

[19/01/2024]

File Ref: OIA 47900

Delia Mason
fyi-request-24651-99993c7c@requests.fyi.org.nz

Tēnā koe Delia

Official Information Act request

Thank you for your information request dated 3 November 2023. You asked for the following information:

“I am interested in your section 81 reports. For your latest report until June 2022, please provide information about your internal decision making about the approach you took to this report.

Please also provide copies of all information about your interactions with Te Arawhiti and the Ministry of Justice about this report and its content.”

On 30 November 2023 we wrote to you to advise of an extension to the time available to respond, to enable time for consultation.

Your request has been considered in accordance with the Official Information Act 1982 (the Act).

In response to the first part of your request, please see the below information that details the process taken, including decisions on content, to develop the Section 81 2021/22 Report.

The Section 81 Report

The Section 81 Report is an annual report covering the reporting period of 1 July – 30 June. It is required under Section 8(i) of the Treaty of Waitangi Act 1975:

“The Minister of Māori Affairs¹ shall in each year prepare and lay before the House of Representatives a report on the progress being made in the implementation of recommendations made to the Crown by the Tribunal.”

The development of the Section 81 Report is led by Te Puni Kōkiri, with input provided by various Crown agencies regarding their progress on addressing recommendations from the Waitangi Tribunal (*their updates*).

The report has updates for 36 Waitangi Tribunal reports (five released within 1 July 2021 and 30 June 2022).

¹ Now ‘Minister for Māori Development’.

Approach taken to develop the Section 8I Report 2021/22

The approach taken to develop the Section 8I Report 2021/22 was largely the same approach taken in previous years. The below outline is placed in order of the contents of the Section 8I Report 2021/22.

Development of the foreword, abbreviations, and introduction

The foreword was developed and approved by Te Puni Kōkiri. The abbreviations and introduction are standardised text (*from previous Section 8I Reports*) that were updated to reflect the contents of the Section 8I 2021/22 Report.

Development of the feature presentation

The feature presentation for the Section 8I Report 2021/22 consisted of three pieces:

1. A Hauora Journey: Fundamental Reform of Primary Health Care for iwi Māori and Aotearoa (the Hauora Journey).
2. Wai 262: Ko Aotearoa Tēnei Update (the Wai 262 update).
3. The “kaupapa approach” being implemented by the Waitangi Tribunal to address kaupapa inquiries (the kaupapa approach).

We considered a range of topics for the feature presentation. The three topics above were selected to highlight kaupapa of critical importance and changes occurring in the public sector.

- The Hauora Journey topic was selected to enable a discussion on Māori health inequities and the initiatives being implemented to address these.
- The Wai 262 update was originally developed to be part of the agency update table (*process outlined below*). Upon receiving the updates, we decided that it should be included as part of the feature presentation due to the deep dive that it took into the kaupapa and the whole of government response being implemented.
- The kaupapa approach piece was selected to provide an overview and update on the approach being implemented as this is relevant to the content of Section 8I Reports and the Waitangi Tribunal Report process.

The Hauora Journey and kaupapa inquiry pieces were written by an external writer, in consultation with the relevant external agencies.

Preparing the summaries of new Waitangi Tribunal Reports

In the reporting period 1 July 2021 – 30 June 2022, five new Waitangi Tribunal Reports (Tribunal Reports) were released. These new Tribunal Reports were summarised by Te Puni Kōkiri and added to the ‘agency update table’ (*the table agencies add their updates to*).

The agency update table was provided to the Waitangi Tribunal for their review of the Tribunal Report summaries.

Agency input/consultation

Agencies are required to provide an update on their progress on addressing recommendations from the Waitangi Tribunal and to assign their update with a ‘status’ (*In Progress, Ongoing, Partially Settled, or Settled*).

Agencies updates were reviewed internally as they were received, and any feedback/changes were provided to agencies to amend/approve.

The agency update table was also provided to Crown Law for review. Their feedback was provided to the relevant agencies to review and amend/approve.

Ministerial consultation

Ministerial consultation on the final draft report was also undertaken with the Minister for Māori Development as well as Ministers whose agencies had provided updates in the Section 8I 2021/22 Report. No feedback was provided by any Ministers.

Publication and presenting

The Section 8I Report was presented to the House of Representatives by the Minister for Māori Development on 06th September 2023.

In response to the second part of your request, for “...copies of all information about your interactions with Te Arawhiti and the Ministry of Justice about this report and its content”, 18 documents have been identified in scope of this part of your request. The documents and my decisions with regard to the release of the information are set out in the table attached as Appendix A.

Some information has been withheld in accordance with the Act on the following grounds:

- Section 9(2)(a) – *in order to protect the privacy of natural persons.*

In making the decision to withhold information, we have considered the public interest considerations in section 9(1) of the Act and do not believe they outweigh the privacy interests to release the information.

A small number of redactions have been marked as “out of scope”. These “out of scope” redactions relate to information that is not in scope of your request.

I trust my response 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.

Please note that Te Puni Kōkiri publishes some of its OIA responses on its website, after the response is sent to the requester. The responses published are those that are considered to have a high level of public interest. We will not publish your name, address or contact details.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact us at uia@tpk.govt.nz.

Ngā mihi



Tamati Olsen

Hautū , Te Puni Kaupapa Here | Acting Deputy Secretary, Policy Partnerships

Appendix A – Documents: OIA request from Delia Mason dated 3 November 2023

Item	Date	Document description	Decision
1.	31 August 2022	<p><i>Email correspondence between Te Puni Kōkiri and Ministry of Justice (Waitangi Tribunal Unit)</i></p> <p>Subject: Waitangi Tribunal Claims Update (Section 8I Report)</p>	Released with certain information withheld under section 9(2)(a)
2.	16 September 2022	<p><i>Email correspondence between Te Puni Kōkiri, Te Arawhiti, and Ministry of Justice</i></p> <p>Subject: Section 8I Report – July 1 2021 – June 30 2022</p>	Released with certain information withheld under section 9(2)(a)
3.	21 September 2022	<p><i>Email correspondence between Te Puni Kōkiri and Te Arawhiti (P1)</i></p> <p>Subject: Section 8I Report – July 1 2021 – June 30 2022</p>	Released with certain information withheld under section 9(2)(a)
4.	31 October 2022	<p><i>Email correspondence between Te Puni Kōkiri and Ministry of Justice (Waitangi Tribunal Unit)</i></p> <p>Subject: Section 8I Summaries for your Review</p>	Released with certain information withheld under section 9(2)(a)
		Attachment 1 Draft Section 8I table Oct 2022.docx (31/10/2022, 8.43am)	Released as Document 4, Attachment 3
		Attachment 2 Comments Draft Section 8I table Oct 2022_suggested edits.docx (4/11/2022, 11.25am)	Released as Document 4, Attachment 3

		Attachment 3 Section 8I Draft Summary Table.pdf (4/11/2022, 12.57pm) Note: Excerpt provided in accordance with section 16(1)(a) of the Act.	Released in full
5.	7 November 2022	<i>Email correspondence between Te Puni Kōkiri and Te Arawhiti</i> Subject: Section 8I Report 2021_2022 – Updates Required	Released with certain information withheld under section 9(2)(a)
		Attachment 1 07 11 2022 Section 8I Draft Summary Table.docx (07/11/2022, 8.45am)	Released as Document 4, Attachment 3
		Attachment 2 31 10 2022 Index of reports (3).xlsx (07/11/2022, 8.45am)	Released in full
6.	18 November 2022	<i>Email correspondence between Te Puni Kōkiri and Te Arawhiti</i> Subject: Section 8I – WAI 814	Released with certain information withheld under section 9(2)(a)
		Attachment 1 2022 1109 Section 8I Draft Summary Table.docx (22/11/2022, 9.57am)	Released as Document 4, Attachment 3
		Attachment 2 2022 1109 Section 8I Draft Summary Table.docx (07/12/2022, 11.07am)	Released as Document 4, Attachment 3
		Attachment 3 2022 1109 Section 8I Draft Summary Table - Te Arawhiti V2.docx (07/12/2022, 11.49am)	Released as Document 4, Attachment 3
		Attachment 4 2022 1109 Section 8I Draft Summary Table.docx (16/12/2022, 12.45pm)	Released as Document 4, Attachment 3
		Attachment 5 REVIEW Te Arawhiti Section 8I 03 2023.docx (21/03/2021, 3.59pm)	Released as Document 4, Attachment 3
		Attachment 6 REVIEW Te Arawhiti Section 8I 03 2023.docx (28/03/2023, 4.47pm)	Released as Document 4, Attachment 3

		Attachment 7 MP REVIEW Te Arawhiti Section 8I 03 2023.docx (11/04/2023, 9.03am)	Released as Document 4, Attachment 3
		Attachment 8 MP REVIEW Te Arawhiti Section 8I 03 2023.docx (18/04/2023, 6.25pm)	Released as Document 4, Attachment 3
		Attachment 9 Section 8I Te Arawhiti Review 27042023.docx (27/04/2023, 1.27pm)	Released as Document 4, Attachment 3
		Attachment 10 Section 8I Te Arawhiti Review 27042023.docx (03/05/2023, 3.22pm)	Released as Document 4, Attachment 3
		Attachment 11 Section 8I Te Arawhiti Review 27042023 - ML Edits.docx (04/05/2023, 12.02pm)	Released as Document 4, Attachment 3
		Attachment 12 2023 07 25 Te Arawhiti Section 8I Report 2021 - CL Review.docx (25/07/2023, 3.11pm)	Released as Document 4, Attachment 3
		Attachment 13 2023 07 27 Te Arawhiti Section 8I Report 2021 - TA comms post-CLO Review.docx (27/07/2022, 11.02am)	Released as Document 4, Attachment 3
7.	22 November 2022	<i>Email correspondence between Te Puni Kōkiri and Te Arawhiti</i> Subject: Section 8I Responses	Released with certain information withheld under section 9(2)(a)
		Attachment 1 - Copy of Index of reports 07 11 2022	Released as Document 5, Attachment 2
		Attachment 2 - 31 10 2022 Draft Summary Table	Released as Document 4, Attachment 3
8.	24 November 2022	<i>Email correspondence between Te Puni Kōkiri and Ministry of Justice</i> Subject: Ministry of Justice RE_Section 8I – Wai 2870	Released with certain information withheld under section 9(2)(a)

		Attachment 1 Department of Corrections Section 8i update 2021-22 Wai 2870.docx (24/11/2022, 2.03pm)	Released as Document 4, Attachment 3
		Attachment 2 Department of Corrections Section 8i update 2021-22 Wai 2870.docx (28/11/2022, 7.32am)	Released as Document 4, Attachment 3
		Attachment 3 Ministry of Justice Section 8i update 2021-22 Wai 2870 v2.docx (13/12/2022, 11.46am)	Released as Document 4, Attachment 3
		Attachment 4 Ministry of Justice Section 8i update 2021-22 Wai 2870.docx (12/12/2022, 4.56pm)	Released as Document 4, Attachment 3
		Attachment 5 Wai 2870 for MoJ - Corrections Review 27042023.docx (27/04/2022, 1.27pm)	Released in full
9.	24 November 2022	<i>Email correspondence between Te Puni Kōkiri and Ministry of Justice (Waitangi Tribunal Unit)</i> Subject: Section 8I – WAI 2870	Released with certain information withheld under section 9(2)(a)
		Attachment 1 Department of Corrections Section 8i update 2021-22 Wai 2870.docx (24/11/2022, 2.03pm)	Released as Document 8, Attachment 5
10.	5 January 2023	<i>Email correspondence between Te Puni Kōkiri and Ministry of Justice (Waitangi Tribunal Unit)</i> Subject: Section 8I – Wai 45	Released with certain information withheld under section 9(2)(a)
		Note: Attachment 1 2022 Final Section 8I Report 2021.pdf (05/01/2023, 10.51am)	Released in full as Document 4, Attachment 3

11.	19 May 2023	<p><i>Email correspondence between Te Puni Kōkiri and Te Arawhiti</i></p> <p>Subject: Fwd_ACTION_Seeking endorsement – Section 8i Treaty of Waitangi reporting</p> <p>Note: The Attachment to this email is out of scope of your request.</p>	Released with certain information withheld under section 9(2)(a)
12.	16 June 2023	<p><i>Email correspondence between Te Puni Kōkiri and Te Arawhiti</i></p> <p>Subject: Te Pae Tawhiti DCE Agenda Pack – 21 Pipiri_IN-CONFIDENCE</p> <p>Note: The Attachment to this email is out of scope of your request.</p>	Released with certain information withheld under section 9(2)(a)
13.	20 June 2023	<p><i>Email correspondence between Te Puni Kōkiri and Te Arawhiti</i></p> <p>Subject: Information request from Te Puni Kōkiri – Te Haeata</p>	Released with certain information withheld under section 9(2)(a)
14.	30 June 2023	<p><i>Email correspondence between Te Puni Kōkiri and Ministry of Justice (Waitangi Tribunal Unit)</i></p> <p>Subject: Draft email for the Waitangi Tribunal</p>	Released with certain information withheld under section 9(2)(a)
15.	4 July 2023	<p><i>Email correspondence between Te Puni Kōkiri and Ministry of Justice (Waitangi Tribunal Unit)</i></p> <p>Subject: Supplementary piece for your Section 8i Report</p>	Released with certain information withheld under section 9(2)(a)
		<p>Note: Attachment 1: Draft email for the Waitangi Tribunal</p>	Released with certain information withheld under section 9(2)(a)
16.	4 July 2023	<p><i>Email correspondence between Te Puni Kōkiri and Ministry of Justice (Waitangi Tribunal Unit)</i></p> <p>Subject: Supplementary piece for your Section 8i Report 1</p>	Released with certain information withheld under section 9(2)(a)

		Note: Attachment 1 (attached to email of 04/07/2023, 4.20pm) is out of scope of your request.	
		Attachment 2 2023 07 04 Kaupapa Inquiries Piece.docx (4.20pm)	Released in full
		Attachment 3 2023 07 04 Kaupapa Inquiries Piece Waitangi Trib Uni.docx (06/07/2023, 10.44am)	Released in full
		Attachment 4 2023 07 04 Section 8I 2021-22 Draft 2 Feature Narrative (004) Wait Trib Unit.docx (06/07/2023, 10.44am)	Released in full
17.	4 July 2023	<i>Email correspondence between Te Puni Kōkiri and Ministry of Justice (Waitangi Tribunal Unit)</i> Subject: Supplementary piece for your Section 8i Report 2 Note: Attachment 2 (attached to email of 04/07/2023, 4.20pm) and 6 (attached to email of 06/07/2023, 2.11pm) are out of scope of your request.	Released with certain information withheld under section 9(2)(a)
		Attachment 1 2023 07 04 Kaupapa Inquiries Piece.docx (04/07/2023, 4.20pm)	Released as Document 16, Attachment 2
		Attachment 3 2023 07 04 Kaupapa Inquiries Piece Waitangi Trib Uni.docx (06/07/2023, 10.44am)	Released as Document 16, Attachment 3
		Attachment 4 2023 07 04 Section 8I 2021-22 Draft 2 Feature Narrative (004) Wait Trib Unit.docx (06/07/2023, 10.44am)	Released as Document 16, Attachment 4
		Attachment 5 2023 06 07 Kaupapa Inquiries Piece Draft - Section 8I.docx (06/07/2023, 2.11pm)	Released as Document 16, Attachment 2
18.	6 September 2023	<i>Email correspondence between Te Puni Kōkiri and Te Arawhiti</i> Subject: Section 8I Report 2022 – link to final report	Released with certain information withheld under section 9(2)(a)

		Attachment 1 Section 8I Report 2022 Available on Te Puni Kōkiri's website at: www.tpk.govt.nz/en/o-matou-mohiotanga/crownmaori-relations/the-section-8i-report-2022	Refused in full under section 18(d)
--	--	---	-------------------------------------

Key to Letter of Final Response	
Heading	Direction
Some information has been withheld in accordance with the Act on the following grounds:	<ul style="list-style-type: none"> • Section 9(2)(a) - withholding to protect the privacy of natural persons, including deceased natural persons. <ul style="list-style-type: none"> ○ Some information has been redacted to ensure the privacy of the persons.