity of the Settlement National Action Plan. The Department of Labour provides staff support for the coordination and ongoing development of implementation plans.

By the end of 2008, seven of the Auckland Regional Settlement Strategy actions had been completed, and 21 were on track for completion. The 15 remaining actions have been incorporated into a new implementation framework for 2009, which will place greater emphasis on connecting migrants to employment and community opportunities through integrating settlement work with other regional strategies or activities that support frontline and community efforts.

AUCKLAND REFUGEE AND MIGRANT HEALTH ACTION PLAN

One of the major achievements under the Auckland Settlement Action Plan was the development of a Refugee and Migrant Health Action Plan. The plan is a region-wide approach to improving the health of refugee and migrant populations, led by Waitemata, Auckland and Counties Manukau District Health Boards. The action plan's Health Workstream Steering Group has identified the following priority action points:

- Improve ethnicity data classification systems in the health and disability sector for refugee and migrant populations.
- Resource disability service and support needs for refugees and migrants in the Auckland region.
- Provide sustainable health interpreting services to the primary health sector in the Auckland region.
- Provide cultural diversity training programmes for the primary and secondary health and disability workforce.

- Ensure mental health services are responsive to refugee and migrant groups.
- Develop chronic care management models for refugee and migrant population groups.

New funding has been obtained to support the implementation of the identified actions over the next three years.

WELLINGTON REGIONAL SETTLEMENT STRATEGY

The Wellington Regional Settlement Strategy and its Plan of Action for Wellington were completed and approved by government and officially launched in June. The strategy was jointly developed by the five councils of the region and central government, with input from refugee and migrant communities, non-government organisations and the business sector. Implementation of the plan of action has since been commenced.

SETTLEMENT SUPPORT NEW ZEALAND INITIATIVE

The Department of Labour funds 19 Settlement Support New Zealand (SSNZ) initiatives throughout New Zealand. This initiative has been implemented in collaboration with local city councils and settlement support agencies as lead agencies.

The two key outcomes of the initiative are to provide a clear point of contact where newcomers to the area can access settlement information, and to support local services to be more responsive to newcomers' needs.

In 2007-08 the SSNZ initiatives responded to 10,331 enquiries from newcomers to New Zealand. Some key findings include:

- 60 per cent of these newcomers had been in New Zealand for less than five years, with 50 per cent of those making contact in their first 12 months here.
- Almost two-thirds (59 per cent) of enquiries concerned three main topics – employment, immigration and learning English – with half of these enquiries relating to employment.



- More than half of the enquiries (61 per cent) were face-to-face with SSNZ coordinators.
- A range of 32 different languages were used across all clients, and the most common language spoken was English (16 per cent).

SETTLEMENT PROGRAMMES

In 2007-08, the Department of Labour funded nine settlement programmes that support newcomers' access to orientation and settlement information as well as supporting employers to recruit migrants. These programmes were:

Orientation and settlement information:

- Auckland Regional Migrant Services (ARMS)
- CAB Multilingual Information Service
- Relationship Services – Relating Well in New Zealand
- Chinese New Settlers Services Trust (Auckland)
- PEETO – the Multicultural Learning Centre (Christchurch)
- Christchurch Resettlement Services.

Employer recruitment support:

- Auckland Chamber of Commerce New Kiwis programme
- Wellington Chamber of Commerce
- Canterbury Employers Chamber of Commerce.

SETTLING IN PROGRAMME

Settling In is a community development programme that works with refugee and migrant communities to develop and deliver social services identified as priorities by those communities themselves. Administered by Family and Community Services (part of the Ministry of Social Development), the programme operates in seven locations: Auckland, Hamilton, Hawkes Bay, Wellington, Nelson/Tasman, Marlborough and Christchurch.

The projects developed and delivered through Settling In vary according to the needs of the local communities. Examples in 2007-08 include:

- The Marlborough Migrant Centre opened in January 2007 in response to the growing numbers of migrants moving to the district. The speed and scope of this population change placed severe pressure on infrastructure such as health, housing and education, as, at the time, there was no service in Marlborough specifically focused on migrants and their needs. The migrant centre provides a range of services, including offering support, information contacts and referrals to migrants; networking in the district and beyond; running workshops; and promoting and celebrating cultural diversity in Marlborough.
- Settling In has worked alongside the Nelson Multi-Ethnic Council to provide funding and project management to establish the Nelson Newcomers Network. The network provides a broad range of information to newcomers from many different backgrounds and facilitates opportunities for migrants and refugees to socialise, share stories and to participate in New Zealand life. Following on from the success of the Nelson Newcomers Network, Settling In has supported a number of other newcomer networks across the country.
- Settling In supported the establishment of the West Coast Migrant Support Service. Like other newcomer centres, this one provides a range of information and support to migrants settling in the district. Joint funding from Solid Energy and Settling In enabled the establishment of the centre, with Development West Coast involved as the host agency. The governance group includes local employer representatives as well as those from local ethnic communities and local and central government. The interest from employers has been remarkable, with the realisation that skilled migrants not only need to be attracted to such an isolated region, but that they and their families also need to be supported to settle in, in order to keep them there.
- Settling In provides funding and ongoing support to the Umma Trust in Auckland. The Umma Trust was established in 2003 to assist Iraqi women who had come to

New Zealand to start afresh after experiencing considerable trauma and loss as a result of the war in their homeland. The trust now provides a range of social services to Muslim communities across Auckland, while keeping a strong focus on vulnerable women, children and families. In 2007-08, the trust worked with more than 50 Muslim refugee and migrant families across Auckland to help with their settling in process. The work of the trust spans a range of activities from running regular women's group meetings and a halal food bank to home visits, nutrition workshops, advice on positive parenting in a New Zealand context and setting up children's playgroups.

- At the 2008 Hamilton refugee forum, issues for youth were raised as one of the key areas of concern. Settling In facilitated a collaborative discussion process with interested parties that resulted in the decision to develop a strategy for refugee and migrant youth in Hamilton that would align with the Hamilton City Council Well-being strategy. A collaborative working group of central and local government representatives, NGO and community people are in the process of identifying and training young people to run 20 focus groups across as many of the ethnic communities in Hamilton as possible. Following this process, a report and action plan will be written to ensure collaboration and action to address the issues identified by young people. A draft report is expected to be ready by May 2009.

Refugees

In 2007-08, the Refugee Quota Programme accepted 795 peoples for resettlement in New Zealand. In the past five years, over 3900 people have been accepted for resettlement in New Zealand as refugees. The main source countries in 2007-08 were Burma (27 per cent), Bhutan (19 per cent), Eritrea (15 per cent), Iraq (12 per cent) and Afghanistan (4 per cent). Refugees from Burma and Afghanistan decreased from 2006-07, while numbers from Iraq, and Eritrea increased. In 2008, New Zealand was among the first countries to resettle refugees from Bhutan. Two hundred and seventy four claims for asylum were decided, with 213 successful refugee status claimants approved for residence.

SPONTANEOUS ASYLUM CLAIMS

The Refugee Status Branch of the Department of Labour received 277 spontaneous asylum claims from 47 different nationalities in 2007-08. The top four countries of origin were Iraq, Sri Lanka, Iran and China, which together contributed 47 per cent of all claims. The overall approval rate was 29.2 per cent, up from 23.7 the previous year. Females comprised 33 per cent of refugee claimants and 19 per cent were minors (under 18). Family groups made up 44 per cent of claimants. The average age of asylum seekers among the top 10 nationalities was 34 years. The Refugee Status Branch of the Department of Labour processes all spontaneous asylum claims made to the New Zealand Government.

REFUGEE STATUS APPEALS AUTHORITY WARNS OF LACK OF LEGAL COUNSEL

The Refugee Status Appeals Authority identified in its 2008 annual report that the dwindling number of counsel available to represent appellants had reached near crisis level in 2008. With only three or four counsel who are seriously involved, it is virtually impossible to run an efficient and expeditious authority. In 2007-08, the authority resolved 200 appeals. The number of resolved appeals decreased slightly from the previous year, while the complexity of the caseload has increased significantly. At the beginning of the year, there were 110 undecided appeals, which was reduced to 87 by the end of the year. There were a total of 177 new appeals compared to 171 in the previous year.

COURT OF APPEAL UPHOLDS DECISION ON ASYLUM SEEKER'S RELEASE FROM PRISON

Thomas Hossein Yadegary is an Iranian over-stayer who destroyed his passport when he arrived in New Zealand in 1993. After his arrival, he converted to Catholicism and claimed he would be persecuted for converting to Christianity if he returned to Iran. Because he refused to sign passport documents which would have allowed his return to Iran, he could not be deported and was imprisoned in Mt Eden prison for more than two years. He was released in 2007 after the High Court ruled it was unreasonable for him to be held for so long without being charged. In August 2008, the Court of Appeal upheld the

High Court's decision. The Department of Labour had until September 11, 2008 to appeal the decision. They decided not to in anticipation of the passing of the Immigration Bill, which in effect will prevent such circumstances from occurring in the future.

SUPPORTING REFUGEE RESETTLEMENT

The Department of Labour is the key agency for facilitating New Zealand's international obligations for the resettlement of UNHCR-mandated refugees, and it funds the NGO Refugee Services Aotearoa NZ (which in 2008 changed its name from RMS Refugee Resettlement) to provide resettlement support services for all quota refugees in their first 12 months in New Zealand. These services, provided directly or through volunteers, include support for the annual quota of refugees to be housed, to access health and social services, English language tuition and education, and to secure employment.

NATIONAL REFUGEE RESETTLEMENT FORUM

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

In 2008, a new regional-national format for consultation was implemented. Four Regional Refugee Resettlement Forums (RRRF) were held in Auckland, Hamilton, Wellington and Christchurch to provide for more accessible grassroots participation in resettlement discussions, which could in turn feed into the annual national forum (NRRF). Refugee Services Aotearoa NZ received additional funding from the department to jointly organise the regional forums in collaboration with local Strengthening Refugee Voices initiatives.

Key issues brought from the RRRF meetings to the national forum (NRRF) in 2008 related to how refugee parents could better access school information and support for

first language maintenance; the Refugee Re-establishment Grant funding; clarity about income support and responsive customer service when refugees need to be in training, particularly pre-literate refugees; and the need for funded training for interpreters from refugee communities. Participants further discussed these issues and relevant agencies responded to suggestions for further work.

STRENGTHENING REFUGEE VOICES

At the end of 2007, four regional refugee community initiatives for strengthening regional and national engagement on refugee resettlement had been established and funded by the Department of Labour. They are:

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

In 2008, the Strengthening Refugee Voices (SRV) initiatives consolidated their regional presence and worked towards ensuring participation from local refugee community representatives during this time. They collaborated with Refugee Services Aotearoa New Zealand in the four regions to plan and organise the Regional Refugee Resettlement Forums, held in March and April. Training workshops provided by UNITEC, in Auckland, were organised by the Department in April 2008 to address participants' identified needs for management and facilitation skills.

Each SRV also provided representation to the National Refugee Resettlement Forum in May 2008 and brought forward key regional issues critical to achieving successful refugee resettlement outcomes.

WORLD REFUGEE DAY

The Department of Labour supported three agencies' activities to celebrate the World Refugee Day 2008 theme A Place to Call Home on June 20:

- For the third successive year the department funded TheNewDowse, Lower Hutt, to host "Talk with me!", an annual creative writing and arts competition for secondary students, which seeks to increase young New Zealanders' understanding of the lives and plight of refugees. The Governor-General, the Hon Anand Satyanand, announced the winners, with first prize won by 17-year-old Burundian Emile Ntahogwisiga, who now lives in Auckland where he attends Birkenhead College.
- Refugee Services Aotearoa New Zealand received funding to organise 14 celebratory events with refugee communities in Auckland, Hamilton, Palmerston North, Wellington and Christchurch.
- The Voice Arts Trust NZ received funding to contribute to their World Refugee Day radio project focused on refugee youth, and included workshops and development of an educational resource kit.

THE SETTLEMENT SECRETARIAT

The Department of Labour is tasked with fulfilling a settlement secretariat function across agencies and stakeholders involved in supporting the settlement of newcomers to New Zealand. In 2008, the secretariat refined the system, via regional and national forums, for identifying and addressing refugee resettlement issues. In 2008, agencies also agreed to the development of an inter-agency Settlement Issues Register to be implemented through the secretariat. This register will record those settlement issues that are not able to be solved in local regions, via Local Settlement Networks in the 19 SSNZ areas, and track their resolution through the appropriate agency. The register will also capture issues raised through the department's settlement stakeholders, including funded agencies and inter-agency groups.

LOOKING BACK

There was a growing demand for temporary and seasonal migrant workers in the rural sector, met in part by the newly introduced RSE policy for seasonal workers from the Pacific in horticulture and viticulture, and also by employers in the dairy industry hiring overseas workers on temporary permits. Along with the recruitment of international students and business and medical professionals, this has brought unprecedented diversity to provincial and rural communities. The change has raised issues for communities in assisting migrant workers, including the protection of workers from exploitation, the provision of pastoral care, countering prejudice, access to services, and support for acclimatising to life in New Zealand. Overall, there has been encouraging and steady progress in the area of migration and settlement, with the implementation of a number of settlement programmes, and the streamlining of consultation processes between migrant and refugee communities and government.

LOOKING AHEAD

The economic recession will have an impact on migrant labour requirements, but there is still a need to ensure that seasonal and temporary workers from overseas are treated fairly and enjoy a welcoming environment, particularly in provincial and rural areas where greater diversity is a relatively new phenomenon. The Immigration Bill, which has been carried over to the new Parliament, is still to be passed, and human rights concerns remain about some of its elements.

8. Reo Language

What Happened in 2008?

- The UN International Year of Languages was launched in February and observed at events throughout the year.
- The Statement on Language Policy was published.
- The development of a Pacific languages strategy was initiated.
- New Zealand's first 100 per cent Māori language channel, Te Reo, was launched.
- A major monolingual dictionary of the Māori language, *He Pātaka Kupu*, was published.
- Māori Language Week was widely supported.
- A Māori version of the Google search engine was launched.
- The Tertiary Education Commission provided funding for the establishment of a national Māori language institute, Te Ipukarea, and funded the development of a Māori legal dictionary and a NZ Sign Language dictionary.
- The Ministry of Education launched Te Marautanga o Aotearoa, a curriculum for Māori medium schools.
- New websites were launched for learning Cook Islands Māori and the Tokelauan language.
- A Learning Languages resource was published for Cook Islands Māori in English-medium schools.

UN International Year of Languages

2008 was designated by the United Nations as the International Year of Languages, with the theme Languages Matter. In New Zealand, the National Commission for UNESCO was the lead agency. The official launch was held at Te Papa on International Mother Languages Day in February. It included a workshop on the state of language learning, preservation and regeneration in New Zealand, including te reo Māori, Pacific languages, languages in schooling, New Zealand Sign Language and community languages.

Statistics

The 2006 census figures show that after English, Māori is the most commonly spoken language in New Zealand, followed by Sāmoan, French, Hindi, Yue (Cantonese) and Northern Chinese (Mandarin). The numbers of speakers are:

| | |
|------------------|-----------|
| English | 3,673,626 |
| Māori | 157,110 |
| Sāmoan | 85,428 |
| French | 53,757 |
| Hindi | 44,589 |
| Yue | 44,154 |
| Northern Chinese | 41,391 |
| Other | 509,358 |

Census data also show that the majority of New Zealanders continue to be monolingual, with 76.6 per cent speaking only one language.

The National Commission also sponsored a public lecture by Professor Anne Pauwels of the University of Western Australia in July on "Who's afraid of bilingualism: Globalisation and its effect upon linguistic diversity and multilingualism". A number of language conferences and workshops acknowledged the theme in a variety of ways. They included:

- The ESOL Home Tutors conference in Nelson in May on the theme of Our Changing Identity.
- The NZ Association of Language Teachers Conference in Wellington in July on Absolutely Positively Languages.
- The Sign Language Interpreters Association of New Zealand (SLIANZ) conference in Auckland in July on Best Practice: The Bridge to Professionalism.
- The fifth International Gender and Language Association conference hosted by Victoria University in Wellington in July.

- The ACE (Adult and Community Education) conference in Manukau in July with a focus on Pacific languages and cultures.
- The CLESOL (Community Languages and English for Speakers of Other Languages) conference in Auckland in October on Language and Identity: Building Communities of Learning.
- A seminar on The Acquisition of Languages in a Multi-cultural Society organised by the Russian Cultural Centre Trust in Christchurch in October.
- The inaugural Indigenous Language Revitalisation and Teaching Conference hosted by Te Ataarangi at the Mangatū Marae in October.
- An Applied Linguistics Association of New Zealand's symposium in Auckland in November on Bridging the Gap Between Theory, Research and Practice.
- The New Zealand Language and Society conference in Dunedin in November on The Linguistics of Voice.

National Language Policy

NATIONAL LANGUAGE POLICY NETWORK

Te Waka Reo, the national language policy network facilitated by the Human Rights Commission, continued to grow. The Commission published the national Statement on Language Policy that was first mooted at the NZ Diversity Forum in 2007 and then presented as a draft for discussion at the 2007 LED (Language Education and Diversity) Conference. The statement provides a framework for the development of strategies for English literacy and ESOL, te reo Māori, NZ Sign Language, Pacific languages and community languages, as well as sector strategies for languages in the home, the community, education, public services, business and broadcasting. Identified priorities are to establish an appropriate coordinating mechanism for language policy, identify lead agencies, develop specific strategies, promote cooperation between agencies and communities, foster positive public attitudes to language diversity, train and support more teachers and develop resources for language learning and use.

The Commission hosted a workshop at the New Zealand Diversity Forum in August in association with the Ministry of Education and the New Zealand Commission for UNESCO on Languages in Schools and Schools in Communities. The revised New Zealand Curriculum includes a new area for learning languages. It envisages all students having the opportunity to develop language acquisition and intercultural skills to enable them to participate more actively in New Zealand's diverse multicultural society and in the global community. All schools teaching Year 7-10 students should be working towards offering opportunities for students to learn at least one additional language. This is a major change that is going to present significant challenges in New Zealand schools. The Language Forum looked at the engagement between schools and minority language communities and how they can cooperate to increase learning opportunities for both schools and communities.

Interpreting Services

LANGUAGE LINE

The Office of Ethnic Affairs' Language Line – a telephone interpreting service – continued to expand its services to central government, local government, health care providers and schools. The purpose of the service is to provide equity of access to government services for people who speak little or no English. The service is free to clients of participating agencies. Language Line provides professional interpreting services in 39 languages and receives about 700-800 calls per week.

INTERPRETING CANTERBURY

Interpreting Wellington established a new branch in Christchurch in September. The new branch, Interpreting Canterbury, will train and provide professional community interpreters locally. A launch function was hosted by the mayor of Christchurch on International Interpreters Day, and an inaugural interpreter training and refreshment course was held in October.

Te Reo Māori

NEW MĀORI CHANNEL LAUNCHED

New Zealand's first 100 per cent Māori language television channel, Te Reo, was launched by Māori Television at the World Indigenous Television Broadcasting Conference in Auckland in March. The new channel broadcasts three hours a day, seven days a week, during the prime time hours of 8-11pm on both Freeview and SKY Digital, and is free of advertising. The aim of Te Reo is to better meet the needs of fluent Māori speakers and Māori language learners, and to enable New Zealanders to have full immersion Māori households. It also provides greater opportunity for Māori Television to more effectively fulfill its statutory objectives, particularly in regard to increasing the promotion of languages and culture.

MĀORI LANGUAGE WEEK

Māori Language Week in July was again marked by a wide range of activities throughout the country involving schools, media, iwi and community organisations, businesses and local and central government. The partnership between the Māori Language Commission, Te Puni Kōkiri and the Human Rights Commission was expanded for 2008 to include the Kōhanga Reo National Trust and The Families Commission, reflecting the theme of Te Reo i te Kainga, Māori Language in the Home. Joint winners of the supreme award for Māori Language Week were TV3 and Ngāiterangi Iwi Rūnanga.

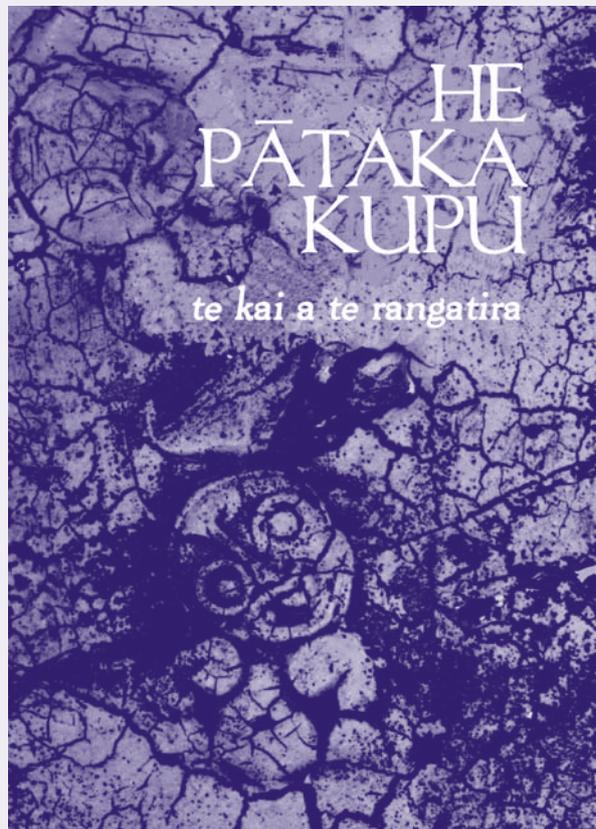
Highlights of the week included the launch of the online version of the monolingual Māori language dictionary *Te Papakupu Māori* and Google Māori. Google Māori is a tool that enables users to access the Google search engine completely in te reo Māori. It took a voluntary group brought together by tangatawhenua.com over a year to translate the 1600 terms and phrases (more than 8500 words) required.

For each of the past five years, a simple phrase book has been produced by the partner organisations on the theme of the week. Non-Māori responses to these were tested, along with other promotional materials in research by Julia

de Bres of Victoria University for her doctoral thesis on "Planning for Tolerability: Promoting Positive Attitudes and Behaviours Towards the Māori Language Among Non-Māori New Zealanders". The booklets proved to be among the most popular resources tested. The thesis more broadly investigates the effectiveness of promoting positive attitudes and behaviours towards the Māori language among non-Māori New Zealanders as a contributing factor in Māori language regeneration.

HE PĀTAKA KUPU: MĀORI MONOLINGUAL DICTIONARY

Seven years of work from a team of dedicated writers culminated in the publication of a major monolingual dictionary of the Māori language by the Māori Language Commission in September. The hard copy publication followed the launch of an online version in Māori Language Week. *He Pātaka Kupu* has 1200 pages and 24,000 entries, which include synonyms, tribal variants and some of the



more recent developments in Māori language. It is one of the largest monolingual dictionaries to be published in the Pacific, and is the largest of its genre to be published in New Zealand.

HE PŪRANGA TĀKUPU O TARANAKI: TARANAKI PARTICIPATORY DICTIONARY

A new Taranaki participatory dictionary, *He Pūranga Tākupu o Taranaki*, was launched at Parihaka in September. The language resource was compiled by Taranaki people in a bid to revive and preserve their dialect. There are now few elders who speak the dialect, so the aim is to see it live again in Taranaki's young people. The word list is the result of three decades of work and is part of a multi-faceted strategy that includes an online community-based dictionary and ongoing hui to continue with the research.

MĀORI LEGAL DICTIONARY

Funding of \$673,000 to be spread over three years was granted by the Tertiary Education Commission to Victoria University senior law lecturer Mamari Stephens to compile a dictionary that will express legal concepts in te reo Māori. The dictionary will include Māori definitions for words such as "judge" and "trial" as well as definitions for legal concepts. The first stage in compiling the dictionary will involve collecting texts in te reo Māori from the 19th to the 21st centuries about legal topics and determining the continuing relevance of the terms.

TE IPUKAREA

The Tertiary Education Commission also awarded \$1.5 million in funding for the establishment of Te Ipukearea, a new National Māori Language Institute. The project is led by AUT University's Te Ara Poutama (Faculty of Māori Development) in collaboration with other organisations and educational institutions in New Zealand, including Te Wānanga o Aotearoa, Te Ataarangi, Christchurch Polytechnic Institute of Technology, Lincoln University, University of Canterbury and Victoria University of Wellington. The focus of the institute will be the promotion of excellence in scholarship, teaching and research in te reo Māori. It will concurrently develop and advance a digital strategy for the creation, delivery and assessment of the reo Māori curriculum and the collection and dissemination of Mātauranga Māori.

ENGLISH/MĀORI PLACE NAMES RECOGNISED

The National Library announced a major milestone in the international recognition of New Zealand's English/Māori place names. The US Library of Congress agreed to accept New Zealand dual language place names for inclusion in Library of Congress Subject Headings, the de facto international standard. These headings will now be in bibliographic records available on the National Bibliographic Database and for use worldwide. The place names are mostly the result of the Crown's settlement with Ngāti Tahu in 2003, when 88 South Island place names were changed to dual language place names, the majority to joint English/Māori names. In April 2006, after much discussion, the Library of Congress agreed to accept the New Zealand Place Names Database on the Land Information New Zealand website as the authority for New Zealand place names. Since then, guidelines for these subject headings have been developed in consultation with the Library of Congress.

LAUNCH OF TE MARAUTANGA O AOTEAROA (MĀORI-MEDIUM CURRICULUM)

Te Marautanga o Aotearoa was launched in September 2008. Along with the New Zealand Curriculum for English-medium schools, Te Marautanga o Aotearoa sets the direction for teaching and learning in Maori-medium schools. It gives flexibility and guidance for kura (schools) to work closely with whānau, hapū and iwi to develop a school-based curriculum for their communities. It was distributed to the Māori-medium education sector in November. It is not a translation of the New Zealand Curriculum – it is a document written in Māori, from a Māori perspective, giving effect to the principles of the Treaty of Waitangi. Te Marautanga o Aotearoa is founded on the aspiration to develop successful, confident learners who are effective communicators in the Māori world and who are healthy and secure in their identity and sense of belonging. All learners will have the opportunity to acquire knowledge in all learning areas and to develop key competencies. Through this approach, they will be able to reach their full potential, and participate effectively and positively in the Māori community and the global world.

COMMUNITY-BASED LANGUAGE INITIATIVE

The Ministry of Education Community-Based Language Initiative (CBLI) focuses on community-based initiatives that enhance parent and caregiver Māori language skills and provides for the development of Māori language teaching and learning resources. The initiative contributes to iwi language development with a strong focus on supporting learning and teaching both in schools and at home. CBLI contributes to the overarching strategic intent of Māori students enjoying education success as Māori, identified in the Ka Hikitia — Managing for Success strategy released in 2008.

New Zealand Sign Language

NEW ZEALAND SIGN LANGUAGE WEEK

New Zealand Sign Language (NZSL) Week took place from May 5-11. This year's theme was "The freedom to sign is our freedom of expression". The focus was on raising awareness among the general public of Deaf people's rights to employment, education and access to



information in their own language. Events for the week included a launch at Parliament, a charity art auction, the NZSL Week Awards, free Taste of Sign Language classes, "signathons" in shopping malls, and a Sponsor-a-Sign Language-Learner Project at schools.

ONLINE DICTIONARY OF NZSL

The Tertiary Education Commission awarded funding of \$856,625 to a project to develop an online dictionary of New Zealand Sign Language. The project is led by Victoria University of Wellington, in collaboration with AUT University, the Deaf Association of New Zealand, van Asch Deaf Education Centre and Kelston Deaf Education Centre. The purpose of the project is to expand access to NZSL by developing an online multimedia dictionary with about 5000 NZSL signs. The dictionary will be available as a reference tool to a wide range of user groups in New Zealand and elsewhere, both within and outside the tertiary sector.

Pacific Languages

PACIFIC LANGUAGE STRATEGY

The Pacific Language Strategy is a priority for the retention and safeguarding of Pacific languages in New Zealand. The Ministry of Pacific Island Affairs and the Ministry for Culture and Heritage held several meetings with relevant agencies to discuss the development of a Pacific Language Strategy to address the issue of language decline in Pacific communities in New Zealand. It was recognised that all Pacific languages needed to be accorded a stronger status. It was agreed across relevant agencies that a whole-of-government approach to safeguarding Pacific languages was key to progressing a Pacific language strategy. There is a need to shift negative attitudes: stronger emphasis needs to be placed on the benefits of learning a Pacific language, as well as emphasis that learning a Pacific language doesn't need to occur at the expense of learning English. The Ministry of Pacific Island Affairs has taken the lead on this approach and a Cabinet paper is planned for July 2009, following the further development of the rationale and proposed options to advance a Pacific language strategy. The strategy also dovetails with the completion of the successful Mind Your Language initiatives, which came about as a result of a Cabinet bid in July 2006.

MIND YOUR LANGUAGE

Mind Your Language is a project led by the Ministry of Pacific Island Affairs that supports the use of Pacific languages in the home. The Ministry is working in partnership with the Niuean, Tokelauan and Cook Islands communities to promote the value and functional use of Pacific languages in order to foster and preserve these community languages for future generations. The programme has received \$600,000 in funding over three years (2006-2009) to carry out projects to further these goals.

Phase one of the project involved the production of written resources. Phase two has seen the development of three websites. The Niuean language website, www.learnniue.co.nz, was launched in 2007 and the Cook Island Māori and Tokelauan websites, www.tuatuamai.co.nz and www.learntokelau.co.nz, were launched in September 2008.

COOK ISLAND MĀORI LEARNING LANGUAGES RESOURCE I-E-KO-KO! AN INTRODUCTION TO COOK ISLANDS MĀORI

In July the Ministry of Education released a new multimedia programme, I-E-KO-KO: An Introduction to Cook Islands Māori, to assist the teaching of Cook Islands Māori in New Zealand schools. The resource is a part of the Learning Languages series that is already being implemented in schools, including: Hai! An Introduction to Japanese; Si! An Introduction to Spanish; Oui! An Introduction to French; Ja! An Introduction to German; Hao! An Introduction to Chinese, and Ka Mau te Wehi! An Introduction to Te Reo Māori. I-E-KO-KO provides a range of learning activities for Year 7 and 8 students and teachers.

SĀMOAN LANGUAGE WEEK

Sāmoan Language Week took place in May, the fourth year it has been celebrated in New Zealand. It is promoted by the Ministry of Education and was marked in schools by displays of Sāmoan artefacts, using Sāmoan words and phrases, and incorporating Sāmoan perspectives and practices into studies during the week.

NATIONAL SĀMOAN LANGUAGE SPEECH CONTEST

Young people from 14 schools in Auckland, Wellington, Christchurch and Levin took part in the National Samoan Language Speech Contest in Lower Hutt in September. The contest was organised by FAGASA, the National Association of Sāmoan Language Teachers, which is a national organisation aiming to maintain and promote Sāmoan language and the teaching of traditional values among young people. The theme was "health", and sponsors included the Capital Coast District Health Board and the Hutt City Council.

LOOKING BACK

In the UN International Year of Languages, the launch of the first wholly Māori language television channel and a monolingual dictionary were major milestones for the Māori language, along with the introduction of a specific curriculum for Māori immersion schools. Progress in the protection of Pacific languages continued with development of new language learning websites and the start of work on a Pacific languages strategy.

LOOKING AHEAD

A revised Māori language strategy is due for completion in 2009. Work needs to continue on the development of a Pacific languages strategy and on a strategy for community languages.

9. Pāpāho

Media

What Happened in 2008?

- **New Zealand media representatives attended a global dialogue on diversity and journalism in Bali and a conference on breaking down barriers between the West and the Muslim world in Jakarta.**
- **The inaugural World Indigenous Television Broadcasting Conference took place in Auckland.**
- **Māori Television launched a 100 per cent Māori second channel.**
- **A series of forums were held on diversity in the media.**
- **An Excellence in Reporting Diversity Award was established.**
- **The Pacific Media Centre was launched at AUT University.**
- **A Pacific Television Channel was mooted.**
- **There were no race related complaints to the New Zealand Press Council.**
- **The Broadcasting Standards Authority (BSA) considered two race-related complaints and upheld one in part.**
- **The Advertising Standards Authority received complaints about 10 advertisements relating to race and upheld those relating to one.**

Diversity in the Media

INTERNATIONAL DIALOGUE ON MEDIA AND DIVERSITY

The third Global Inter-media Dialogue on Diversity and Journalism was held in Bali in May. The dialogue was initiated in 2006 by Norway and Indonesia to encourage working journalists and editors from around the world to talk about the aftermath of the Danish cartoons publication earlier that year. A delegation of four leading media experts attended from New Zealand. The dialogue provided an opportunity for journalists from around the world to make connections and talk about their shared experiences in the field. Some sessions outlined key elements of fair and accurate reporting on minority groups. These included:

- Have frank and honest conversations on race, ethnicity and culture. Stay in the room, even as tempers and passions rise. Get into communities and see how they work and play. Being there is especially important for reporting ethnicity.
- Monitor ethnic media and websites that are authentic.
- Ensure coverage of ethnicity is not the responsibility alone of ethnic minorities in the newsroom. That can be too tough.
- Find the authentic voices rather than self-styled spokespeople.
- Embrace complexity rather than settling for the superficial. Dig deeper. Context and perspective are important, as is understanding history so people identify what drives issues.
- Avoid euphemisms, code words and pejorative terms. For example: the use of “inner city” as a synonym for poverty.
- Recognise the power of personal stories, as well as minorities reporting their own stories.

New Zealand media representatives also attended the first Asia-Pacific Regional Media Programme in Jakarta in November to discuss reporting on complex cultural and religious issues. The theme was Journalism at the Intersection of Politics, Religion and Culture. It was co-sponsored by the New Zealand Government, the European Union and Norway with the support of the East Asia Summit. It involved journalists from throughout the East Asia Summit region – home to many of the world’s great civilisations, cultures and faiths – and provided an opportunity for media in the region to share views on how they approach reporting on critical issues surrounding faith and cultural identity, which can be a flash point for conflict.

NEW MĀORI CHANNEL LAUNCHED

New Zealand’s first 100 per cent Māori language television channel, Te Reo, was launched in March. The new channel broadcasts three hours a day, seven days a week, during the prime time hours of 8-11pm on both Freeview and SKY Digital, and is free of advertising (see also Chapter 7 on language).

WORLD INDIGENOUS TELEVISION BROADCASTING CONFERENCE

The World Indigenous Television Broadcasting Conference was held in March in Auckland. The conference theme was Reclaiming the Future of our Indigenous Languages, Cultures and Identities. Highlights included:

- Keynote speakers from Aotearoa New Zealand, South Africa, Timor Leste, Scotland, Wales, Ireland, Canada, Taiwan, Australia and the United States.
- The launch of a World Indigenous Television Broadcasters Network, aimed at promoting indigenous broadcasting at the highest levels internationally and at fostering closer relationships between broadcasters
- Te Rerenga Tahi, Māori Television's inaugural Lifetime Achievement Award for Indigenous Television Broadcasting, which seeks to recognise the work of a person or persons who have made an outstanding contribution to indigenous television broadcasting in New Zealand. The inaugural award was presented posthumously to Barry Barclay, a pioneer of Māori television and film.
- The associated launch of the new Te Reo channel at a dawn ceremony at Māori Television's Auckland studio.



TV One's *Tagata Pasifika*

TVNZ 7 LAUNCHED

Television New Zealand launched its TVNZ 7 channel on Freeview in March. The channel comprises 70 per cent local content, and one of its five strands, NZ Voice, features programmes for special interest communities, reflecting New Zealand's diverse and multicultural society. These include TV One programmes *Tagata Pasifika*, *Marae*, *Eye to Eye*, and *Asia Downunder*. The channel also screens TV One's daily Māori news programme *Te Karere* and its daily mainstream news programme. It also includes daily Māori heritage programme *Waka Huia He Hokinga Mai*, including both archive episodes and a time shift from TV One's current episodes.

CONNECTING DIVERSE COMMUNITIES: MEDIA FORUM SERIES

As part of the Connecting Diverse Communities programme of good practice forums, the Ministry of Social Development and the Office of Ethnic Affairs hosted a series of three forums on the theme of diversity in the media:

The Future of Journalism: the training and recruitment of people from ethnic minorities in the field of journalism, July.

The forum explored the issue of underrepresentation of ethnic groups in New Zealand's news media, and highlighted initiatives and programmes aimed at increasing the diversity of journalists. The panel identified challenges to recruiting and training journalists from diverse communities, discussed how New Zealand's current practices compare to overseas examples, and covered information about the new NZQA unit standards on bicultural reporting and diversity reporting.

An International Perspective on Media and Diversity, August.

The forum featured Professor Arlene Morgan from the Columbia University Graduate School of Journalism. Morgan directs the annual Let's Do It Better! workshop on journalism, race and ethnicity, a US-based competition designed to encourage people in the media to deal with race and ethnic issues openly, fairly and effectively. She discussed the importance of finding the authentic voice in reporting on diversity, with emphasis on stories told from within a

community, rather than to a community, in order to move towards a deeper understanding of these communities.

Breaking News! Ethical Reporting in a Challenging News Environment, September.

Panellists discussed their recent experiences of controversial media coverage relating to a range of ethnic communities in New Zealand. The forum highlighted the challenges involved in ethical reporting of difficult news stories, and the wide-reaching influences of the media on ethnic communities.

NEW ZEALAND EXCELLENCE IN REPORTING DIVERSITY JOURNALISM AWARD

The Reporting Diversity in Journalism award was organised by Whitireia Journalism School, the Journalists Training Organisation, AUT University's Pacific Media Centre, Canterbury University Journalism Programme, the Asia New Zealand Foundation and the Human Rights Commission. The award aims to celebrate best practice in reporting on diversity issues and is open to journalists with less than five years of experience working in the New Zealand news industry. A workshop was held for the top entries in September, hosted by the Whitireia Journalism School in Wellington. Dunedin *Star* reporter Catherine Wellington took the top prize with a piece about racism titled "Shame on You, Dunedin", and other work on ethnicity.

PACIFIC MEDIA CENTRE

AUT University launched its Pacific Media Centre in January with the aim of stimulating research into contemporary Māori, Pacific and ethnic media and culture production. The centre, which is part of the Creative Industries Research Institute and collaborates with other Asia-Pacific media centres, is based on the belief that informed journalism and media research contributes to economic, political and social development in the region. The centre publishes the *Pacific Journalism Review*, and in July re-launched Pacific Media Watch, a dynamic digital database for regional media monitoring. The revamped service is updated daily and combines more than 5000 news reports on Pacific media freedom, ethics, education and training issues as well as a major archive of media research reports, documents, and audio and video clips. The database is the first project on

DSpace, a digital archive set up by the university's Creative Industries Research Unit, which was demonstrated at the New Zealand Diversity Forum in August. Recent research projects at the centre also include journalist-in-residence initiatives, the Ngati Hine forestry land controversy and the media in Northland in the 1970s. The centre also organises seminars on the state of the media in the region.

OFFICE OF ETHNIC AFFAIRS INITIATIVES

The Office of Ethnic Affairs continued to work on issues of ethnic diversity and media representation in response to ethnic community requests for facilitated access to mainstream media, and approaches by a growing body of ethnic media for greater contact with government and host communities around settlement and integration issues.

OEA funded three radio programmes on community access radio – "Stepping Out" (Access Radio, Wellington), "Women's Voices" (Planet FM104.6, Auckland) and "Ethnic Media Watch" (Plains FM, Christchurch). OEA collaborated with the School of Broadcasting to create a diversity site in the online education tool MEDIASCAPE, and established a media sub-group under the umbrella of the Refugee and Migrant Forum.

OEA sponsored a cross-cultural programme with the Chinese New Settlers Services Trust (Auckland), which included articles published in a Chinese newspaper and radio interviews. OEA is developing a resource called Ethnic Communities and the Media, which is a four-part hard copy guide explaining how to access the media.

ASIA NEW ZEALAND (ASIA:NZ) MEDIA PROGRAMME

Asia:NZ continued to support and fund high-quality reporting of Asian issues by experienced journalists and to support internships and work placements for young New Zealand journalists.

Nearly 30 journalists received support for assignments and work placements in China, India, Pakistan, Indonesia, Bhutan, Philippines, Japan, Cambodia, Thailand, Singapore and Vietnam.

Asia:NZ also supported New Zealand graduate journalists participating in an Australian initiative to give Australian

and New Zealand journalists work experience and a better understanding of Indonesia.

The Australian Consortium of In-Country Indonesian Studies (ACICIS) Journalism Professional Practicum for the first time included New Zealand graduate journalists in a six-week orientation and internship programme in Jakarta. The participation of three young New Zealanders in 2008 from AUT University and Massey University was supported by Asia:NZ.

PACIFIC TELEVISION CHANNEL MOOTED

Both Television New Zealand and Media Works TV (operators of TV3 and C4) reported work towards the establishment of a Pacific television channel at the Pacific Islands Media Association's conference in October. TV3 has formed a specialist group to develop their concept, including Pauline Winter (former chairperson of the Pacific Business Trust), Innes Logan (publisher *Spasifik* magazine); Oscar Kightley (writer and performer), and John Barnett (CEO South Pacific Pictures). They aimed to have the channel up and running in 2010, screening free-to-air on the Freeview platform. During the election campaign the government announced that it would move to support the establishment of a Pacific television channel.

MEDIA AND THE TREATY

In May, Kupu Taea, an Auckland-based media research group, published the second of two reports on how news media represent the Treaty of Waitangi and Māori issues. The study found:

- Mass TV news programmes (*One News*, *3 News*, *Prime News*) talked of unity in their Waitangi Day coverage in a way that silenced Māori rights and aspirations, while Māori TV news programmes (*Te Kaea* and *Te Karere*) talked of unity in diversity, including Māori rights and aspirations.
- Newspapers used the terms “radical” and “activist” overwhelmingly about Māori generally, and it was the journalists rather than their sources who used these terms.
- Māori focus group members regularly faced hostile

reactions at work from Pākehā workmates that were directly related to negative media depictions of Māori and Treaty issues.

- *Te Kaea* and *Te Karere* used different frames for stories, used fewer politicians as sources and a much wider range of Māori sources than mass TV news. Māori programmes allowed sources to speak for longer, and used a less confrontational approach.
- Newspapers quoted twice as many Māori men as women and three or more times as many Pākehā men as women.
- Mass media items continued to provide little or no background explanation or context about the Treaty or Māori issues.

Complaints about the media

PRINT

There were no race-related complaints to the New Zealand Press Council. A complaint about a *North & South* magazine article on “Asian Angst” considered by the Press Council the previous year entered the realm of academia. Massey journalism head Grant Hannis presented a paper on the controversy at the Australian New Zealand Communication Association Conference in Wellington in July. “Asian Angst” was published by *North & South* at the end of 2006 and focused on crime committed by Asians in New Zealand. The Press Council later found the article to be inaccurate and discriminatory. Dr Hannis concluded that *North & South's* article indicated the magazine's apparent determination to portray Asians in a poor light and did not correctly interpret the relevant crime statistics.

BROADCASTING

The Broadcasting Standards Authority (BSA) considered two race-related complaints, one of which was upheld in part.

- In the January-March quarter, a complaint was considered about a TVNZ *Breakfast* interview with Christine Rankin, who called for an independent inquiry into child abuse in New Zealand. Rankin made statements about Māori being over-represented in child abuse statistics. The complainant focused on

the interviewer “facilitating and allowing disparaging and racist remarks to be made about Māori”, and his “grossly offensive” questions, which the complainant believed breached standards of good taste and decency, balance and accuracy. The complaint was not upheld by the broadcaster, and the BSA stated that child abuse was not found to be a “controversial issue” to which the balance standard applies. The authority said that the topic was not sufficiently examined to constitute a discussion about the over-representation of Māori in child abuse statistics; it declined to uphold the good taste and decency complaint as “the host was not being racist towards or disparaging of Māori, but ... deliberately provocative”; and it did not uphold the accuracy complaint. (2007-101).

- In the April-June quarter, a complaint was received about a TVNZ *Close Up* item, which reported that Scott Hales, “a long-term over-stayer with a UK conviction for fighting”, had been assisted to stay in the country by MPs Anne Tolley and Moana Mackey, and Gisborne Mayor Meng Foon. Hales’ ex-wife was interviewed and alleged he was a “wife-beater” and racist; a Department of Labour official stated that Hales had failed to declare a previous conviction on his immigration application. Hales complained that the item breached his privacy and was unfair and inaccurate. The broadcaster did not uphold the complaint. However, the BSA upheld the complaint on the grounds of fairness and accuracy, as it believed there had been “insufficient independent evidence to corroborate the allegations (including that Hales was a racist) made by Hales’ ex-wife and father.” (2007- 080)

ADVERTISING

Complaints were made about 10 advertisements to the Advertising Standards Authority relating to race, one of which was upheld.

- In January, a complaint was made about an advertisement for 30 Second Cobweb Eliminator, showing an Asian man with a strong accent, wearing a white laboratory coat as he introduced the product. The complainant viewed the ad as racist and one that made fun of Asian people. (Complaint 08/029; no grounds to proceed).
- Two complaints were made in February about a Red Bull New Zealand Ltd energy drink advertisement, which portrayed tourists kneeling before a levitating monk; the monk gives them Red Bull drinks saying “It gives you wings!” The complainants stated that “the use of His Holiness the Dalai Lama... to sell products that are in no means life-sustaining or Buddhist-related, is cheap and crude.” (Complaint 08/061; no grounds to proceed).
- In March, two complaints were made about an advertisement for the Noel Leeming Group, Bond & Bond. A voice-over in the ad said “If you are not too good with percentages cos you are a bit simple... or Australian. Crikey! Twenty per cent off Sony means its way cheaper!” The complainants said the advertisement was “racist and offensive to the Australian community living in New Zealand”, and “offensive on the grounds of nationality ...” (Complaint 08/137; no grounds to proceed).
- A complaint was received in March about an advertisement for Burger King, which showed American soldiers playing cards in an army tent. Noticing movement below, the soldiers discover an Afghani soldier eating a burger in a bunker. The voice-over said: “The new megacrunch from Burger King... It’s the tender crisp burger made a whole lot louder, sir.” The complainant believed the advertisement perpetuated “racist ideas of the ‘bad’ Middle Eastern (Islamic) man, and the ‘good’ US soldiers”, and was also concerned that content was inappropriate for showing during a “children’s programme” (The Simpsons). (Complaint 08/150; no grounds to proceed).
- In April, 73 complaints were received over the script in an advertisement for Brandex Adventure Sports Ltd – Skins™. The statements included “We’re faster, we got more skill, we got the stamina. You know when it comes to the physicality of sport, the African Americans have the advantage. Yeah, it just comes natural to us. I mean, you’ve got to look back at our ancestry. We were born warriors. It’s a natural instinct. It’s like a killer mentality. If you look at the way the black male is built, we’re more muscular, stronger. You want to be like us?”

- Complainants found the advertisement offensive, as they believed it helped to reinforce racial stereotypes that dark-skinned people were athletically superior, or that physical activities were all that they were good at. The complainants also believed that if other races of people were used in the ad to reinforce their racial stereotype, then stating “you want to be like us” would not be acceptable: “This can only help reinforce people’s beliefs that different human traits are linked to race and cause resentment between different races and cultures.” (Complaint 08/139; upheld). In May, a subsequent application was made by the company for appeal on five grounds. (Application for appeal; declined).
- A complaint was received in May over a Television New Zealand billboard. An African male was shown, with the wording “Should he stay? Muleki is a refugee and has no job. He and his three children are on the benefit.” The complainant viewed the advertisement as being a negative portrayal of refugees in New Zealand. (Complaint 08/202; no grounds to proceed).
 - In June, a complaint was received about the TV advertisement for Brandex Adventure Sports Ltd – Skins™, featuring a montage of black male and female sports people performing various physical activities and sports. In reference to the complaint 08/139, the complainant stated that even without the commentary, a racial element was still present in the ad. (Complaint 08/250; no grounds to proceed).
 - In August, a complaint was received about a McDonald’s advertisement about “Kiwi kids”. The complainant considered it “A misrepresentation of who Kiwi kids are... and an insult to the other races that live here in New Zealand and consider themselves ‘Kiwi kids’.” (Complaint 08/373; no grounds to proceed).
 - A complaint was received in August about a DB Breweries Limited billboard. The billboard for Tui beer said “When Winston says no, he means no. Yeah right. Tui.” The complainant found it to be defamatory and racially discriminatory towards Winston Peters. (Complaint 08/412; no grounds to proceed).
 - In October, a complaint was received about a New Zealand Army recruitment advertisement, depicting soldiers driving past women with slings around their necks. One woman bangs on the window, and the viewers are asked to identify “the woman not holding the baby”. The complainant described the ad as being an “Offensive vision of a generic war-torn Third World nation filled with terrorists, everyone a bomb-carrying terrorist, even ... mothers with children”. (Complaint 08/532; no grounds to proceed).

LOOKING BACK

There were few complaints about race-related matters to the various media standards bodies and even fewer were upheld. A research report was critical of the mainstream media for their reporting of Treaty issues. The Pacific Media Centre was launched at AUT University, a Pacific channel mooted, and an excellence in reporting diversity award was launched. A series of conferences and workshops in New Zealand and overseas examined issues relating to diversity in the media.

LOOKING AHEAD

Ongoing demographic change remains a challenge for the mainstream media, in terms of representation of minority ethnic communities in their publications and programmes and on their staff.

10. Rerekētanga Whakapono

Religious Diversity

What Happened in 2008?

- The government adopted a national implementation plan for the United Nations Alliance of Civilisations initiative.
- The fourth Asia-Pacific Regional Interfaith Dialogue took place in Cambodia.
- A Pacific dialogue on religious diversity was proposed by a regional forum in Auckland.
- The National Religious Diversity Network continued to grow.
- Regional interfaith councils were active in a number of centres and came together in the annual National Interfaith Forum.
- An inaugural national youth interfaith forum was held.
- There was a conference on religious diversity in universities.
- The Office of Ethnic Affairs continued their Building Bridges programme.
- The Federation of Islamic Councils held a national stakeholders forum with the support of the Office of Ethnic Affairs.

Alliance of Civilisations: National Implementation Plan

A delegation from New Zealand attended the Alliance of Civilisations Symposium in Madrid in January. The Alliance of Civilisations is a United Nations initiative that aims to “improve understanding and cooperative relations among nations and peoples across cultures and religions and, in the process, to help counter the forces that fuel polarisation and extremism”. The alliance was established in 2005 on the initiative of the governments of Spain and Turkey. Working in partnership with governments, international and regional organisations, civil society groups, foundations, and the private sector, the alliance supports a range of projects and initiatives aimed at building bridges among diverse cultures and communities.

Religious affiliation of the New Zealand population

| | | |
|---------------------|--------------|-------|
| Christian | 2.1 million | 50.7% |
| No religion | 1.29 million | 31.1% |
| Hindu | 64,567 | 1.5% |
| Buddhist | 52,393 | 1.3% |
| Muslim | 36,150 | 0.9% |
| Other or not stated | 600,169 | 14.5% |

Source: Statistics New Zealand, Census 2006.
Percentages calculated using New Zealand total population count: 4,143,279.

The New Zealand Government adopted a national plan to implement the alliance initiatives and to promote intercultural dialogue nationally, regionally and globally. The plan takes forward the four focus areas of the Alliance of Civilisations High Level Group’s report (published in November 2006): education, youth, media and migration.

The implementation plan supports existing and new initiatives that:

- promote trust and understanding between diverse communities by connecting people and organisations
- reduce polarisation between societies through joint pursuits and partnerships (including between government and civil society) that help give impetus to innovative projects
- build respect and understanding among cultures and empower voices of moderation and reconciliation, which can help calm cultural and religious tensions between nations and peoples
- provide access to information and resource materials drawn from successful cooperative initiatives, which could in turn be used by other institutions, organisations and individuals.

Existing initiatives identified in the plan were the government's Connecting Diverse Communities programme, the Building Bridges Programme, the New Zealand Settlement Strategy and Action Plan, the Youth Exchanges Programme, the Intercultural Awareness and Communication Programme, and the Human Rights Commission's Diversity Action Programme. New initiatives included an Islamic studies centre, media literacy and standards programme, strengthening the focus on religions and cultures in the school curriculum, and scholarships to promote religious understanding in the Asia-Pacific region. Contributions to a number of Asia-Pacific regional initiatives were also envisaged.

Asia-Pacific Regional Dialogue on Interfaith Cooperation

The fourth Asia-Pacific Regional Dialogue on Interfaith Cooperation was held in Cambodia in April on the theme of Interfaith Cooperation for Peace and Harmony. The first dialogue was held in the Philippines in 2004, the second in Indonesia in 2006 and the third in New Zealand in 2007. New Zealand is a co-sponsor of the dialogue with Australia, Indonesia and the Philippines.

The New Zealand delegation reported that the process of regional interfaith dialogue begun in Yogyakarta, Indonesia, in 2004 had undoubtedly contributed to stronger interfaith relationships both nationally and in the Asia-Pacific region, and to an increase in interfaith activities at the grassroots level, international exchanges, regional support for global interfaith initiatives and initiatives in education programmes both nationally and internationally. The delegation noted the growth in trust that was evident both between faiths and between national delegations over the course of the four dialogues, the increasing commonality of purpose and the focus on practical action. Religious tensions in the region have reduced over that period, and while the dialogue process might have only been one contributing factor, it had undoubtedly made a contribution.

The delegation recommended to the New Zealand Government and faith communities, that:

1. Efforts be continued to develop high-quality resources and standards to support the new provisions in the

New Zealand curriculum relating to cultural and religious diversity and fundamental values.

2. Government officials be provided with a handbook and training on religious diversity, building on the work already done by the New Zealand Police in their *A Practical Reference to Religious Diversity*.
3. Religious leaders of standing be used to assist in resolving inter-communal conflicts within the region and collaborative regional religious networks be established to develop conflict resolution skills, practices and attitudes in areas of inter-communal conflict.
4. The recommendations in the Phnom Penh Action Plan be taken into account in the review of the National Implementation Plan for the Alliance of Civilisations.
5. The government consider hosting a meeting of government and faith community leaders and members of the Phnom Penh delegation to discuss existing and further initiatives in interfaith dialogue and cooperation.

Religious Diversity in the Pacific

A Pacific regional dialogue on religious diversity was proposed at a two-day meeting of Pacific academics, theologians, faith community leaders and community representatives, convened in Auckland in August. The meeting was a sequel to the Asia-Pacific Interfaith Dialogue in Cambodia, which involved representatives from Fiji, New Zealand and Australia. The Pacific delegations had felt that a more local Pacific dialogue was also desirable.

It was proposed that a further regional meeting take place in the Pacific in 2010 or 2011, to be preceded by further dialogue within and between faiths in the Pacific and Pacific communities in New Zealand.

The meeting acknowledged the reality of religious diversity in the Pacific and in New Zealand and the ongoing change that was taking place. Delegates identified the need to develop stronger connections with each other, to create spaces for dialogue, to broaden the conversation between and within faith traditions, and to support research and education about religions in the Pacific.

The meeting included Muslim and Christian delegates from Fiji, academics from Fiji, Samoa, Australia and New Zealand, and representatives of New Zealand Pacific religious communities. It was organised by UNESCO in conjunction with the New Zealand Human Rights Commission, the Auckland University Business School and the Victoria University Religious Studies Programme.

Other issues discussed included the development of a regional network, the need to focus on issues for women and children, the need for resources to support discussion of religious diversity, the need to address issues of social and religious exclusion and the possibility of developing a Pacific statement on religious diversity.

National Religious Diversity Network

Te Korowai Whakapono, the national religious diversity network facilitated by the Human Rights Commission, continued to grow. The Commission produced monthly electronic newsletters on developments in religious diversity and also continued to promote the national Statement on Religious Diversity. The statement provides a human rights framework for discussion on issues of religious diversity in New Zealand. Since the launch of the statement, it has received wide support from a variety of faith and interfaith organisations. Endorsements in 2008 included the General Assembly of the Presbyterian Church of Aotearoa New Zealand.

The network's annual Religious Diversity Forum was held in August as part of the wider programme of the New Zealand Diversity Forum. The Victoria University Religious Studies Programme hosted the forum in conjunction with the Auckland Interfaith Council. The forum focused on discrimination, harassment and desecration, with the aim of establishing practical steps to ensure the safety of all New Zealanders of all religions. There was general agreement that the safety and security of religious minorities needs to be monitored and acknowledged with more research done in this area. The session identified the possibility for follow-up work with the police to improve engagement with faith based communities.

The forum also discussed New Zealand's Plan of Action under the Alliance of Civilisations National Implementation



© Human Rights Commission

Plan, and the draft guidelines on Religion in Schools being developed by Victoria University Religious Studies Programme, the School Trustees Association and the Human Rights Commission. The guidelines are due for completion in early 2009.

Interfaith Councils

There are regional interfaith councils in Auckland, Wellington, Christchurch, Bay of Plenty, Rotorua, Hibiscus Coast, Gisborne, New Plymouth, Kapiti and Nelson. Other interfaith specific groups include the NZ Interfaith Group, the Council of Christian and Jews (NZ) Inc, the Council of Christians and Jews (Auckland), Wellington Council of Christians and Jews, the Council of Christians and Muslims, the Dunedin Abrahamic Interfaith Group and the Rasheed Memorial Dawah Trust. Regional interfaith councils continued to undertake activities that contributed significantly to interfaith understanding and cooperation. For instance, in Christchurch, activities included interfaith tours to different houses of worship in the region and

discussion meetings. In 2008, regional interfaith activities increasingly centred on issues of common concern. In Auckland, there was a series of interfaith panel discussions which focused on applying spiritual principles to societal problems such as environment issues. Dunedin hosted peace lectures exploring approaches to disarmament and conflict resolution. Waikato Interfaith Council found common ground with other Hamilton community groups by organising an event to celebrate the 60th anniversary of the signing of the Universal Declaration of Human Rights.

Keeping Faith

The large-scale community exhibition which examined the role of religion and belief in the Waikato was successfully completed. The exhibition provided the opportunity for residents of the Waikato to learn about and explore the religions of their neighbours, co-workers and friends in a safe environment. It was the talk of the town when it opened and a newspaper about it was delivered to every household. A total of 50,562 people visited the museum during the show, which made the different faith traditions in the Waikato visible and meaningful to the community. The Statement on Religious Diversity was a central feature of the exhibition and the associated public programme.

Police and Faith Communities

Police undertook a number of initiatives to enhance cooperation with faith-based communities in 2008. Amaninder Singh Sandhu became the first Sikh New Zealand police officer to wear a turban on duty. The NZ Police and the Sikh Council of NZ had been working together since December 2007 on protocols around the turban. It was a historically significant moment for the Sikh community of New Zealand. In other activities, a panel discussion on Muslim youth and the police was hosted by the Ministry of Social Development, Settling In and the NZ Police at the NZ Diversity Forum in August.

Building Bridges

The Building Bridges programme aims to help New Zealand's Muslim communities deal with the challenges of dispelling stereotypes, promote inter-ethnic discussions, and encourage civic participation and belonging in the

post-September 11 environment. The programme was launched by the Office of Ethnic Affairs (OEA) in 2005 in conjunction with the New Zealand Federation of Islamic Associations (FIANZ). The priority themes for the Building Bridges work are:

- strategic leadership
- positive visibility
- media
- youth
- women.

In 2008, the Building Bridges programme focused on capacity building initiatives. This included youth leadership training and women's response to family violence – Project Well-being. OEA also assisted with FIANZ's stakeholder's meeting at Parliament. A critical issues forum was held that hosted scholar Professor Tariq Ramadan.

Forums and Conferences

ANNUAL RATANA CONVENTION

Thousands of Ratana Church supporters converged on Ratana Pa near Wanganui in January for the annual celebration of their prophet and founder, Tahupotiki Wiremu Ratana. Leaders of other faith communities, including the Methodist, Anglican, Catholic and Presbyterian churches, attended to pay their respects, as did politicians, including Prime Minister Helen Clark, government ministers and Labour MPs, Leader of the Opposition John Key, a number of National MPs, and representatives of the Māori Party and New Zealand First.

NATIONAL INTERFAITH FORUM

The fifth National Interfaith Forum, organised by the Wellington Interfaith Council, was held at Parliament in March and opened by the Governor-General. The forum brought representatives of interfaith, faith, non-faith, government and human rights organisations together from around New Zealand. The theme was "Beyond tolerance – toward understanding and respect: challenges and opportunities". The forum featured workshops, dialogues, celebration, meditation and prayer, and shared food and

music. Workshops included “Bridging the gap, strengthening local communities”, “Using education as a tool to bridge the gap”, and “Intra-faith and inter-faith, forging relationships”.

NATIONAL INTERFAITH YOUTH FORUM

The first National Interfaith Youth Forum was held in March. It focused on Creative Encounters Generating Change. Delegates endorsed the Statement on Religious Diversity, and supported activities to mark the 60th anniversary of the signing of the Universal Declaration of Human Rights, the development of a national youth interfaith network, and regional youth interfaith councils. The importance of developing educational resources on religious diversity was acknowledged, and youth input was sought into policy and legislative changes.

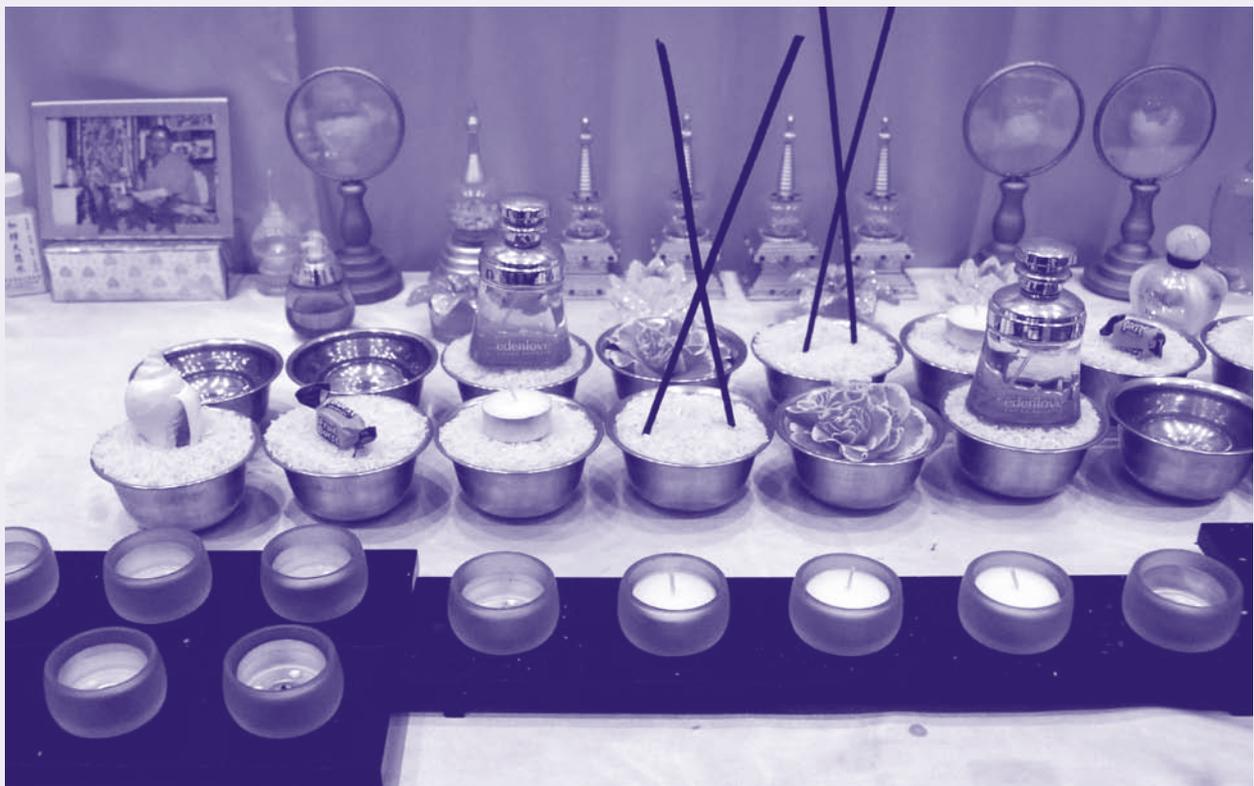
NATIONAL INTERFAITH WOMEN’S FORUM

The women’s forum, held in conjunction with the National Interfaith Forum, included a number of presentations and workshops, and shared stories. Participants looked at both personal and strategic ways of supporting interfaith

understanding. They supported more social interaction and planned activities between the annual forums, better use of existing interfaith directories, a more strategic approach to public relations, more information sharing and an expanded interfaith website.

MULTI-FAITH CONFERENCE, AUCKLAND UNIVERSITY

The University of Auckland’s Maclaurin Chapel hosted a multi-faith conference in September on the theme of Uni-Diversity: The Challenges of Change. The conference addressed the challenges of religious diversity, including the place of religion in the public arena, and the accommodation of various religious practices in public institutions such as schools and universities. The conference programme included international and local speakers from a variety of perspectives and religious backgrounds, touching on issues such as perspectives on diversity, implications for universities, and multi-faith in the international context. University chaplains resolved to take the issue of religious diversity in universities further through their own association.



FEDERATION OF ISLAMIC ASSOCIATIONS NEW ZEALAND STAKEHOLDERS FORUM

The Federation of Islamic Associations New Zealand, sponsored by the Office of Ethnic Affairs, launched its first New Zealand Stakeholders Forum in Wellington in June on the theme of Building Strong New Zealand Muslim Families. The focus of the forum was to bring together religious and community leaders and representatives of government and non-government organisations to discuss the challenges and opportunities that Muslim families face in raising strong families in the New Zealand context. Key themes discussed were: building a strong community; building strong families; building strong youth and women; and building healthy and educated communities. The Prime Minister gave the keynote address at the launch at Parliament.

Events

ISLAM AWARENESS WEEK

Islam Awareness Week is an annual event organised by the Federation of Islamic Associations New Zealand. It was celebrated in August with the theme of Strong Families – Better Society. The purpose of the week is to increase New Zealanders' awareness of Muslim beliefs, values and practices, and to tackle misinformation about their religion in a positive way. Activities during the week included Mosque open days, talks, video screenings and information displays (highlighting media stories) which allow insights into the Islamic way of life and the Muslim people who follow it. Each year, the Federation of Islamic Associations NZ presents a set of Harmony Awards to non-Muslim New Zealanders who have made outstanding contributions to the community during the week. This year, the Supreme Harmony Award went to Ann Dysart from Family and Community Services in the Ministry of Social Development.

LOOKING BACK

The development of a national implementation plan for the United Nations Alliance of Civilisations initiative brought together a range of government programmes and initiatives. There were no major issues in terms of religious diversity, but steady work continued to promote interfaith dialogue and religious tolerance.

LOOKING AHEAD

The Statement on Religious Diversity will be revised in the coming year, and guidance for parents and school boards of trustees on religion in schools will be completed. The challenges of religious diversity need to be addressed in specific contexts such as universities, schools, hospitals, places of work and local communities.

Tāpiritanga 1: Te Rangahau Whānui

Appendix 1: Overview of Diversity Research

Diversity Research in New Zealand: A push towards action

This commentary was written by Professor James Liu, deputy director and acting director, Victoria University Centre of Applied Cross-cultural Research.

New Zealand is continuing its rapid growth as a highly culturally diverse nation. In response to the influx of migrants to the country, a large number of community groups and government agencies have emerged to assist with transitions into New Zealand society. Large amounts of research are still ongoing to understand the best practices for transition and the most compelling theories to explain best outcomes. It is increasingly important, therefore, for there to be frequent and open communication between researchers, government agencies and community groups who are all working towards the same goal. This report documents several indications of shifts in this direction in 2008.

In May, the Centre for Asian and Migrant Health Research at AUT University hosted a key stakeholder consultation forum to discuss a possible integrated service delivery model for refugee and immigrant health professionals seeking New Zealand registration. The forum involved dialogue between agencies such as the Medical Council, Tertiary Education Commission, Ministry of Health, Department of Labour, District Health Boards, and non-governmental organisations such as the Auckland Regional Migrant Services Trust. The forum followed research undertaken by AUT University staff member Charles Mpofu on occupational transition issues of immigrant health practitioners from non-English speaking backgrounds. The research was prompted by media stories about immigrant doctors being employed in low-skilled jobs in New Zealand while shortages in the medical workforce were also being reported.

In June, the Population Studies Centre coordinated another successful Pathways, Circuits and Crossroads: New Research on Migration, Population and Community conference. It featured recent research by several programmes funded by the Foundation for Research, Science and Technology (FRST), some Marsden Fund

programmes, and the Department of Labour's research on international migration, population and labour market dynamics and social inclusion. The conference was coordinated in association with the New Settlers Programme at Massey University, the Department of Labour and the Office of Ethnic Affairs.

In August, the Centre for Applied Cross-cultural Research (CACR) coordinated the third National Forum for Diversity Research at the Human Rights Commission's annual Diversity Forum. A progressive agenda to increase engagement between academic, government, and community sectors was adopted as the theme of this year's forum. Researchers, government agencies and community representatives described best theory and practice in developing research and engagement activities that maximise the benefits and minimise the risks of a diverse society. The BRCSS (Building Research Capacity in the Social Sciences) Access telecommunications grid series was proposed as a practical tool for promoting research crossing the boundaries between academic requirements, government policy priorities and community needs.

Finally, in September, the Centre for Asian Health Research and Evaluation (CAHRE) at the University of Auckland convened the third International Asian Health and Well-being Conference. More than 40 presentations were attended by over 180 delegates, including health professionals, researchers, policy analysts and community members. Following this major conference, the CACR organised the second BRCSS New Settlers Emerging Researchers conference, focusing on pathways to success for young social science researchers in government, academia, NGOs, and industry. These conferences signalled interest in shifting focus from inventory-based to action-based research that cuts across sector and disciplinary boundaries.

Overview of Diversity Research

This overview was compiled by the members of the Centre of Applied Cross-cultural Research.

Research on diversity in New Zealand has continued to pick up in 2008. The focus of attention has continued to be on new migrants and Māori; this section focuses particularly

on research relating to new migrants. There was also considerable interest in Asian and Pacific populations. There has been a rise in research on families, youth and refugees. As mentioned above, 2008 also witnessed a shift in focus to community-driven and action-based research.

1. The Families Commission introduced the Pacific Families Now and in the Future grant in 2007 with the desire to gain a broader understanding of the families that they represent. Three research studies were carried out with this funding support in 2008, with two of the three having an additional focus on youth: (1) The Centre of Pacific Studies analysed changes in Pacific families and household composition between the years 1981-2006 (using census data) by a range of key characteristics, including newly developed family well-being indicators from census data; (2) Dr Camille Nakhid of Auckland University, together with Catalyst Solutions, sought to examine whether a relationship exists between family and gang involvement for Pasifika youth; and (3) researchers at the University of Otago investigated the perspectives of Tokelau youth and their experiences living in an extended family.
2. Research on ethnic youth also increased in 2008. In addition to the above-mentioned studies, the Centre for Applied Cross-cultural Research and Va'aomanū Pasifika of Victoria University of Wellington were awarded funding by FRST for a new project called Youth Voices, Youth Choices. This study will examine identity, integration and acculturation of youth in Muslim, Chinese and Pacific communities through the use of surveys, case studies, interviews, focus groups and archival methods.
3. Refugees received some much-needed attention in 2008. The Centre for Asian and Migrant Health Research of AUT University is conducting two studies with an explicit focus on refugees. The first examines migrant/refugee fathers and their experiences parenting in New Zealand. The second is a project seeking to learn how best to support refugee women at risk, in partnership with Refugee Services, New Zealand's principle refugee resettlement agency. The Centre for Asian Health

Research and Evaluation of Auckland University has also begun a research study on refugees, which focuses on developing responsive services for refugee youth who experience mental illness.

4. Across these content areas, more studies are being conducted that are community driven and have an action-based element.

The following material was compiled by Adrienne Girling from the Centre for Applied Cross-cultural Research as part of the centre's contribution to the New Zealand Diversity Action Programme. It is based on enquiries sent to associates of CACR, including university, governmental and non-governmental research groups. Descriptions of projects and research activities are presented below according to the corresponding organisation. It is not a comprehensive list of all research activities, but is representative of New Zealand's diversity research for 2008. Emerging projects and papers on cultural diversity in New Zealand can be accessed on the CACR website: www.vuw.ac.nz/cacr.

Tertiary Education Institutions

CENTRE FOR APPLIED CROSS-CULTURAL RESEARCH, VICTORIA UNIVERSITY OF WELLINGTON

Youth Voices, Youth Choices: Identity, Integration and Social Cohesion in Culturally Diverse Aotearoa/ New Zealand

With the funding support of FRST, this research project combines the resources of CACR and Va'aomanū Pasifika, of Victoria University of Wellington, which include highly experienced and internationally renowned researchers, strong relationships with government and excellent links with community groups. They are supported by a range of government agencies and NGOs, including the Ministries of Social Development, Youth Development, Pacific Island Affairs, the Office of Ethnic Affairs, the New Zealand Chinese Association, the Federation of Islamic Councils of New Zealand and the New Zealand Federation of Ethnic Councils.

The project will begin by surveying Muslim youth as an extension of Professor Colleen Ward's research for the 13-nation "International Comparative Study of Ethno-cultural Youth" project. 1500 youth in New Zealand have already been surveyed for their ethnic and national identity, family values, acculturation preferences and other factors. Findings to date indicate that despite experiencing greater discrimination, Chinese and Pacific migrant youth adapt as well or better than their national peers, but it is uncertain if this holds true for Muslims. The second component includes case studies, interviews, focus groups and archival methods, adopting an action-oriented approach to examine strategies and interventions to enhance youth participation and success for Chinese, Pacific and Muslim youth. Contact: Colleen Ward.

Testing a Culture-Sensitive Model of Intergroup Forgiveness

Newly funded by the BRCSS network in 2008, the major goal of this research project is to test a culture-sensitive model of intergroup forgiveness in multiple intergroup contexts. The project will build on the knowledge that was gained in the research study "Bicultural and Cross-Cultural Studies of Intergroup Forgiveness and Justice", as well as recent developments in the literature. The research project will address indigenous knowledge and cross-cultural comparisons which have been neglected in the international literature on intergroup forgiveness. The intergroup contexts consist of two post-conflict comparisons: (1) German-Russian/French/Polish post-war relations, and (2) Japanese-Chinese/Taiwanese/Filipino post-war relations. This is augmented by the post-colonial context of Māori-Pākehā relations. The framework will provide insights and a better understanding of the influence of the current life cycle of a conflict on the propensity to forgive. Contact: James Liu.

Integration and Adaptation of Muslim New Settlers

This research examines the factors that can negatively impact on the immigration process (e.g. discrimination, social exclusion and family conflict) and can result in poor mental health outcomes. With support from BRCSS, these issues are examined across three studies with Muslim immigrants in New Zealand.

The first study explores identity issues in young Muslim women. Based on an ecological framework, the research uses interviews and focus groups to examine the influence of socio-cultural context on identity negotiation and the strategies that young women use in managing divergent expectations from peers, family and community. The second study uses a survey approach to examine the influence of Islamic identity, perceived discrimination and religious visibility (wearing hijab) on mental health outcomes in Muslim women. The final study extends Colleen Ward's work on cultural identity and adaptation, collecting additional survey data so that comparisons can be made between Muslim and non-Muslim immigrants on factors relating to both the process and outcomes of acculturation. Contact: Colleen Ward.

Parent-Adolescent Family Dynamics in the Acculturation Process

The Centre for Applied Cross-cultural Research in partnership with the New Zealand Federation of Ethnic Councils completed their study funded by a Blue Skies Grant from the Families Commission in 2008. The research was a qualitative investigation of the family dynamics that occur in immigrant families in New Zealand. Interviews were conducted with a parent and an adolescent in order to understand more fully the perspectives of both adolescents and parents with regard to how the family unit is negotiating the acculturation process. Identified themes fell into two categories: (1) normal developmental processes (e.g. negotiating autonomous decision making), and (2) acculturation processes (e.g. desire to retain cultural practices from one's home culture). Areas of conflict as well as agreement were identified, and although some topics were found to spark intra-familial conflict, areas of strength and resilience were also identified. The final report will be published by the Families Commission in 2009. Contacts: Jaimee Stuart, Paul Jose, Colleen Ward.

When do I Become a Kiwi?

This study was completed in 2008. The project was conducted in collaboration with the New Zealand Federation of Ethnic Councils (NZFEC), whose goal was to produce a practical guide for migrants to New Zealand. The study investigated migrants' experiences adapting to New

Zealand and maintaining their ethnic identities. The overall research question was “When do I become a Kiwi?” and was formulated by NZFEC. Through in-depth interviews with leading members and youth in ethnic communities in Wellington, the aim was to identify key markers and key processes involved in becoming a Kiwi and also challenges faced in trying to retain a sense of ethnic identity while doing so. It was found that most participants employed an integrative approach to acculturation, which resulted in simultaneously trying to fit into New Zealand society and maintaining their ethnic involvement. The results have informed the creation of a pamphlet for NZFEC to provide to new migrants. Contact: James Liu.

SCHOOL OF LINGUISTICS AND APPLIED LANGUAGE STUDIES, VICTORIA UNIVERSITY OF WELLINGTON

Language in the Workplace (LWP)

In an ongoing project entitled “Language of Leadership in Māori and Pākehā Organisations”, the LWP team is seeking to identify distinctive ways in which Māori and Pākehā leaders talk to colleagues to achieve workplace objectives (including use of te reo Māori), while maintaining good collegial relationships. LWP is supported by the Marsden Fund. Contacts: Prof Janet Holmes, project director, and Dr Meredith Marra, research officer; further information at the Language in the Workplace website: www.victoria.ac.nz/lals/lwp.

Workplace Communication for Skilled Migrants

This programme continued in 2008. Findings and analysis from the Language in the Workplace project are being put to use in a workplace communication programme for skilled migrants at Victoria University. The programme (which is fully funded by government) aims to help migrants develop appropriate communication skills in professional workplaces, to improve cultural understanding of New Zealand workplaces and to gain New Zealand workplace experience. It draws on the LWP data in activities designed to develop pragmatic awareness and pragmatic competence in a New Zealand workplace setting. Topics covered are small talk, requesting, refusing, disagreeing, making

complaints and making suggestions. Contact: Angela Joe, English proficiency programme director.

VA’AOMANŪ PASIFIKA, VICTORIA UNIVERSITY OF WELLINGTON

Growing Pacific Researchers Fono

Working with other members of the Pacific Team (representing Otago, Canterbury, Lincoln, Massey, Waikato, AUT and Auckland), Va’aomanū Pasifika coordinated the national Growing Pacific Researchers Fono. The fono was hosted by the Centre for Pacific Studies at the University of Auckland in April and was funded by BRCSS.

Pacific Postgraduate Talanoa Network Series

Va’aomanū Pasifika continues to organise the highly successful Pacific Postgraduate Talanoa Network Series in partnership with BRCSS. This series uses the Access grid for interactive videoconferencing and collaboration sessions. Thirteen sessions were presented by postgraduates in 2008 and attended by more than 400 students, colleagues, academic staff, community and policy makers. Contact: Peggy Fairbairn-Dunlop.

POPULATION STUDIES CENTRE, UNIVERSITY OF WAIKATO

In 2008, the Populations Studies Centre (PSC; formerly the Migration Research Group) students and associates published a multitude of research papers and made more than 50 presentations, many of which were invited plenary or keynote addresses or public lectures. One of the main roles of PSC, as New Zealand’s only university-based research centre specialising in research on population dynamics, structures and processes, is to disseminate information on contemporary developments in populations in Australasia, Asia and the Pacific Islands. PSC continued work on the project Strangers in Town: Enhancing Family and Community in a more Diverse New Zealand and contributed to several other FRST-funded projects. For more information on projects and publications, visit the Population Studies Centre website: www.waikato.ac.nz/wfass/populationstudiescentre/.

WAIKATO MANAGEMENT SCHOOL, UNIVERSITY OF WAIKATO

Pacific Island-New Zealand Migration Survey (PINZMS)

This project continued in 2008. The PINZMS is a comprehensive cross-country household survey designed to measure multiple aspects of the migration process. The project enables comparisons of immigrants who enter New Zealand through a random ballot with unsuccessful participants in the same ballots who remain in their home countries. The overall objective of the research is to increase our understanding of the possible benefits and challenges that migration provides in New Zealand, the Pacific Islands and more widely.

NEW SETTLERS PROGRAMME AND INTEGRATION OF IMMIGRANTS PROGRAMME, MASSEY UNIVERSITY AND WAIKATO UNIVERSITY

New Settlers Programme

The New Settlers research programme (1998-2006) was funded by FRST and the Public Good Science Fund (PGSF). Although the programme has come to an end, research on immigrant settlement is being continued by the Integration of Immigrants Programme (IIP), led by researchers from Massey and Waikato Universities. New Settlers publications can still be downloaded from the following website: <http://newsettlers.massey.ac.nz/index.php>.

Integration of Immigrants Programme

The Integration of Immigrants Programme (2007-2012), which is funded by FRST, has two major objectives. Objective 1, led by population economist Professor Jacques Poot (University of Waikato), draws on data from the 1996, 2001 and 2006 Censuses of Population and Dwellings (the census) and the Longitudinal Immigrants Survey: New Zealand (LisNZ) to develop an econometric model of the integration of immigrant cohorts that takes account of both the demand and supply factors that determine labour market outcomes. Objective 2, led by sociologist Professor Paul Spoonley (Massey University), makes extensive use of the census and LisNZ data, as well as new information from specialist surveys and case studies, to provide policy-relevant evidence of pathways to economic incorporation for immigrants in both the formal economy (in ethnic

businesses and as employees) as well as in a variety of informal ethnic-related settings.

The first year of Objective 1 has been primarily devoted to a review of earlier New Zealand and international literature, using a meta-analytic approach. Some preliminary analysis with 1996, 2001 and 2006 census unit record data in a data lab environment has been carried out. Ways in which econometric modelling can be used to address some hitherto unexplored dimensions of economic integration have been identified. In Objective 2, work is currently under way on a survey of 200 migrant employers and employees from the People's Republic of China, Korea, India, South Africa and the United Kingdom. Results from this field work are expected during 2009. Case studies of several of Auckland's ethnic precincts are also under way. Journal articles, conference presentations and other publications are available on the IIP website: <http://newsettlers.massey.ac.nz/index.php>. Contact: Dr Carina Meares, research manager.

WHARIKI RESEARCH GROUP, MASSEY UNIVERSITY

Family Interconnections: Whānau Assets and Intergenerational Transmission in Te Rarawa

This research project was funded by a Families Commission Blue Skies grant in 2008. The research is interested in the practical, daily whānau-marae interconnections. It will ask how whānau-marae interconnections play a part in the transmission of knowledge and whānau assets. Contacts: Wendy Henwood, Jasmine Pirini, and Helen Moewaka Barnes, director.

CENTRE FOR ASIAN HEALTH RESEARCH AND EVALUATION (CAHRE), UNIVERSITY OF AUCKLAND

AIM: Asian Immigrant Families Research – Factors contributing to the successful transition of Asian immigrant families in New Zealand

With funding from a Families Commission Research Fund grant, the overall aim of this research is to explore factors which distinguish families with regard to "more successful"

and “less successful” transition following immigration to New Zealand. The research seeks to further understand the phenomena which families experience upon immigration to New Zealand and how these factors contribute to different transition outcomes. Contacts: Robyn Dixon and Amritha Sobrun-Maharaj.

Triple R Project

This project focuses on developing responsive services for refugee youth who experience mental illness. Information on the challenges faced by refugee youth will be collected through survey questionnaires of refugee youth service users and in-depth interviews with refugee youth and health providers. The results of this research will be used to develop a culturally appropriate service model for working with refugee youth. This research is funded by the National Centre of Mental Health Research, Information and Workforce Development, Te Pou.

CENTRE OF PACIFIC STUDIES, UNIVERSITY OF AUCKLAND

Changing Pacific Household Composition and Well-being, 1981-2006

Funded by a Families Commission Pacific Families Now and in the Future grant, in collaboration with the Social Statistics Research Group, this is a predominantly quantitative study of all Pacific families in New Zealand 1981-2006 (using census data). Its five aims are to: (1) describe changes in Pacific household composition over a 25-year period using census data for a range of different household structures and characteristics; (2) assess changes in the levels of well-being of Pacific households over the period 1981 to 2006; (3) assess state of knowledge through comprehensive literature review of Pacific families and households and their well-being; (4) provide an evidence base to inform future policies for strengthening Pacific families; and (5) provide a baseline against which future policies for strengthening Pacific families can be assessed. The research project also includes a small qualitative component by way of household interviews. Contact: Dr Tamasailau Suaalii-Sauni.

UNIVERSITY OF AUCKLAND

Growing Up In New Zealand

This is a new longitudinal study of New Zealand-born children, funded by the Ministry of Social Development and other departments. It is a research project to gather information about a group of 7800 children from before their births until they are adults, whose mothers live in the Auckland, Counties-Manukau and Waikato district health board areas. Growing Up has completed its first recruitment phase of 200 pregnant women who were expecting their babies in late 2008. In order to gather as many voices as possible from the New Zealand families, the research team is looking to include babies born to (1) Māori, European, Pacific, Asian, and Indian women, and women from other cultures, (2) women born in New Zealand, (3) women who have moved to New Zealand from other countries, (4) women living on farms, in small towns and in cities, (5) single women and women in relationships, (6) first-time mothers, and women having their second or another child, (7) women having twins or triplets, (8) same-sex couples, (9) women who have become pregnant through assisted reproductive technologies, and (10) working mothers and women at home. Contact: Dr Susan Morton, director. For more information, please visit the Growing Up website: www.growingup.co.nz/.

CENTRE FOR ASIAN AND MIGRANT HEALTH RESEARCH, AUCKLAND UNIVERSITY OF TECHNOLOGY

In 2008, the CAMHR released the book *Researching With Communities*, by A Williamson and R DeSouza, and published by Muddy Creek Press. CAMHR has also been committed to forging new connections between academic, cultural and community groups, and to that end has been involved in a number of productive and collaborative projects.

Migrant Fathers: Migrant fathers' experiences of fathering in a new country: Implications for health and social service providers

This research project investigates the support needs of new migrant/refugee fathers. Through focus group discussions with new migrant fathers, the project aims to

target specific qualitative information to learn of the experience, needs and difficulties of migrant/refugee fathers in NZ. The research aims to (1) investigate the experiences of new migrant fathers who are managing the dual transitions of fatherhood and migration, and (2) ascertain the implications for developing father-friendly services that enhance the well-being of the entire family. The project is in a data collection phase and focus groups have been completed with Indian and Chinese fathers in collaboration with the Chinese New Settlers Support Service and the Central Indian Association of New Zealand.

Te Pou

The CAMHR has been a member of an expert reference group to develop an Asian mental health and addiction research agenda and a refugee and migrant mental health and addiction research agenda. This agenda aims to support the development of an evidence base around what works and what does not work for Asian mental health promotion, service access and service delivery. The research agendas have identified priorities which: (1) could inform providers on service responsiveness to Asian, migrant and/or refugee populations; (2) could influence policy and funding decision-making to improve service responsiveness to these populations; and (3) have not been answered by previous research. The CAMHR has been contracted by Te Pou to peer review both agendas.

Refugee Women at Risk: Research into the Resettlement Experience and Special Needs of Women at Risk: an evaluation to create best practice support systems

The CAMHR has partnered with Refugee & Migrant Services, who are responsible in New Zealand for the resettlement of refugees, in a project to highlight the settlement experiences and special needs of Women at Risk (part of the refugee quota). The aim of the project is to create best practice support systems, using a dual approach of focus groups and targeted interviews. More than 80 per cent of the world's refugees are women and their dependent children. Frequently violence against women occurs during armed conflict. Women can experience rape and other forms of sexual torture, in addition to involuntary relocation, forced labour, torture, executions, deportation, the denial of representation, health care,

education, employment, and access to legal redress.

There has never been any evaluation in New Zealand of the experiences and support provided for this category of refugees. Little is available internationally in identifying the best standards of support. The key questions that this research will seek to address are: (1) what is the experience of women at risk in New Zealand; (2) what are the enablers and barriers to successful resettlement with regard to the roles of communities, refugee services and generic services in the receiving community; (3) what are the facilitators of social connections in New Zealand; (4) what will facilitate community buy-in (both ethnic and the general community) for the support of women; (5) how does the category of Women at Risk identified offshore remain valid as a model of support in NZ? Contact: Ruth DeSouza.

AUCKLAND UNIVERSITY OF TECHNOLOGY AND CATALYST SOLUTIONS

Voicing Issues of Leadership, Family and the Future for Young Pasifika in the Suburbs

This study is funded by a Families Commission Pacific Families Now and in the Future grant. This is a qualitative project that aims to identify whether there exists a relationship between "family and home" and "the gang and the street" for Pasifika youth who find themselves alienated from mainstream society and are resident in the suburbs of Mangere and Otara. The study will include: (1) a comparative analysis of the perceptions of Pacific youth who are involved in gangs, and those not involved with gangs, as well as a consideration of the perceptions of Pasifika ex-gang members; and (2) a brief annotated literature review of what is already known about Pasifika youth and gangs in relation to Pacific families. Contact: Dr Camille Nakhid, Auckland University of Technology.

UNIVERSITY OF OTAGO

Tokelau Children and Teenagers' Perspectives of Living in an Extended Family

This research is funded by a Families Commission Now and in the Future grant. This is a qualitative study with two components: (1) focus groups of Tokelau teenagers, most of whom are New Zealand-born, and (2) in-depth interviews with children before and after they shift into a purpose-

built extended family home. The aims of the study are (1) to understand how Tokelau youth feel about living in extended family households, and (2) to describe their experiences of extended-family living and their understanding of what impact this has on their health and well-being. Contacts: Gina Pene and Professor Philippa Howden-Chapman.

Government Agencies

DEPARTMENT OF LABOUR

The International Migration, Settlement, and Employment Dynamics (IMSED) Research Team

IMSED Research undertakes a variety of programmes that contribute to an understanding of diversity in a New Zealand and international context. Key research programmes include:

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

For further information on the IMSED Research programme and links to research publications, visit the IMSED website www.immigration.govt.nz/research/. Contact: Lachlan McKenzie.

FAMILIES COMMISSION

New Kiwis, Diverse Families – Migrant and former refugee families talk about their early childhood care and education needs

This qualitative study by the Families Commission explores migrant and refugee families' preferences and priorities for early childhood care and education (ECE). Focus group participants provided perspectives on their ECE arrangements, the impacts of these arrangements on family members, their ideal ECE arrangements and reasons why these arrangements might not be ideal. The report can be found on the Families Commission website: www.nzfamilies.org.nz/publications/research.php.

MINISTRY OF HEALTH

Pacific Cultural Competencies

This report, published in 2008 for the Pacific Health and Disability Workforce Development Plan, provides an overview of the literature on Pacific cultural competence in health care and focuses on the following key areas:

- relevant definitions of Pacific cultural competence, cultural competence and other related concepts
- studies that provide a rationale for, and outline the benefits of, different Pacific cultural competence approaches
- studies relating to individual and organisational cultural competence
- competence measures and mechanisms for achievement
- the role of Pacific cultural competence in service quality
- analysis and recommendations from the literature review on actions to take in the New Zealand setting to address Pacific cultural competence issues for the health and disability sector.

The report can be found on the Ministry of Health website: www.moh.govt.nz.

Pacific Peoples and Mental Health

This paper brings together the available information and evidence about Pacific peoples' mental health. It provides background about Pacific perspectives on mental health before profiling the prevalence of disorders and patterns of use of services. The issues facing migrants and children and young people are then discussed, followed by a discussion of suicidal behaviours and addictions. The resources available for Pacific peoples' mental health are described. Finally, conclusions and recommendations are presented. The report can be found on the Ministry of Health website: www.moh.govt.nz.

This paper is part of a series prepared for the review of the Pacific Health and Disability Action Plan. Other papers cover: Pacific child health; Pacific youth health; promoting healthy lifestyles and preventing chronic

diseases among Pacific peoples; Pacific peoples and health services; improving the quality of care for Pacific peoples; and Pacific peoples' experience of disability.

Racism and Health Project from the New Zealand Health Survey

Research has recognised, within New Zealand and internationally, that racism is an important determinant to health and a fundamental driver of ethnic inequalities. In New Zealand, evidence of negative attitudes or unfair treatment towards indigenous and ethnic minority groups has been documented in criminal justice, education, housing and health care. More directly, analysis of the 2002-03 New Zealand Health Survey examined the prevalence of people's personal experience of racism and the link to poor health. This showed Māori reported the highest prevalence of experiencing racial discrimination and were also more likely to report experiencing multiple types of discrimination than other ethnic groups. Experience of racism was strongly linked to poorer health outcomes for all ethnic groups, and combined with socio-economic inequalities appeared to account for much of the health inequality between Māori and Pākehā New Zealanders.

The research and analysis into the impact of racism on health and inequalities was first done using data from the 2002-03 New Zealand Health Survey (the first time such questions were included). The current research into racism and health has extended this analysis to include the 2006-07 Health Survey data. The joint project between Te Rōpū Rangahau Hauora a Eru Pōmare (the Eru Pōmare Māori Health Research Centre), Health and Disability Intelligence (HDI) and Te Kete Hauora (Māori Health Directorate, Ministry of Health) will make comparisons with the previous 2002-03 health survey to examine any changes over time. The study will estimate variation in the prevalence of racial discrimination by ethnicity, the association between experience of racism and a range of health indicators, and the impact of racism on ethnic inequalities in health. In addition, the improved survey design and some additional questions included in the 2006-2007 survey will allow investigation of the association between experience of racial discrimination and

additional health outcomes, as well as improved estimates by ethnicity. In particular, the much more detailed health service module will permit investigation of the relationship between experience of racial discrimination and various health service measures, such as unmet need and screening participation.

Rauringa Raupa: Recruitment and Retention of Māori in the Health and Disability Workforce

This research examines barriers to, and factors that facilitate, recruitment and retention of Māori in the health workforce. The report outlines a Māori health workforce development pathway, the determinants of Māori health workforce development, with a description of national initiatives to retain and recruit Māori in to the health workforce as well as international initiatives for minority groups. This publication can be found on the Ministry of Health website: www.moh.govt.nz.

Health Equity Assessment Tool: A User's Guide

In July 2008, the Health Equity Assessment Tool: A User's Guide, written by the University of Otago, was released. The guide gives a brief overview of inequalities in health, introduces the Health Equity Assessment Tool (HEAT) and its use, presents an in-depth look at each of the HEAT questions, and provides case examples of the tool's use.

Since its introduction in 2002, the HEAT has helped the health and disability sector to tackle inequalities in health. It is anticipated that this recent publication will promote better use of the HEAT, and assist those working in the health and disability sector to apply a stronger equity focus to their work. This guide can be found on the Ministry of Health website: www.moh.govt.nz.

MINISTRY OF SOCIAL DEVELOPMENT

Children and Young People: Indicators of Well-being in New Zealand 2008

This is the second Children and Young People: Indicators of Well-being in New Zealand report produced by the Ministry of Social Development. Government policy, as well as individuals, families, communities, businesses and

international factors influence the outcomes for children and young people reported on.

The 2008 report presents:

- indicators of the social well-being of children and young people
- how this has changed over time
- how different groups of the population are faring.

The report uses a set of statistical indicators to assess trends across 10 outcome domains or areas of children and young people's lives. These domains include health, care and support, education, economic security, safety, civil and political rights, justice, cultural identity, social connectedness, and environment. The report is available at www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/children-young-indicators-wellbeing/index.html.

The Ministry of Youth Development has used the information contained in this report to prepare their United Nations Convention on the Rights of the Child (UNCROC) report: www.myd.govt.nz/Rights/uncrocinnew-zealand.aspx.

Diverse Communities – Exploring the Migrant and Refugee Experience in New Zealand

This report brings together existing data and research findings on migrant and refugee settlement outcomes in New Zealand and highlights areas where those outcomes have potential impact on social cohesion. This is the first time in New Zealand that information of this kind has been brought together in one place. It is intended to help researchers and officials with planning for future areas of study. It will also be useful for policy makers. The report contains the most up-to-date data available, including data from the 2006 Census. The report was released in July 2008.

Connecting Diverse Communities – Report on 2007/08 public engagement

This report summarises the Connecting Diverse Communities public engagement process, which was a

series of meetings held throughout New Zealand in 2007 to (1) engage with representatives of diverse communities in NZ, and (2) seek the representatives' opinions on what more could be done to strengthen relations between diverse communities. The meetings were organised by the Ministry of Social Development (MSD) and the Office of Ethnic Affairs (OEA) and were held in Auckland, Hamilton, Tauranga, Napier, Palmerston North, New Plymouth, Wellington, Nelson, Christchurch and Dunedin. More than 500 people attended the meetings. Overall, participants argued for further integration of the interests of all the diverse communities in New Zealand without eroding each community's sense of identity.

Settling In

A research report that evaluates the Family and Community Services' Settling In programme has recently been completed by the Ministry of Social Development's Centre for Social Research and Evaluation. Settling In is a community development programme that works directly with refugee and migrant communities to develop and deliver the social services they want and helps them find solutions to their own needs. The programme operates in Auckland, Hamilton, Hawkes Bay, Wellington, Nelson/Tasman, Marlborough and Christchurch. This is the first evaluation of the programme since its inception in 2003.

Factors which contributed to the success of the programme included the commitment of the Settling In coordinators, their skills at networking and building social connectivity, and the holistic approach the programme takes – looking at the wider family and community issues rather than one issue at a time.

Three case studies were profiled in the report to demonstrate the key success factors. These were the needs assessment process developed by Settling In in Nelson, the Muslim women's swimming pool initiative in Auckland, and the 30 Lounges exhibition in Christchurch. The evaluation report will be made available on the MSD website. More information on Settling In can be accessed at www.familyservices.govt.nz.

Non-governmental organisations

ASIA NEW ZEALAND FOUNDATION (ASIA:NZ) RESEARCH

Asia:NZ conducted extensive research in 2008 on New Zealand's Asian populations. Three key reports from 2008 are: (1) Diverse Auckland: The Face of New Zealand in the 21st Century (Dr Wardlow Friesen); (2) Asians in New Zealand: Implications of a Changing Demography (Professor Richard Bedford and Dr Elsie Ho); and (3) Asians in Christchurch: The 'Most British' City Diversifies (Dr Wardlow Friesen). Asia:NZ also commissioned a series of reports looking at Asian aspects of Canterbury, Taranaki and the Bay of Plenty. All Asia:NZ research reports can be found on their website: www.asianz.org.nz/our-work/knowledge-research. Contact: Andrew Butcher, director, Policy and Research.

EQUAL EMPLOYMENT OPPORTUNITIES TRUST

EEO Trust published the following reports in 2008: Boomers & Beyond: Recruiters tell their stories; Older Workers: Employers speak out; Diversity & Equality: Evidence of positive business outcomes and how to achieve them; the EEO Trust Work-life Survey Report. All EEO Trust reports can be found on their website: www.eeotrust.org.nz. Contact: Dr Mervyl McPherson.

MOTU ECONOMIC AND PUBLIC POLICY RESEARCH

The Impact of Immigration on New Zealanders

Motu's immigration research is the first to examine the effect of immigration on New Zealanders using microeconomic techniques. In a series of working papers, Motu examined the effect of immigration on New Zealanders' geographic mobility, labour market outcomes and housing costs. In each of these papers, little evidence was found to indicate that immigration has negative implications at a local level. Immigrants do not encourage established residents to move elsewhere, do not reduce wages for the employed and do not increase house prices. The house price research also revealed an interesting association: house price increases do appear to be associated

with New Zealanders returning from overseas. Contacts: David C Mare and Steven Stillman, in collaboration with the Department of Labour.

Tāpiritanga 2: Mana ki te Tangata – Te Ahu Whakamua

Appendix 2: Progress on the New Zealand Action Plan for Human Rights

Priority Actions in Race Relations

Programmes, Projects and Initiatives 2005-2008

1.1 Social and economic equality

1.1.1 Promote public understanding of the legitimacy of special measures to achieve equality under international and domestic law.

Following public discussion in 2005-06, two resources were published in 2007: Special Measures to Reduce Ethnic Disadvantage in New Zealand, by Paul Callister, and Guidelines on Measures to Ensure Equality, by the Human Rights Commission

1.1.2 Regularly review all special measures to achieve equality to ensure they are meeting their objectives.

Following the government's review of "race-based" programmes in 2004-05, the State Services Commission developed guidelines for future programmes, including periodic review. Each government agency is responsible for conducting its own reviews.

1.2 Rights of Indigenous peoples

1.2.1 Promote public understanding of the rights of indigenous peoples and extend community dialogue on human rights and the Treaty of Waitangi.

A community dialogue on human rights and the Treaty was conducted by the Human Rights Commission from 2003-06.

A three-year Treaty Information Programme was run by the State Services Commission from 2003-06. This touring exhibition, Treaty 2 U, continued throughout 2007 and 2008.

A Treaty information website developed by the State Services Commission was incorporated into the NZHistory website, operated by the Ministry for Culture and Heritage.

The Human Rights Commission published and distributed the United Nations Declaration on the Rights of Indigenous Peoples in 2008.

1.2..2 Contribute actively, with the participation of Māori, to the development of international human rights law relating to the rights of indigenous people.

The Declaration on the Rights of Indigenous Peoples was adopted by the UN General Assembly in 2007. The New Zealand Government voted against the final text, because of reservations about a number of articles.

1.3 Language

1.3.1 Progressively provide opportunities for all New Zealanders to develop knowledge of Tikanga Māori and the ability to communicate competently in both English and te reo Māori.

Community: There has been continued growth in participation in Māori Language Week, which promotes te reo as a language for all New Zealanders. Te Puni Kōkiri began developing a new Māori Language Strategy in 2008.

Education: The revised schools curriculum released in 2007 contains a specific section on Māori as an official language of New Zealand, and has a principle that all students should have the opportunity to acquire knowledge of te reo Māori me ona tikanga. The first Māori-medium curriculum Te Marautanga o Aotearoa was launched in 2008. The Te Reo Māori in the New Zealand Curriculum for teaching Māori in mainstream schools will be launched in early 2009.

Priority Actions in Race Relations

Programmes, Projects and Initiatives 2005-2008

1.3 Language (cont'd)

1.3.1

Media: Broadcasting media have adopted a greater use of te reo as a result of Māori Language Week participation. Two Māori Television channels are now broadcasting.

1.3.2 Include te reo and tikanga Māori in teacher education and professional development to ensure their effective use in teaching

The Graduating Teacher Standards issued by the NZ Teachers Council in 2007 require teachers to have “knowledge of tikanga and te reo Māori to work effectively within the bicultural contexts of Aotearoa New Zealand.”

The review of Satisfactory Teacher Dimensions has clear expectations for including both te reo Māori and tikanga Māori. Scholarships available for people fluent in te reo to retrain as a teacher increased from \$10,000 per year to \$30,000 per year in addition to course costs.

The Ministry of Education established a Māori Language Education Team which has overseen the development of a wide range of teaching and learning materials, covering all mediums, genres and curriculum areas.

1.3.3 Contribute actively, with the participation of Māori, to the development of international human rights law relating to the rights of indigenous people.

Curricula were completed for Sāmoan (1996), Cook Island Māori (2004), Tongan (2007) and Vagahau Niue (2007). The Sāmoan curriculum is under review and due to be published in 2009. The Tokelau Curriculum was completed in 2008. Multimedia teaching and learning resources have been developed for Cook Islands Māori. The Tongan, Vagahau Niue and Tokelau language resources are under development.

1.3.4 Develop a languages policy that encourages the learning of a range of languages and supports community efforts to teach their heritage languages.

A national language policy network was established by the Human Rights Commission in 2005, and language policy forums have been held annually at the NZ Diversity forum.

A Statement on Language Policy was published by the Human Rights Commission in 2008.

The revised curriculum for schools includes Learning Languages as one of the eight core learning areas.

The Ministry of Education has developed a draft Strategy for Languages in Schooling.

The Ministry of Pacific Island Affairs and the Ministry for Culture and Heritage started work on a Pacific Languages Strategy in 2008.

Priority Actions in Race Relations

1.3 Language (cont'd)

1.3.5 Ensure that all new migrants and refugees have access to appropriate English language tuition.

1.3.6 Extend the availability of the Language Line interpreter service to all public agencies.

1.4 Migrants, asylum seekers and refugees

1.4.1 Repeal Section 149D of the Immigration Act 1987, which excludes the act from the jurisdiction of the Human Rights Commission.

1.4.2 Work towards ratification of ILO Convention 143 on Migrant Workers (Supplementary Provisions).

1.4.3 Work towards the ratification of the UN Convention on the Rights of All Migrant Workers and their Families.

1.4.4 Further develop and resource the New Zealand Settlement Strategy for migrants and refugees.

1.4.5 Develop migrant and refugee settlement plans for each local authority area.

1.4.6 Increase resources for non-governmental and community groups to support settlement of newcomers to New Zealand.

Programmes, Projects and Initiatives 2005-2008

One of the intermediate goals of the New Zealand Settlement Strategy is about access to appropriate language support. Eligibility to access support is dependent on immigration status. Work is under way to ensure that available resources are targeted appropriately.

The government has provided additional funding for Language Line, and by March 2008 there were 46 participating agencies and 39 available languages. Use continues to grow: in 2006-07, more than 27,000 calls were received.

Following a review of the Immigration Act, the government considered the role of the Human Rights Commission and decided in December 2006 to retain the status quo.

The government has no plans to ratify.

The government has no plans to ratify.

The New Zealand Settlement Strategy was revised in 2006 and a Settlement National Action Plan (SNAP) was launched in 2007. Planning for the next phase of SNAP is under way.

Settlement support coordinators have been established in 19 regions by Settlement Support New Zealand and a number of councils are working on regional settlement strategies. The Auckland Regional Settlement Strategy was launched in 2007 and the Wellington Regional Settlement Strategy was launched in 2008.

Settlement funding has been provided for Refugee Services Aotearoa New Zealand, Relationship Services, Auckland Regional Migrant Services Trust, Auckland and Christchurch Chambers of Commerce, Citizens Advice Bureaux and other NGOs.

Priority Actions in Race Relations

Programmes, Projects and Initiatives 2005-2008

1.5 Cultural diversity

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|-------|--|--|
| 1.5.1 | Strengthen the networks of people and organisations that contribute to harmonious race relations and cultural diversity. | Initiatives include the Diversity Action Programme networks, Office of Ethnic Affairs networks, and the Aotearoa Ethnic Network. |
| 1.5.2 | Establish a cultural diversity website and portal that provides access to information on New Zealand's diverse communities, and facilitate communities to develop their own websites and information resources. | The Ministry for Culture and Heritage has developed a major resource on Māori and migrant communities in Te Ara, the online New Zealand encyclopaedia, and launched the cultural portal NZLive.com in 2006. |
| 1.5.3 | Establish a diversity centre that is able to lead research, inform debate, and connect researchers in different institutions and organisations. | Victoria University Centre for Applied Cross-Cultural Studies has established a national network of diversity researchers and a postgraduate network, and led discussion on research priorities together with the Office of Ethnic Affairs as part of the annual New Zealand Diversity Forum. |
| 1.5.4 | Improve the reflection and promotion of cultural diversity in the media and communication industry through communication and journalism education and on-the-job training, and by increasing the diversity of the communications and journalism workforce. | A number of initiatives have been taken by the Journalists Training Organisation to increase awareness of diversity in the media, including web resources, surveys, revised qualification standards, forums and a new guide to Māori reporting. A new intern scheme has been established by Fairfax Newspapers Ltd, and a media programme has been developed by Asia:NZ. |
| 1.5.5 | Provide increased central and local government support for the celebration of cultural diversity through the arts and through religious, cultural and national festivals and events. | There has been significant growth in public support for major cultural festivals and events, including Pasifika, Matariki, Chinese New Year, Diwali and Race Relations Day. Creative NZ developed a Cultural Diversity Strategy. |
| 1.5.6 | Support the participation of ethnic communities in historic, cultural and environmental conservation. | The Chinese Heritage Trust was established. |
| 1.5.7 | Foster community dialogue between people of different views, cultures and faiths. | The National Religious Diversity Network was established, and annual forums are held on religious diversity as part of the New Zealand Diversity Action Programme. The Human Rights Commission published the Statement on Religious Diversity in 2007 and the Statement on Race Relations in 2008. |

Priority Actions in Race Relations

Programmes, Projects and Initiatives 2005-2008

1.5 Cultural diversity (cont'd)

1.5.7

New Zealand has co-sponsored with Australia, Indonesia and the Philippines a process of interfaith dialogue in the Asia-Pacific region, including 16 South East Asian and Pacific nations. New Zealand also hosted a regional seminar on the implementation on the United Nations Alliance of Civilisations report in 2007. A national implementation plan was published in 2008.

The Ministry of Social Development and the Office of Ethnic Affairs led a government initiative on Connecting Diverse Communities.



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