

Hon Karen Chhour, Minister for the Prevention of Family and Sexual Violence

Te Pūkotahitanga purpose and scope

Date: 12 September 2024	File reference	2024/114723
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Action sought

Note	This briefing responds to your request for further advice regarding the purpose, scope, membership and future direction of Te Pūkotahitanga.	Noted
Decide	Please choose your preferred option or instruct officials otherwise:	
	<ul style="list-style-type: none"> Option 1 (recommended) – retain scope, reduce size & review terms of reference Option 2 – dissolve Te Pūkotahitanga, create new advisory group 	1 2
Note	The advice provided regarding an 'enduring form' mechanism.	Noted

Contacts for telephone discussion (if required)

Name	Position	Telephone	First contact
Emma Powell	Chief Executive, Te Puna Aonui		<input type="checkbox"/>
Te Pare Meihana	Director, Enabling Transformation		<input checked="" type="checkbox"/>

Minister's office to complete

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Overtaken by events
<input type="checkbox"/> Referred to:		
<input type="checkbox"/> Seen	<input type="checkbox"/> Withdrawn	<input type="checkbox"/> Not seen by Minister

Purpose of this briefing

1. This briefing responds to your request for advice about expanding the scope and purpose of Te Pūkōtahitanga – the tangata whenua rūpū advising the Minister for the Prevention of Family and Sexual Violence.
2. We present **two options** for you to consider and ask which one you prefer. Option 1 involves retaining the group's scope but reducing its size and reviewing the terms of reference. Option 2 involves dissolving Te Pūkōtahitanga and creating a new advisory group.
3. We also give advice about an 'enduring form' mechanism, and what to consider if you want to create a permanent entity for Māori.

Current purpose and funding arrangements

4. In November 2021, Cabinet agreed to establish a tangata whenua Ministerial advisory group (later named Te Pūkōtahitanga) alongside the Interdepartmental Executive Board (IEB).
5. The primary function of Te Pūkōtahitanga is to provide independent advice to the Minister with the goal of **improving outcomes for Māori**. The group is also tasked with monitoring implementation of Te Aorerekura – the National Strategy for Elimination of Family Violence and Sexual Violence.
6. Cabinet endorsed Te Pūkōtahitanga as an enduring mechanism to give effect to Te Tiriti o Waitangi and to strengthen Māori-Crown relationships. The Cabinet paper said "both parties note their intention for this relationship to endure and grow stronger beyond the next 25 years". We give advice about this on page 7.
7. Te Pūkōtahitanga is currently funded with \$1.950 million per year as a named funding category within the initiative called "Building partnerships & collaboration to transform the system: Māori-Crown relationships". This initiative is part of the *Elimination of Family Violence and Sexual Violence* appropriation in Vote Justice.¹
8. Initiative funding must be used for the purpose stated in the original budget bid (in this case to effect the Māori-Crown relationship). The Chief Executive of Te Puna Aonui business unit is the delegated fund holder and makes final spending decisions for this initiative.

¹ The Chief Executive of Te Puna Aonui is the delegated fund holder and works with Te Pūkōtahitanga to allocate, approve and release money.

Membership of Te Pūkotahitanga

9. Te Pūkotahitanga has 11 members² whose terms will expire on 30 June 2025. The Cabinet Appointments and Honours Committee (APH) made these original appointments so re-appointments or new appointments would also need to be endorsed by APH. Second terms are generally considered appropriate.
10. Current members have been chosen for their cultural expertise in te ao Māori (te ao Māori tohunga and rangatira), sector leadership and connections, expertise in family and sexual violence, and/or lived experience of violence.

Context for change

11. When Te Pūkotahitanga was established, Cabinet agreed to review it after 12 months “to consider whether further strengthening is needed, including, if necessary, through a statutory mechanism”.
12. This review has not yet occurred, and you may consider whether the decision you make now will be part of that review – noting that review was intended to strengthen the group’s ability to deliver its existing focus rather than broaden its focus beyond that.
13. You have now asked for advice on expanding the focus of Te Pūkotahitanga to more generalised topics like disabilities, diverse cultures, and rural issues – in addition to improving outcomes for Māori in respect of family and sexual violence. We present two main options for you to consider.

Option 1: retain scope, reduce size & review terms of reference

14. Te Puna Aonui **officials recommend** you keep Te Pūkotahitanga with its specialised focus on improving Māori outcomes. We suggest the group could be smaller, and one way to achieve that is by offering second terms to only some members.³
15. We consider it necessary for the family and sexual violence portfolio to include an independent source of advice on meeting Māori needs. We know 36% of Māori adults have experienced some form of intimate partner or sexual violence during

² Dr Maria Baker, Kim Eriksen-Downs, Dr Moana Eruera, Lorraine Hawke, Denise Messiter, Katie Murray, Amokura Panoho, Hera Pierce, Tā Mark Solomon, Poata Watene, and Professor Denise Wilson.

³ We note Te Pūkotahitanga co-chairs wrote to you on 10 September to advise that some members will not be seeking reappointment, which means there is an opportunity for mutual agreement here.

their lifetime, which is disproportionate to the prevalence rate for the whole population.⁴

16. The factors that increase or decrease the likelihood of victimisation are the same for Māori and non-Māori, but Māori are overrepresented in many of those high-risk factors and underrepresented in many of the low-risk factors. This means Māori carry a disproportionate victimisation burden overall.

17. Te Pūkotahitanga is one of the ways in which the Crown **gives effect to Te Tiriti o Waitangi**; any changes to its focus – especially without good reason – will likely be seen as undermining the Crown's Te Tiriti obligations and jeopardising the Māori-Crown partnership.

18. Officials also note the tangible way in which Te Pūkotahitanga contributes to the first Te Aorerekura Action Plan (Action 8: Establish a Tangata Whenua Ministerial Advisory Group) and supports Shift 2: Towards mobilising communities. This shift identifies the need to establish foundational and sustainable relationships with tangata whenua, and make commissioning decisions grounded in Te Tiriti.

19^{9(2)(g)(i)}

20. Officials also note that, while advice from Te Pūkotahitanga is focused on Māori, this does **not** mean the group's advice is **only** beneficial for Māori. This principle is reflected in the adage: what is good for everyone is not always good for Māori, but what is good for Māori can be good for everyone.⁵

21. Te Pūkotahitanga reiterates this sentiment in its letter of 10 September when it speaks of manaakitanga (caring) for all people in New Zealand in a way that upholds tikanga Māori and values cultural differences.

22. Officials caution that any changes to the scope or mandate of Te Pūkotahitanga may prompt many more core members to reconsider their future with the group.

9(2)(g)(i)

⁴ [Maori-victimisation-report-v2.02-20220214-fin.pdf \(justice.govt.nz\)](#)

⁵ For example, a 2019 evaluation of iwi community justice panels found reduced harm from reoffending and concluded the "panels work well across all offenders with no distinct consideration for Māori and non-Māori" ([iwi community justice panels reduce harm from re-offending](#)).

23. If you are looking to make changes to Te Pūkōtahitanga, you may wish to consider **reducing it to six or seven members**. This would bring it in line with the size of other advisory groups. By way of comparison, the Ministry of Justice's new retail crime advisory group will have five or six members; the Oranga Tamariki Ministerial Advisory Board⁶ has six members; and the Ministry for the Environment has an advisory function with seven members.
24. Te Puna Aonui recommends taking this opportunity to review the current terms of reference. Te Pūkōtahitanga is expected to monitor implementation of Te Aorerekura but this monitoring has not been happening in any formal way. There is an opportunity here to refine the terms of reference.
25. If you choose this first option, Te Puna Aonui officials will work with your office and Te Pūkōtahitanga to find ways to strengthen its partnership with Te Puna Aonui, improve the group's value for money and ensure its advice continues to be relevant. This can be done without fundamentally changing the purpose of the group.

Option 2: dissolve Te Pūkōtahitanga, create a new advisory group

26. You have said you want to receive advice on more generalised topics like disabilities, diverse cultures, and rural issues. We do not consider it appropriate to repurpose Te Pūkōtahitanga to give that advice.
27. To shift the Māori focus of Te Pūkōtahitanga would represent a fundamental change to its terms of reference and away from what it is funded to deliver. In practical terms, this would require dissolving the current group and establishing a new advisory function.
28. We do not think this is necessary because there are existing channels where you can receive more generalised advice, or advice on particular issues. In the first instance, this can come from Te Puna Aonui officials. We note the business unit has formed partnerships with TOAH-NNEST, Te Kupenga, VisAble and Backbone Collective to provide well-rounded insights and advice – spanning sexual violence, family violence victims and perpetrators, disabilities, and survivor voice.
29. In addition, there are other avenues such as the Chief Victims Advisor to the Minister of Justice or the Oranga Tamariki Ministerial Advisory Board. You can also take advantage of IEB agencies' expertise. We expect non-IEB agencies and

⁶ Noting that one board member is also a member of Te Pūkōtahitanga.

some Crown entities would value the opportunity to provide advice if requested (e.g. Whaikaha, MBIE, the Human Rights Commission, etc).

30. We **do not recommend** dissolving Te Pūkōtahitanga in favour of a more generalised advisory function, and we note a number of practical barriers.
31. Firstly, Cabinet must agree to this decision. If proceeding with this option, support should be sought early from Ministerial colleagues.
32. Secondly, any new group would need **new funding in Budget 25**. This may not be possible in the current fiscal environment. Existing funding for Te Pūkōtahitanga would be shifted to a different funding category but would remain in the same initiative funding (i.e. the money would be repurposed for other projects that advance the Māori-Crown relationship).
33. Further, any new group would need a clear purpose and scope (i.e. why create a new group, what gap this group would address, what expertise it would have, etc).
34. ^{9(2)(g)(i)}
35. Te Pūkōtahitanga is one of the ways in which the Crown **gives effect to Te Tiriti o Waitangi**; any changes to its focus – especially without good reason – will likely be seen as undermining the Crown's Te Tiriti obligations and jeopardising the Māori-Crown partnership.

Prompt questions to inform this decision

36. When choosing between these two options, you may wish to ask yourself:
 - Are there any gaps in the quality or breadth of information I currently receive?
 - What advice do I need to make informed decisions about this portfolio?
 - What channels do or could provide that advice?
 - Could officials from IEB agencies provide the other advice I need?
 - What is Cabinet likely to support?
 - How can I ensure this portfolio succeeds now and into the future?
 - What is an appropriate level of investment for quality advice?
 - Are there other ways to maximise the benefits of Te Pūkōtahitanga?

Further advice on creating a permanent entity

37. You also asked for advice on an 'enduring form' mechanism. This would mean passing new legislation to create a permanent entity for the benefit of Māori – an option envisaged by the previous Minister as a way of safeguarding tangata whenua partnership for the 25 years of Te Aorerekura.
38. There are different ways this could work in practice, but you can find examples in other sectors. For instance, the Māori Community Development Act 1962 that gives Māori Wardens their special powers⁷ or the Pae Ora (Healthy Futures) Act 2022 that established iwi-Māori partnership boards.⁸ There are also other possibilities like creating an independent Crown entity.
39. This approach would elevate tangata whenua from advisors in this space to equal Te Tiriti partners. It would improve the Māori-Crown relationship and demonstrate the Government's commitment to honouring Te Tiriti o Waitangi. A permanent entity would have benefits compared to the status quo and, in the long term, will support better outcomes for Māori in respect of family and sexual violence.
40. Creating a permanent entity would involve significant policy and legal work, which may be administratively challenging given of the Government's full legislative agenda. It would also be difficult to find sufficient funding.
41. If you are interested in exploring this further, you are strongly advised to **undertake dedicated engagement** with hapū, iwi and hapori Māori (including family and sexual violence kaupapa Māori specialists) to co-design a permanent entity so it supports the aspirations of whānau, hapū and iwi. You would also need to engage with Te Pūkotahitanga co-chairs to understand the group's views about what a permanent entity would look like.

Responding to Te Pūkotahitanga

42. Following a hui on 7 June 2024, Te Pūkotahitanga co-chairs wrote to you asking to extend members' terms beyond June 2025 and for the secretariat to lead this process. The group also wrote on 10 September to share its three key focus areas for the coming months and asked for certainty about your plans for the future.

⁷ This includes the power to warn licensees to stop serving liquor to a Māori person, order any Māori person to leave a hotel, seize liquor at a Māori function, or take someone's car keys.

⁸ These boards provide an avenue for local feedback and leadership on how the health sector is performing to meet the needs and aspirations of whānau in their area.

43. Once you have decided your preferred option, we will work with your office to respond to the co-chairs outlining next steps.

Decision sought

44. After considering the options in this briefing, please indicate which one you prefer:

- | | |
|--|---|
| 1. Option 1 (recommended) – retain scope, reduce size & review terms of reference | YES/NO |
| 2. Option 2 – dissolve Te Pūkōtahitanga, create new advisory group | <input checked="" type="radio"/> YES/NO |



Emma Powell
Chief Executive, Te Puna Aonui

☒ APPROVED/SEEN/NOT AGREED



Hon Karen Chhour
Minister for the Prevention of Family and Sexual Violence
Date: 18/02/2025

and advise
I value the experience that
this group provides
but I feel the current scope restricts
their ability to provide the wide range
of advice I feel I need from them.