

Hon Willie Jackson

Minister for Broadcasting and Media

Minister for Māori Development

Associate Minister for ACC

Associate Minister of Housing (Māori Housing)

Associate Minister for Social Development and Employment (Māori Employment)



John Luke

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Tēnā koe John Luke

Official Information Act request

Thank you for your information request dated 27 February 2023. You asked for the following information:

"I noted,

<https://nz.linkedin.com/in/kaylakingdonbebb>

I was appointed by the Minister of Māori Development to the Technical Working Group as a government expert member. As such, I contribute to the group independently of any particular government agency or portfolio and instead represent the Crown as a whole.

The function of the Technical Working Group is to develop proposals towards the creation of a National Plan of Action for Aotearoa New Zealand's implementation of the UN Declaration on the Rights of Indigenous People (UNDRIP). We work by consensus and delivered a comprehensive draft report to the Minister at the end of November 2019.

May I ask how did you call for public nomination for this Technical Working Group position and on what platform you have call for public nominations, e.g. IOD website. Also, how many applications you have received from the public and how many you have received from other nominating agencies such as TPK.

What is the term of reference of this working group."

Background

Your request has been considered under the Official Information Act 1982 (the Act). Prior to responding to your request, I wish to provide you with some contextual information about the work programme that your request relates to.

The origin of the broader work programme dates back to 13 September 2007, when the United Nations General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration or UNDRIP), a non-binding document on the rights of indigenous peoples. The Declaration covers a broad range of rights and freedoms including the right to self-determination, culture and identity, and rights to education, economic development, religion, customs, health and language.

In April 2010 the New Zealand government, in keeping with our nation's long-standing commitment to human rights and indigenous rights, became signatories to the Declaration. Māori hold a special status as the tangata whenua of Aotearoa New Zealand, and indigenous rights and culture are of profound importance to Aotearoa New Zealand and fundamental to our identity as a nation.

In March 2019, the then Minister for Māori Development, Hon Nanaia Mahuta, announced Cabinet's decision that the Government would develop a plan of action or other measure on New Zealand's progress towards the objectives of the Declaration. Cabinet also invited Minister Mahuta to appoint an independent technical working group (it is this working group that your request relates to) to provide her with advice on:

- the form and content of a Declaration plan, and
- an engagement process with iwi, hapū, whānau Māori.

At Minister Mahuta's direction, the relevant Cabinet paper and minute have been made proactively available on Te Puni Kōkiri's website:

<https://tpk.govt.nz/en/mo-te-puni-kokiri/corporate-documents/cabinet-papers/all-cabinet-papers/develop-plan-on-nz-progress-un>

The Declaration Working Group (DWG) received secretariat support from Te Puni Kōkiri and the Human Rights Commission, amounting to arranging travel and venues for meetings of the DWG and meeting the group's general administration requirements. The DWG provided its report, He Puapua, to the then Minister for Māori Development on 1 November 2019.

The next step in the work programme was for the Minister to consider the report and report back to Cabinet on progress with the development of a Declaration plan. However, further work on a Declaration plan was put on hold in early 2020 as the Government focussed on a response to the challenges posed by COVID-19.

Following the stabilisation of the initial response to COVID-19 matters, work on a Declaration plan was reinitiated and I, having assumed the role of Minister for Māori Development agreed to seek Cabinet agreement to a process for the development of a Declaration plan.

Developing a Declaration plan

On 1 July 2021, I made a public announcement outlining Government's next steps in developing a Declaration plan and during the announcement I described He Puapua as "a starting point for discussion". I also outlined the next steps of the process which include targeted engagement with key iwi and significant Māori organisations, followed by a wider public consultation on a draft Declaration plan.

I have also reiterated the Government's firmly held position that the Declaration plan must satisfy several fundamental requirements including:

- being consistent with international law, and New Zealand law and policy,
- protecting the rights of all citizens, and
- safeguarding territorial integrity and political unity, as well as the responsibility of all democratically elected governments to govern for the welfare of all their citizens.

If you would like to familiarise yourself with the details of what Government agreed to as the next steps in developing a Declaration plan, you can access the relevant Cabinet paper and the accompanying Cabinet minutes. At my direction, these papers have been proactively released and can be found on Te Puni Kōkiri's website at the following web address:

<https://tpk.govt.nz/en/mo-te-puni-kokiri/corporate-documents/cabinet-papers/all-cabinet-papers/next-steps-for-declaration-plan>.

Targeted Engagement

On 22 April 2022, I directed Te Puni Kōkiri to proactively release the latest update to Cabinet on feedback gathered from the targeted engagement process with iwi, hapū, whānau and Māori organisations on their aspirations for the development of a Declaration plan. This proactive release can be found on Te Puni Kōkiri's website at the following address:

<https://tpk.govt.nz/en/mo-te-puni-kokiri/corporate-documents/cabinet-papers/all-cabinet-papers/united-nations-declaration-on-the-rights-of-indige>

My Response

The first part of your request seeks details regarding the public call for nominations for the technical working group. I am refusing this part of your request in accordance with section 18e) of the Act as the information you seek does not exist.

I consider that this part of your request is outside the scope of the Act, on the basis that to provide an answer to you I am now required to create new information. That said, I believe there is some public interest benefit in explaining why the information you seek does not exist.

The process to establish the technical working group, was designed to identify potential technical experts capable of advising the Minister on the establishment of a Plan to fulfil New Zealand's obligations under the Declaration. As you might imagine this would require the potential appointees to offer significant indigenous and human rights expertise, who preferably will have expertise in working with the New Zealand Human Rights Commission and other UNDRIP focussed bodies. Additionally, they would be required to have broad-based expertise in working across diverse Māori communities. As you can imagine these are very exacting requirements and there are probably no more than a handful of individuals who could meet these exclusive criteria.

Aside from the fact that there is no requirement for carrying out a time-consuming, expensive public call for nominations for convening a working group of technical experts, it would have been a redundant and wasteful exercise given how few experts there are that meet the criteria. I remain confident that the few suitable individuals who were appointable were already known within the wider public sector. It may be of some assistance for you to refer to the response to a Parliamentary Question I received on the matter:

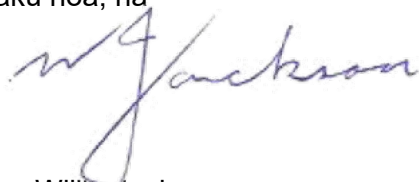
https://www.parliament.nz/en/pb/order-paper-questions/written-questions/document/WQ_16446_2022/16446-2022-hon-paul-goldsmith-to-the-minister-for-m%C4%81ori

Moving on to the second part of your request, which seeks the terms of reference (ToR) for the technical working group. I have decided to release this information to you in full and I have appended the ToR to this response.

I trust my reply satisfies your request.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in blue ink that reads "Willie Jackson". The signature is written in a cursive style with a large, stylized 'W' and 'J'.

Hon Willie Jackson
Te Minita Whanaketanga Māori