



Te Puni Kōkiri
REALISING MĀORI POTENTIAL

Discussion paper on proposed changes to the Māori Community Development Act 1962



Foreword

Nei rā ngā mihi ki a koutou katoa e noho nei hei kanohi mō ō koutou mātua tīpuna

It is my pleasure to release this discussion paper on proposed changes to the Māori Community Development Act 1962.

Fifty one years have gone by since the New Zealand Parliament passed the groundbreaking Māori Community Development Act, establishing the New Zealand Māori Council, Māori Wardens and Community Officers. The Act followed consultation with Māori and represented a significant change in relations between the Crown and Māori. Establishing the New Zealand Māori Council and its supporting tiers of Māori Associations, recognised the value of a permanent body tasked with facilitating consultation between the Crown and Māori, and promoting Māori well-being.

The Act's recognition of Māori Wardens and provision for the governance and administration of Māori Wardens has contributed directly to the success of Wardens in their communities.

However, it is now timely to consider how the Act should be updated to ensure its continued relevance to the needs of Māori communities today.

The consultation follows on from the Māori Affairs Committee's 2010 Inquiry into the operation of the Act. In its Inquiry, the Committee heard from a range of submitters, and identified a number of proposed changes to the Act.

The Committee recommended that before any changes are made to the Act, a comprehensive consultation process be undertaken. Specific changes it recommended included the establishment of an independent organisation responsible for the governance and administration of Māori Wardens, re-evaluation of the role of the New Zealand Māori Council and repealing provisions in the Act for Community Officers noting that they have not existed since 1993.

The discussion paper identifies three areas the Government is seeking feedback on in relation to the Act, and provides options to stimulate discussion on each of these:

- options for the future of the New Zealand Māori Council;
- options to improve arrangements for Māori Wardens; and
- the provisions of the Act relating to Community Officers.

This is an opportunity to tell the Government what changes, if any, we as Māori want to see in respect of the New Zealand Māori Council, and in the arrangements supporting Māori Wardens.

It is time for Māori communities to have a say on the Act's future, the role of pan Māori organisations and Māori community development in general.

I look forward to receiving your feedback on these important issues.



Hon Dr Pita R Sharples
Minister of Māori Affairs

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Māori Community Development Act: Options for change



The Māori Community Development Act was passed in 1962, setting up three mechanisms for Māori community development:

- New Zealand Māori Council (and Associations);
- Māori Wardens; and
- Community Officers.

A 2010 inquiry by the Māori Affairs Committee focused on the underlying intent of the Act.



The Committee recommended consulting with Māori.

The Government wants to find out views on future arrangements for Māori Wardens and the future of the New Zealand Māori Council.

Background – why we are consulting

Since the Māori Community Development Act 1962 (the Act) was originally passed almost fifty years ago, Māori communities, Government policies and New Zealand culture have all undergone significant change and development.

The Act set up three main mechanisms relating to Māori community development:

- the New Zealand Māori Council supported by three levels of Māori Associations (Māori Committees, Māori Executive Committees, and District Māori Councils);
- Māori Wardens; and
- Community Officers.

In 2010 the Māori Affairs Committee completed an inquiry into the Act. The Committee's terms of reference focused on the underlying intent and objectives behind the Act, and to what extent they are clear, relevant and consistent with contemporary needs and priorities.

The Māori Affairs Committee received submissions from a wide range of individuals, groups and organisations, including the New Zealand Māori Council, Māori Wardens' groups and some iwi and hapū.

The Māori Affairs Committee made a range of recommendations, with the overarching recommendation that any legislative change be preceded by a comprehensive consultation process with Māori.

In its response, the Government agreed that the views of Māori were to be sought on future options for the New Zealand Māori Council and Māori Wardens before any legislative changes are made to the Act. Now, the Government wants to find out views on future arrangements for Māori Wardens and on the future of the New Zealand Māori Council.

About this document

This document outlines the key areas that the Government wants feedback on. The areas are:

1. options for the future of the New Zealand Māori Council;
2. options to improve arrangements for Māori Wardens; and
3. the provisions of the Act relating to Community Officers.

For each of these areas, the discussion paper sets out background information, key issues that need to be addressed, and seeks your views on options for the future. The proposed options set out in this discussion paper have been developed taking into account the broader issues raised during the Māori Affairs Committee's inquiry.

Each section of the paper has a list of questions that you may find useful to consider when thinking about your feedback. These questions and a list of options are summarised at the back of this document.

How to give feedback

The Government is seeking feedback from as wide a range of stakeholders as possible, including anyone involved with or affected by the Act. You are encouraged to make your views on the options within this document known. A series of hui is being held to obtain feedback, and you can also provide written feedback. Full details on giving feedback can be found on page 28.

We welcome feedback no later than 5.00pm Monday 30 September 2013, on as many or as few of the sections that you wish to comment on.



The Government wants feedback on:

1. the New Zealand Māori Council;
2. Māori Wardens; and
3. Community Officers.



Hui are being held to seek feedback from as many individuals and groups as possible.

Written feedback is also welcome.

Setting the scene

Māori community development



The Act does not define Māori Community Development.



New Zealand has changed significantly since the Act was passed.



Māori community development is about enhancing wellbeing by allowing Māori communities to make their own decisions while protecting and enhancing Māori cultural identity.



Issues raised in submissions to the Committee were:

- the importance of whānau, hapū and iwi and the connections between land and people;
- marae as the cornerstone of Māori identity; and
- the need for communities to lead the development and implementation of any initiatives.

Communities can be developed in many ways and the concept of community development is broad, however the Act focussed on three specific mechanisms (Māori Associations, Māori Wardens, and Community Officers) to contribute to development within Māori communities. The Act outlines specific purposes and responsibilities for these three things under the heading 'community development', but does not define community development.

The present context is significantly different to when the Act was passed in 1962. Submissions to the Māori Affairs Committee described changes including the extensive urbanisation of Māori, impacts from Treaty settlements, the increasing importance of hapū and iwi affiliation, and the growing strength of Māori culture.

Community development, viewed broadly, refers to change that enhances wellbeing across a range of dimensions – economic, social, cultural and environmental; affecting individuals, families and groups within communities. Two themes that emerged from submissions to the Māori Affairs Committee were:

- the importance of Māori communities making their own decisions; it is important that hapū and iwi are involved in managing the affairs of Māori; and
- the need to protect Māori cultural identity.

Issues related to Māori community development raised in the submissions included:

- reconnecting whānau with their turangawaewae and re-establishing connections between taura here and ahi kaa to draw on the strengths of all members of whānau, hapū and iwi;
- recognising the role of marae as a cornerstone of cultural identity; and
- the need for communities to identify their own needs and priorities and take an active role in the design and implementation of community development initiatives.

Origins of the New Zealand Māori Council

“The New Zealand Māori Council was formed in 1962. The Māori Council is built on the basis of the old Tribal Committees that exist in most parts of the country. On top of the Tribal Committees we have the Māori Executives, and then the District Councils, of which there are eight. Each of the District Councils sends three members to the New Zealand Māori Council. Those 24 members of the Māori Council provide a group of people, a group of elders who can tell of the problems of their own districts, and who can bring all of the wisdom of their own people to bear on the problems that exist throughout the country.”

John Booth, the first Secretary of the New Zealand Māori Council, speaking at a Māori Council meeting in Ngāruawāhia circa 1963.

The Māori Community Development Act sets out the formal functions of the New Zealand Māori Council, including the consideration of matters “relevant to the social and economic advancement of the Māori race” and promoting the “physical, economic, industrial, educational, social, moral, and spiritual wellbeing of Māori.” In the past, the New Zealand Māori Council has had considerable involvement in advising the government on legislation.

Origins of Māori Wardens

Māori Wardens are volunteers responsible for performing a number of functions relating to Māori community development. They have existed in some form since the Kingitanga movement of the late 19th Century.

The Māori Community Development Act sets out specific powers and responsibilities for Māori Wardens relating to the mitigation of excessive drinking and disorderly behaviour among Māori. However, Māori Wardens today perform more general community support roles, involving duties such as crowd and traffic control, first aid and security services, whānau advocacy, and assisting Police in street work.

Your views

When considering your feedback on the issues raised in this discussion paper, you might like to reflect on Māori community development and how specific options could relate to, or promote, Māori community development.



The Act sets out the formal functions of the New Zealand Māori Council.



Māori Wardens are community volunteers. Māori Wardens today perform many general community support roles.



When reading the rest of the paper, think about how the options could promote Māori community development.

OPTIONS FOR FEEDBACK

Section 1: Options for the future of the New Zealand Māori Council



Section 1: Options for the future of the New Zealand Māori Council



The Act outlines the following Māori Associations:

- New Zealand Māori Council (national);
- District Māori Councils (regional);
- Māori Executive Committees; and
- Māori Committees (community).

The Act gives the New Zealand Māori Council a wide range of roles and responsibilities.



The New Zealand Māori Council has achieved many successes in its history and their role representing the interests of all Māori is unique.

The Māori Affairs Committee concluded that the New Zealand Māori Council is now struggling to fill its responsibilities:

- its role is extensive and outdated;
- it has insufficient funding;
- its structure is inefficient; and
- many District Māori Councils no longer function.

Background

The Act outlines a number of organisations known as Māori Associations. At the national level sits the New Zealand Māori Council, supported by a number of other organisations. The purpose of the other organisations is to represent and provide input from regional and community levels:

- District Māori Councils (one in each of 15 identified districts);
- Māori Executive Committees (above the Māori Committees); and
- Māori Committees (at the community level).

The New Zealand Māori Council has statutory responsibility to facilitate the social, economic, spiritual and cultural advancement of Māori and to collaborate with government departments on matters including employment, education and training, housing and health. The Act also gives the New Zealand Māori Council responsibility to conserve and promote harmonious and friendly relations between Māori and other members of the community.

Summary of the issues

The New Zealand Māori Council has achieved many successes and achievements throughout its history and their role representing the interests of all Māori is unique. For example, the New Zealand Māori Council has been responsible for representing Māori views on various issues of importance, such as Crown commitments to the Treaty of Waitangi and Māori rights and interests in water and natural resources.

While recognising these achievements, the Māori Affairs Committee concluded that the New Zealand Māori Council is today struggling to fulfil its responsibilities. Areas of concern identified by the Māori Affairs Committee and submitters included:

- the New Zealand Māori Council's role;
 - the responsibilities given to the New Zealand Māori Council under the Act are extensive and outdated;
 - many of the functions in the Act are being carried out by other Māori including iwi and hapū;
- the New Zealand Māori Council has insufficient funding to run itself and its subsidiary bodies;

- the structure of the Māori Associations is cumbersome and inefficient requiring urgent reform;
 - there is unnecessary bureaucracy leading to communication breakdowns;
 - the New Zealand Māori Council is not close enough to local communities; and
 - a number of District Māori Councils no longer function or do not function as intended.

Options for the future

The Government wishes to consult Māori on the future of the New Zealand Māori Council. The consultation considers the future role and structure of the New Zealand Māori Council, as well as associated Māori Associations at the local and regional level (District Māori Councils, Māori Executive Committees and Māori Committees).

In addition to this, the consultation provides the chance to focus on the role of the New Zealand Māori Council in Māori community development, including an opportunity to make it an explicit responsibility of the New Zealand Māori Council.

Submissions to the Māori Affairs Committee raised a number of issues to be taken into account when considering the New Zealand Māori Council's role, including the need to:

- streamline its functions to create an entity with a specifically national focus to:
 - offer leadership on pan Māori social and economic issues relating to Māori community development;
 - be more relevant to current and future Māori needs and priorities;
- maintain a strong connection to Māori communities with clear accountability to Māoridom;
- maintain a good process reflecting kaupapa Māori – encompassing effective governance, flexibility, transparency/robustness in membership selection, clear funding accountability; and
- have an adequate resource to fulfil statutory functions.



The Government wants feedback on the role and structure of the New Zealand Māori Council.



The Māori Affairs Committee Inquiry identified submitters' concerns about the role of the New Zealand Māori Council, suggestions included: a clearer focus on leadership for pan Māori issues; connections and accountability to Māoridom; process reflecting kaupapa Māori; sufficient funding.



Options for the future ROLE of the New Zealand Māori Council:

1. A new refocused national Māori organisation – concentrating on social and economic issues that impact on community development for all Māori, mandated by the community and with robust accountability measures
2. No change – New Zealand Māori Council continues along with the existing statutory responsibilities

The role of the New Zealand Māori Council

The Māori Affairs Committee Inquiry highlighted the need to clarify and tighten the focus of the New Zealand Māori Council. Two options are presented: the first achieves a new refocused national organisation, the second involves no change.

1. A new refocused national Māori organisation – concentrates on social and economic issues that impact on community development for all Māori; membership, direction and priorities mandated by the community, with robust and transparent measures designed to ensure accountability to Māori; legislation will need to be amended to remove outdated statutory responsibilities; or
2. No change – New Zealand Māori Council continues along with the existing statutory responsibilities as outlined in the 1962 Act to:
 - consider and discuss matters relevant to the social and economic advancement of Māori;
 - promote, encourage and assist Māori to conserve, improve, advance and maintain their physical, economic, industrial, educational, social, moral, and spiritual well-being; and
 - collaborate with government departments on employment, education, training, housing and health.

Table 1: New Zealand Māori Council role – options, pros and cons

	A new refocused national Māori organisation	No change – New Zealand Māori Council continues
Pros	<ul style="list-style-type: none"> • Able to focus on social and economic issues affecting Māori community development • Mandated by the community with robust accountability measures • Outdated responsibilities removed (eg measures to promote harmonious and friendly relations between the Māori race and others, prevention of excessive drinking and other undesirable forms of conduct) • Gives voice to Māori who do not identify with iwi or hapū 	<ul style="list-style-type: none"> • No disruption to current ways of working • No need to change legislation • No need to communicate changes to wider Māori community • Gives voice to Māori who do not identify with iwi or hapū • Builds on past successes and skills of the New Zealand Māori Council
	A new refocused national Māori organisation	No change – New Zealand Māori Council continues
Cons	<ul style="list-style-type: none"> • Issues of accountability – it is difficult to identify a national Māori voice/opinion, or reach an agreed point of view across all Māoridom • Need to clarify the roles of different representative bodies, including the interface with iwi and hapū structures 	<ul style="list-style-type: none"> • Widespread agreement that current responsibilities are too outdated and too extensive • No explicit focus on community development • Issues of accountability – it is difficult to identify a national Māori voice/opinion, or reach an agreed point of view across all Māoridom • Often iwi, hapū, whānau and Māori prefer to represent themselves

The structure of the New Zealand Māori Council and the Māori Associations

The Māori Affairs Committee identified a range of issues relating to the structure and operation of the New Zealand Māori Council. If the New Zealand Māori Council continues as now or a new refocused national Māori organisation is established, then further options exist for the related Māori Associations. Submissions to the inquiry said that the Council needs to be strongly connected and accountable to Māori communities and able to operate efficiently and effectively. The following options are presented:

1. A streamlined national organisation – membership drawn from across Māoridom; clear mechanisms to ensure members are accountable for delivering to Māori communities; or
2. No change – current structure maintained: New Zealand Māori Council (national level), District Māori Councils, Māori Executive Committees and Māori Committees (regional and local).



Options for the future STRUCTURE of the Council:

1. A streamlined national organisation – membership drawn from across Māoridom
2. No change – current structure maintained

Table 2: New Zealand Māori Council structure – options, pros and cons

	Streamlined national organisation	No change – current structure maintained
Pros	<ul style="list-style-type: none"> • Smaller organisational structure requiring less administration • Many other Māori Associations under the Act are not currently operating as intended, no need to rebuild or re-impose a structure which a number of Māori communities have chosen not to participate in • Opportunity for improved connection/ accountability to Māori communities with all having the option to participate in one national organisation (at the moment, some areas are represented at both local and national level, others only at national level) 	<ul style="list-style-type: none"> • Structure is intended to reach right into Māori communities, giving a voice to all • Some Māori Associations are currently operating well, their skills, networks and processes could be used as a model for other areas • New Zealand Māori Council has achieved much for Māori in the past
	Streamlined national organisation	No change – current structure maintained
Cons	<ul style="list-style-type: none"> • The goodwill, skills, networks and knowledge in existing Māori Associations may potentially be lost if they are disestablished • Representation would be at national level only, some iwi, hapū and communities may feel marginalised • Ensuring representativeness for membership could be challenging, process and policy would need to be developed 	<ul style="list-style-type: none"> • Associations may need to be rebuilt or revitalised on a case-by-case basis • Administration and communication would need to be significantly improved to ensure the Associations are integrated and efficient and that communities were better connected to the Council



Work to rebuild the New Zealand Māori Council, its strategic direction and District Councils has commenced.

Māori Wardens seek change to become autonomous from the Council.



Which options do you support for the future role and structure of the New Zealand Māori Council?

Feedback is sought on wider issues relating to the Council:

- Is there a need for a national pan Māori advocacy and leadership body such as the New Zealand Māori Council?
- How can strong links with Māori communities and organisations be best maintained and developed?
- If the Council is streamlined or continues as now, does its structure need to be outlined in legislation?
- How can any future organisation ensure they are relevant to the needs and priorities of Māori?

Views of the Māori Council and Māori Wardens

The Māori Council's draft Strategic Plan for 2012-2015 supports the retention of the status quo. Its draft Strategic Plan outlines an intention to renew and rebuild the Māori Committees. It has also committed to assisting with the formation of all District Māori Councils.

Feedback on the proposed options was also obtained from the Wardens' Association in 2012. The feedback indicated that the Association had concerns with current governance, and supported a change to an autonomous association away from the control of the Māori Council.

Your views

Your feedback is sought on the future of the New Zealand Māori Council. Your feedback will inform future decisions about the existence, role, funding and structure of the New Zealand Māori Council.

With regards to the role of the New Zealand Māori Council, which option do you support?

1. A new refocused national Māori organisation; or
2. No change – New Zealand Māori Council continues.

With regards to the structure of the New Zealand Māori Council, which option do you support?

1. Streamlined national organisation; or
2. No change – current structure maintained.

If the Council is streamlined or continues as now, does its structure need to be outlined in legislation?

- Yes
- No

When giving your feedback, you might like to reflect on the following questions:

- Is there a need for a national pan Māori advocacy and leadership body such as the New Zealand Māori Council?
- How can strong links with Māori communities and organisations be best maintained and developed?
- How can any future organisation ensure that they are relevant to the needs and priorities of Māori?

OPTIONS FOR FEEDBACK

Section 2: Options for clarifying roles and improving governance and administration of Māori Wardens



Section 2: Options for clarifying roles and improving governance and administration of Māori Wardens



There are currently 883 warranted Māori Wardens, all based within their own communities.

Māori Wardens are volunteers. Under the Act District Māori Councils have the authority to nominate Wardens, control and supervise them.

The Act outlines a range of outdated functions and powers for Wardens.

Today's roles have evolved to reflect the needs of individual communities. Wardens provide practical support and liaison to their communities.



Submissions to the Māori Affairs Committee showed that Māori Wardens are highly regarded and that their role is centred on community development.

The roles contained in the Act are outdated, inappropriate and inconsistent with other legislation.

Background

Māori Wardens are widely respected volunteers working within communities to support and strengthen those communities. There are currently 883 warranted Māori Wardens active throughout New Zealand, as well as people undertaking similar voluntary roles. Māori Wardens are drawn from the communities they work in. They are nominated by District Māori Councils and appointed by the Minister of Māori Affairs for a three year period. Reappointments are made by the Chief Executive of Te Puni Kōkiri.

Māori Wardens have existed in some form since the late 19th century and are provided for under the Māori Community Development Act 1962. The Act gives District Māori Councils the exclusive power and authority, unless delegated to another Māori Association, to nominate Māori Wardens for appointment by the Minister of Māori Affairs. It also gives them the authority to control and supervise the activities of Māori Wardens carrying out duties within its district.

The Act also sets out functions and powers of Māori Wardens, including those concerning the control of liquor consumption, many of which are generally considered outdated. In practice, the role of Māori Wardens in communities has broadened considerably over the last 50 years as Māori Wardens have adapted to meet the changing needs of their communities. Māori Wardens carry out a diverse range of roles, differing from community to community. Today's roles typically include practical support for communities and marae to hold important events and activities and liaison between communities and government agencies.

Summary of the issues – roles and responsibilities

Submissions to the Māori Affairs Committee showed the high regard that Māori Wardens are held by the Māori community. In response to changes in the needs of the communities they serve, Māori Wardens have moved away from performing many of the functions set out under the Act to a role centred on community development and support for whānau.

The functions set out in the Act are considered obsolete and inconsistent with provisions applying to the general population under other relevant legislation such as the Sale of Liquor Act 1989 and the Summary Proceedings Act 1957. These sections primarily relate to 'riotous' behaviour and drunkenness by Māori.

Table 3: Summary of Māori Wardens' role as outlined in the Act

Under the Act, Māori Wardens have the powers to:
<ul style="list-style-type: none">• enter any licensed premises and warn the licensee to abstain from selling or providing liquor to any Māori who is intoxicated, violent, quarrelsome, or disorderly or likely to become so (Section 31);• enter any licensed premises and order any Māori who is or appears to be intoxicated, violent, quarrelsome or disorderly to leave the premises and if they fail to do so may request any constable to expel the person (Section 32);• without warrant, enter the meeting place where Māori are gathered to search for and seize liquor for removal and forfeiture, where the Warden suspects a breach of section 33 (Section 33(5));• forbid any Māori to drive a motor vehicle, require him to deliver up his keys or take steps to immobilise the vehicle, where the Warden is of the opinion that the Māori is incapable of exercising proper control of the vehicle by reason of physical or mental condition (Section 35 (1));• exercise the section 35 (1) power on any other person (i.e. not Māori) where in the vicinity of a gathering of Māori (Section 35 (2)); and• undertake any specified duties (consistent with the MCDA) conferred upon the Warden by the responsible District Māori Council (Sections 7 (5) and 16 (5)).

In reality, the activities carried out by Māori Wardens differ from those outlined in the Act, and are wide ranging. Submitters characterised the role of Māori Wardens as being to serve and support their local communities, according to the needs identified by those communities. Submissions expressed considerable support for what Māori Wardens do. In practice, their roles include:

- crowd and traffic control (primarily for marae);
- first aid services;
- security services;
- supporting whānau and providing liaison and mediation between whānau and schools, government agencies, Māori communities, marae, hapū and iwi;
- truancy prevention;
- tangihanga/hui duty; and
- support for te reo and tikanga Māori.

For example, in the wake of the February 2011 Christchurch earthquake Māori Wardens took an active role in providing immediate and long-term assistance to those affected by the earthquake.

Also in relation to the role of Māori Wardens, submissions talked of inconsistency in approach and a range of views on the appropriate relationship between Māori Wardens and the New Zealand Police. Currently individual marae negotiate this important relationship in different ways and there are conflicting views about how close the relationship should be.

- Benefits of a close relationship for Wardens include greater access to Police equipment, training and resources.
- A key draw-back of having a close relationship is that Māori Wardens can be seen as being too closely aligned with Police rather than with the Māori community.



The relationship between Māori Wardens and the Police varies across the country. A balance needs to be struck between the sharing of resources while maintaining independence from each other.



Options for the ROLES AND RESPONSIBILITIES of Māori Wardens:

1. Local community determination
2. Local community determination within an overarching national framework
3. National determination

Options for future roles and responsibilities

The Māori Affairs Committee recommended that the Act be changed to recognise the reality and diversity of the roles and responsibilities of Māori Wardens. This consultation also gives the opportunity to consider the role of Māori Wardens and how it relates to, and can contribute to, community development.

There are the following options:

1. Local communities determine the roles and responsibilities of Māori Wardens;
2. Local communities determine the roles and responsibilities of Māori Wardens within an over-arching national framework of common principles; or
3. The roles and responsibilities of Māori Wardens are decided nationally and are consistent across the country.

Legislation

We are also interested in your views on whether or not the roles and responsibilities of Māori Wardens need to be set out in legislation:

- Roles and responsibilities could be set out in legislation in the form of a prescriptive list or an overarching framework; having this in legislation would reduce the potential for flexibility over time; or
- Guidelines, lists and/or frameworks could be identified and supported through non-legislative means such as an Advisory Body; this would give greatest potential for flexibility and change over time.

Your views on roles and responsibilities

Your feedback is sought on the roles and responsibilities of Māori Wardens.

With regards to the roles and responsibilities of Māori Wardens, which option do you support?

1. Local community determination;
2. Local community determination within an overarching national framework; or
3. National determination.

Do you think the roles and responsibilities of Māori Wardens should be set out in legislation?

1. Yes, roles and responsibilities should be set out in legislation; or
2. No, roles and responsibilities no longer need to be set out in legislation.



Which option do you support for the roles and responsibilities of Māori Wardens?

Should their roles and responsibilities be set out in legislation?

Summary of issues – governance and administration

Following the inquiry, the Māori Affairs Committee concluded Māori Wardens have struggled with a lack of coherent governance, day-to-day administrative support and co-ordination. Based on previous submissions by Māori on the governance and administration of Māori Wardens, it is proposed that any changes to the organisational structure for Māori Wardens address the following issues:

- the highly regarded work of Māori Wardens needs to be valued and appropriately supported;
- the structure needs to be flexible to allow Māori communities to develop the role of Māori Wardens in ways that suit them;
- there needs to be effective management and accountability for Māori Wardens' funding; and
- Māori Wardens need consistent and equitable access to the training and resources necessary to meet the needs of their communities.

Specific issues raised by the Māori Affairs Committee concerned: governance; support from Māori Associations; and connection and accountability to Māori communities.

The issue of Māori Warden governance is closely related to the issue of who determines the roles and responsibilities of Māori Wardens. However, governance is more focussed on supporting and administering Māori Wardens, not just determining their roles and responsibilities.

Governance

Submissions to the Māori Affairs Committee identified the governance of Māori Wardens as a key issue, with too many organisations having some interest or role to play in the administration or support of Māori Wardens and no one organisation having the clear mandate and responsibility. As a consequence, problems have included difficulties and delays in warranting Māori Wardens, as well as varying access to training, equipment and uniforms across geographic regions.

Support from Māori Associations

Submissions to the Māori Affairs Committee expressed concerns about the ability of the New Zealand Māori Council and the District Māori Councils to support Māori Wardens in their work.

District Māori Councils differ in their levels of activity. Some meet frequently, but some no longer function at all and others meet irregularly. Given the exclusive authority of District Māori Councils to nominate Māori Wardens for appointment, the lack of regional activity in some areas has resulted in difficulties with the warranting process, as well as inconsistent support and access to resources for Māori Wardens in different parts of the country.

The respective roles of the New Zealand Māori Council and the Māori Wardens are also very different in nature. Addressing the resourcing and administrative capability of the Council may not, therefore, necessarily address the underlying difficulties faced by Māori Wardens.



The Māori Affairs Committee found that Māori Wardens need improved governance, administrative support, co-ordination and connection to Māori communities.

Changes need to take account of these key issues:

- Structure to be flexible;
- Wardens' work to be valued and supported;
- Funding to be effectively managed and accountable; and
- Access to training to be equitable and well resourced.

Connection and accountability to Māori communities

In practice, marae and other Māori communities take a lead role in nominating Māori Wardens and working with Māori Wardens to define their role and activities in the community. The ways in which communities use the services of Māori Wardens has also developed differently over time. However, the accountability of Māori Wardens is unclear, with the Act giving exclusive power and control for Māori Wardens in a given district to District Māori Councils.

Māori communities are likely to continue to use Māori Wardens in different ways, depending on the needs of their communities. An overarching framework setting out the relationship between Māori Wardens and their local communities that reflects today's realities may be needed.

Options for governance and administration

Greater clarity around organisational structure is needed to ensure equitable and consistent processes to:

- develop a shared understanding of the functions and accountability of Māori Wardens;
- maintain a close connection with, and accountability to, local Māori communities;
- represent the interests of Māori Wardens at the national level;
- appoint and re-appoint Māori Wardens;
- distribute funding and resources; and
- co-ordinate training.

Reflecting the required functions and principles outlined above, three options are proposed for the future governance and administration of Māori Wardens.



Option A – Current statutory model.

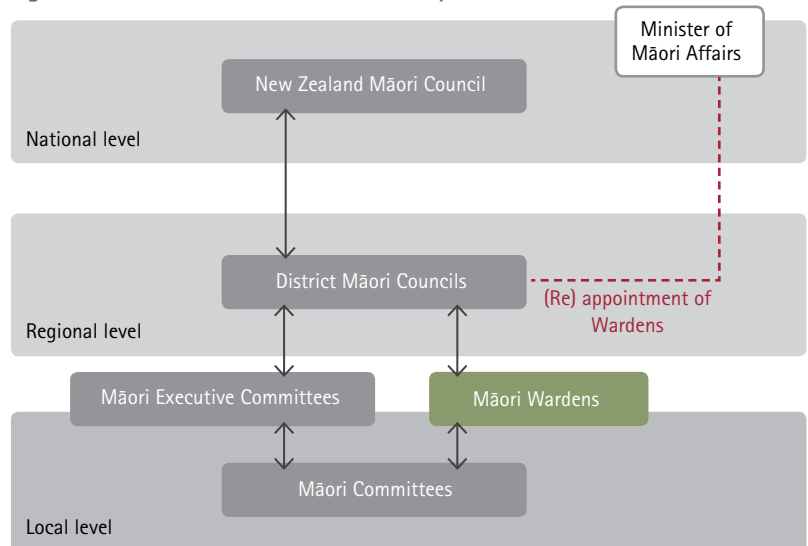
No change to the Act.

Key role for District Māori Councils.

Option A: Current statutory model

This option represents the Act as it is currently designed, with the District Māori Councils playing an important role.

Figure 1: Māori Wardens current statutory model



Key features

- The District Māori Councils would retain administrative responsibility for Māori Wardens as set out under the Act.
- District Māori Councils would play a key role: retaining the exclusive power and authority (unless delegated to another Māori Association) to control and supervise the activities of Māori Wardens performing duties within its district; and to nominate Māori Wardens.
- The capacity of District Māori Councils would need to be improved to ensure effective and consistent support and oversight of Māori Wardens in all regions; this would require significant commitment from Māori communities to the District Māori Council structures, as well as significant resourcing.
- Māori Wardens would continue to be appointed by the Minister of Māori Affairs and reappointed by the Chief Executive of Te Puni Kōkiri.



The capacity of District Māori Councils would need to be improved, significant commitment from Māori communities to the District Māori Council structures would be required, as well as significant resourcing.

Table 4: Māori Wardens current statutory model – pros and cons

Pros	Cons
<ul style="list-style-type: none"> • Continuity, legislative changes minimised • Regions play an important role, with their knowledge and connections used to identify and liaise with Māori Wardens • Close linkages between regional structures (District Māori Councils) and the New Zealand Māori Council, promoting positive information flow from communities to the national level 	<ul style="list-style-type: none"> • Many District Māori Councils are either not operating or not operating as intended, significant funding and community buy-in required to rebuild the structure • Maintaining the status quo is unlikely to resolve issues or meet the expectations of key stakeholders for improved outcomes





Option B – New independent body responsible for Māori Wardens.

Governance and administration centralised in a new, dedicated organisation.

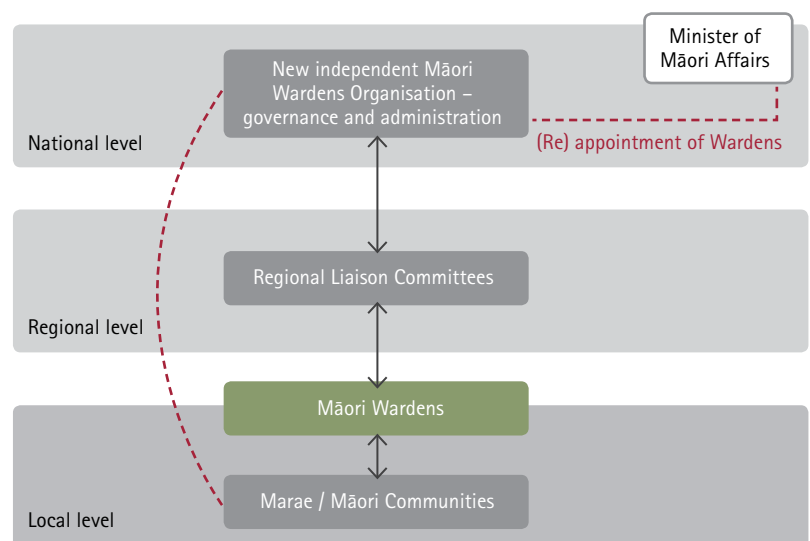
Careful consideration needed of how membership would be determined.

Option B: New independent body responsible for Māori Wardens

This option reflects feedback from some submissions to the Māori Affairs Committee. It centralises the governance and administration of Māori Wardens into a new, dedicated organisation solely focussed on Māori Wardens. The new independent Māori Wardens organisation would provide governance and administrative support with the help of Regional Liaison Committees.

This option would require careful consideration of how membership of the new independent body would be determined (representativeness would need to be achieved without incurring excessive cost).

Figure 2: New independent body responsible for Māori Wardens



Regional Liaison Committees would be created to form linkages between local communities and the new organisation.

Key features

- The new Independent Māori Wardens organisation would be responsible for governance and administration:
 - providing leadership and co-ordination for Māori Wardens, including the development and oversight of a national strategy
 - providing administrative support, co-ordinating training and the provision of equipment and uniforms for Māori Wardens
 - managing any public funding allocated to Māori Wardens and being accountable to government for this funding
 - acting as a voice for Māori Wardens at the national level, liaising with other key organisations including the New Zealand Māori Council, the New Zealand Police, and other government agencies.
- Linkages between local communities and the new independent organisation could be achieved through the creation of Regional Liaison Committees, responsible for:
 - liaising at a regional level
 - providing accountability for Māori Wardens to local communities.
- Māori Wardens would continue to be appointed by the Minister of Māori Affairs and reappointed by the Chief Executive of Te Puni Kōkiri.

Table 5: New independent body responsible for Māori Wardens – pros and cons

Pros	Cons
<ul style="list-style-type: none"> • Consistency in governance and administration across the country • Dedicated resource - opportunity to create clear standalone oversight body exclusively focussed on supporting Māori Wardens • Provide unified vision and shared understanding of the role of Māori Wardens in local communities throughout New Zealand • Create common national standards, criteria and processes to clarify the administrative and accountability arrangements • Independent of the New Zealand Māori Council and Government but designed to retain close links with both 	<ul style="list-style-type: none"> • National body will need to work closely with Regional Liaison Committees to ensure local needs are properly reflected – may be difficult to balance local needs with national consistency • Potential for regional variations in the effectiveness of services • Cost of administering a separate independent organisation likely to take away from the resources available for the front line • Extra layer of centralised bureaucracy created – effort and cost spent centrally rather than in communities

Option C: Community-centred leadership and accountability

Under this option, governance and administration are separated. Governance would be local, meaning Māori Wardens' roles would be locally managed and determined and accountability would be located in the region and the community. Regional liaison would be available to provide practical support to marae, Māori Wardens and communities.

Administration would be provided centrally by an administrative unit within a government agency to ensure equitable and consistent administrative support to Māori Wardens throughout New Zealand, regardless of their location (this would include appointment/reappointment, training and other support).

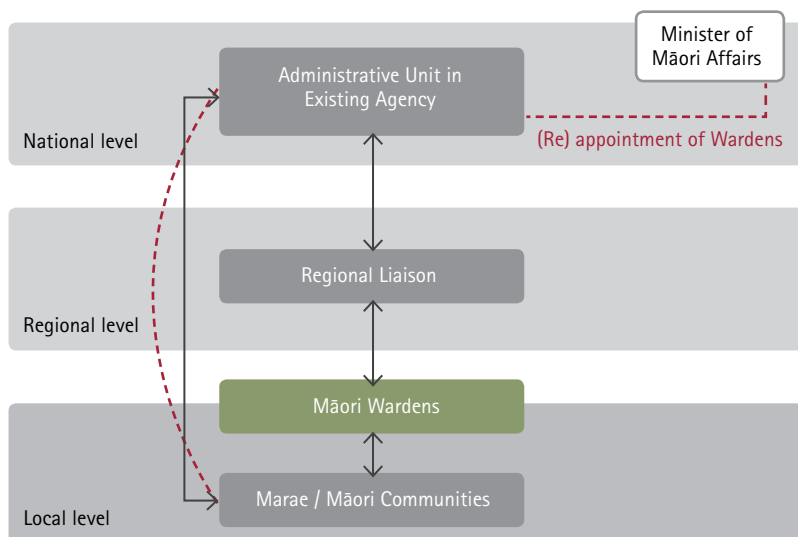


Option C – Community-centred leadership and accountability.

Governance and administration are separated.

Administration provided centrally to ensure equity and consistency, governance provided locally.

Figure 3: Māori Wardens community-centred leadership and accountability





Local communities/marae to provide leadership, direction and determine role.

Practical administrative support provided centrally, linked to communities through regionally located liaison.

Key features

- Local communities and/or marae would provide the leadership and direction for Māori Wardens in their communities.
- Local communities and/or marae and Māori Wardens would determine the range of services to be provided and work directly with partner agencies (e.g. Police and other government agencies) at the local level to decide the nature of the desired relationship and how much input they should have on Wardens' activities.
- Local marae would nominate Māori Wardens directly to the Minister of Māori Affairs. Māori Wardens would continue to be appointed by the Minister of Māori Affairs and reappointed by the Chief Executive of Te Puni Kōkiri.
- An existing government agency would be responsible for providing practical administrative support to local communities and Māori Wardens. The existing agency would need to fulfil the following criteria:
 - have regional reach and strong existing links with communities
 - robust financial and administrative systems
 - experience with accountability for public funding
 - ability to operate using kaupapa Māori.
- Administrative support functions to be provided by an existing agency would include:
 - managing and distributing public funding for Māori Wardens and being accountable to Government for this funding
 - establishing a network of regional co-ordinators to deal with day-to-day administrative matters arising for marae and Māori Wardens
 - co-ordinating training and providing equipment and uniforms
 - providing practical information on contacts, processes and services related to Māori Wardens
 - assisting with any national co-ordination and communications, eg co-ordinating nationwide or regional hui to share information and approaches.
- Regionally located liaison (provided through the nationally based Administrative Unit) would provide a link between the locally based Māori Wardens and the nationally available support – ensuring communication and administration was effective and equitable.



Table 6: Māori Wardens community-centred leadership and accountability – pros and cons

Pros	Cons
<ul style="list-style-type: none"> Flexibility – places Māori Wardens and local communities at the heart of the system and allows them to self-determine roles and responsibilities to suit local needs Māori Wardens get their mandate/authority and legitimacy from communities and this option reflects that reality Lean and efficient – would utilise existing administrative capacity, robust systems, and regional network of an existing agency Equitable and consistent access to training and resources, and a streamlined warranting process would address practical needs of Māori Wardens 	<ul style="list-style-type: none"> Lack of a national body providing overall direction, cohesion and consistency of standards and processes for Māori Wardens – alternative mechanisms will have to be used (eg legislation, hui) Lack of a single representative body for all Māori Wardens to act as an advocate and liaise with other national agencies Local communities need the skill and commitment to identify needs and solutions, requiring a degree of community cohesion

Views of the Māori Council and Māori Wardens

The renewal strategy outlined in the Māori Council's draft Strategic Plan for 2012-15 and associated papers signal plans to reclaim Māori Wardens, and to reassert the Council's lawful and exclusive authority to manage and administer Māori Wardens.

Feedback previously provided by the Māori Wardens Association indicated a desire to be removed from the Māori Council to a separate, autonomous association.

Your views – governance and administration

Your feedback is sought on which of the options set out is most likely to meet the needs of Māori Wardens and local Māori communities in the future, for governance and administration.

Which option do you support?

- A. Current statutory model;
- B. New independent body responsible for Māori Wardens;
- C. Community-centred leadership and accountability.

Options B and C could involve codifying the governance arrangements for Māori Wardens in legislation. This may provide more clarity and certainty. Alternatively, governance arrangements for Māori Wardens could be left out of legislation, which could make it easier to adapt these arrangements to suit changing circumstances.

Do you think the governance and administration of Māori Wardens should be set out in legislation?

- Yes
- No

When giving your feedback, you might like to reflect on the following questions:

- Which of the options set out above will best meet the practical needs of Māori Wardens and the development needs of local communities?
- How should Māori Wardens be accountable to local communities and what should their relationship be to Māori communities, marae, hapū and iwi?



Which option for the governance and administration of Māori Wardens do you support?

Does the governance and administration of Māori Wardens need to be in legislation?



Which of the options will best meet the practical needs of Wardens and the development needs of local communities?

How should Māori Wardens be accountable to local communities, marae, hapū and iwi?

OPTIONS FOR FEEDBACK

Section 3: Proposed repeal of the provisions relating to Community Officers



Section 3: Proposed repeal of the provisions relating to Community Officers



Community Officers are contained in the Act but have not existed since 1993.



There is an ongoing need for the role originally given to Community Officers. The role is currently being filled or supported by a wide range of iwi, Māori urban authorities and community based groups.

The Government also has a range of initiatives to promote Māori community development.



The Māori Affairs Committee concluded that there is no longer any need for the role of Community Officers to be set out in legislation.



Please tell us your views on Community Officers.

Background

The Act provides for the appointment of Community Officers to advise and assist Māori communities across a range of issues including health, housing, education, vocational training and employment. Community Officers have not existed since 1993, with successive governments looking to meet the needs of Māori communities in alternative ways.

Summary of the issues

Some submitters to the Māori Affairs Committee identified a need for a dedicated link between Māori communities and social/government services. However these community development functions are currently being undertaken or supported by a wide range of iwi, Māori urban authorities and community-based groups. Current Government funded initiatives aimed at promoting Māori community development include:

- Whānau Ora – an inclusive approach to providing services and opportunities by empowering whānau as a whole, rather than focusing on individuals' separate problems; and
- Kaitoko Whānau – community based workers within Māori communities, who are tasked with engaging directly with vulnerable whānau and facilitating, brokering and advocating with agencies on their behalf for access to essential services, and connecting them with extended whānau.

Options for the provision of Community Officers within legislation

Following the inquiry, the Māori Affairs Committee concluded that there is no clear need for such roles to be established by legislation and they recommended that provisions relating to Community Officers should be repealed.

Your views

Your feedback on the repeal of provisions relating to Community Officers is welcomed.

How to give feedback



How to give feedback

You can provide feedback during the consultation hui or by submitting written comments to: MCDA@tpk.govt.nz or Māori Community Development Act 1962 Consultation, Freepost 157031, PO Box 3943, Wellington 6140, no later than 5pm on Monday 30 September 2013.

The table below summarises specific options presented in this document, and more general areas in which your views are sought. You are welcome to give feedback on all of the options and questions outlined below, or to focus on specific areas of most interest to you.

Table 7: Specific options and questions for reflection

Feedback - Section 1

Section	Summary	Specific Options	Views sought / questions for reflection
1. New Zealand Māori Council	The future of the New Zealand Māori Council needs to be decided – role and structure.	<p>Role: which option do you support?</p> <ol style="list-style-type: none"> 1. A new refocused national Māori organisation – concentrates on social and economic issues that impact on community development for all Māori; membership, direction and priorities mandated by the community, with robust and transparent measures designed to ensure accountability to Māori; or 2. No change – New Zealand Māori Council continues along with the existing statutory responsibilities. <p>Structure: which option do you support?</p> <ol style="list-style-type: none"> 1. Streamlined national organisation; or 2. No change – current structure maintained. <p>If the Council is streamlined or continues as now, does its structure need to be outlined in legislation?</p> <ul style="list-style-type: none"> • Yes; • No. 	<p>When giving your feedback, you might like to reflect on the following questions:</p> <ul style="list-style-type: none"> • Is there a need for a national pan Māori advocacy and leadership body such as the New Zealand Māori Council? • How can strong links with Māori communities and organisations be best maintained and developed? • How can any future organisation ensure that they are relevant to the needs and priorities of Māori?

Feedback - Section 2

Section	Summary	Specific Options	Views sought / questions for reflection
2. Māori Wardens.	The future of Māori Wardens needs to be decided: roles and responsibilities; and governance and administration.	<p>Roles and responsibilities: which option do you support?</p> <ol style="list-style-type: none"> 1. Local community determination; 2. Local community determination within an overarching national framework of common principles; or 3. National determination. <p>Should the roles and responsibilities of Māori Wardens be set out in legislation?</p> <ul style="list-style-type: none"> • Yes; • No. <p>Governance and administration: which option do you support?</p> <ol style="list-style-type: none"> A. Current statutory model – no change to the Act; B. New independent body responsible for Māori Wardens; or C. Community-centred leadership and accountability. <p>Should the governance and administration of Māori Wardens be set out in legislation?</p> <ul style="list-style-type: none"> • Yes; • No. 	<p>When giving your feedback you might like to consider the following questions:</p> <ul style="list-style-type: none"> • Which of the options will best meet the practical needs of Māori Wardens and the development needs of local communities? • How should Māori Wardens be accountable to local communities and what should their relationship be to Māori communities, marae, hapū and iwi?

Feedback - Section 3

Section	Summary	Specific Options	Views sought / questions for reflection
3. Community Officers.	Community Officers have not existed since 1993. The Māori Affairs Committee concluded that there is no longer any need for Community Officers.	It is proposed that the provisions of the Act providing for Community Officers be repealed.	Your feedback on the repeal of Community Officers is welcomed.



