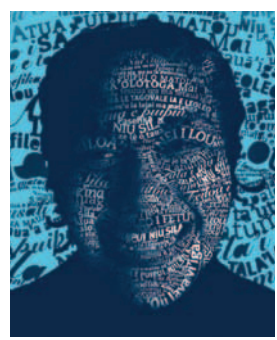
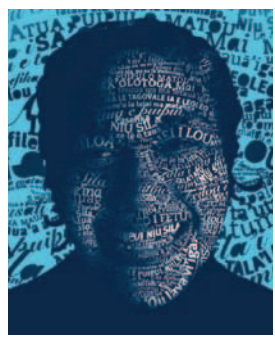
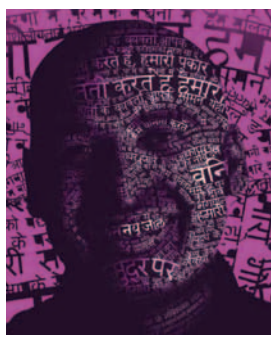
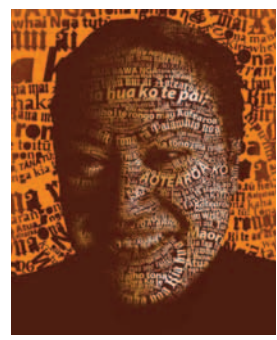
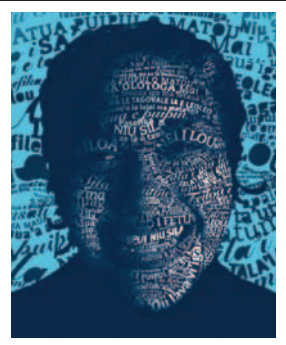


Tūi Tūi Tuituiā

Race Relations in 2010



Human Rights
Commission
Te Kāhui Tika Tangata





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Aotearoa New Zealand

Cover art work: Race Relations Day poster 2011, People in harmony by blackrobindesign



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Tūi Tūi Tuituiā

Race Relations in 2010

The Human Rights Commission and Race Relations

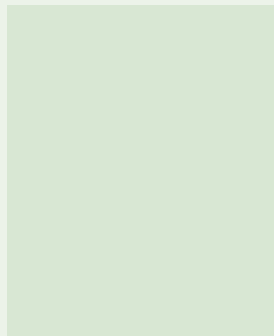
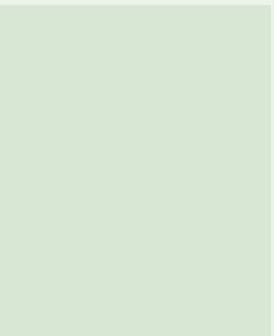
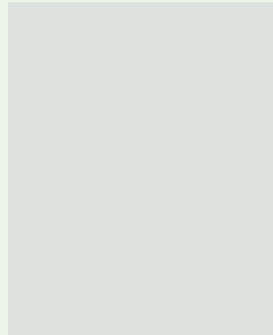
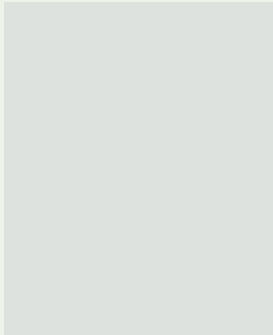
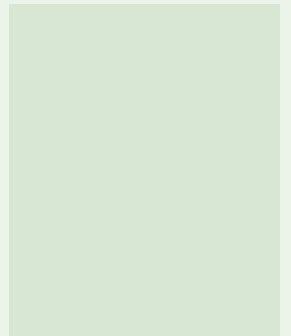
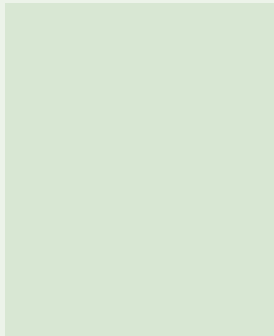
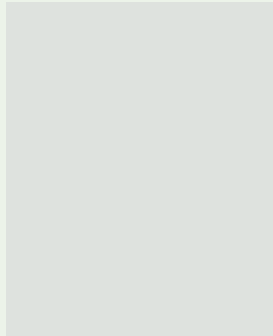
The main functions of the Human Rights Commission under the Human Rights Act 1993 are to promote and protect human rights; to encourage the development of harmonious relations; to promote equal employment opportunities; and to provide a dispute resolution service for complaints of discrimination on the grounds (among others) of colour, race, and ethnic or national origins. The Act also provides for the appointment of a Race Relations Commissioner to lead the Commission, in conjunction with the Chief Commissioner, on matters relating to race relations. The Commission encourages the maintenance and development of positive race relations through a variety of programmes, including:

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

This report is part of the Human Rights Commission's contribution to the New Zealand Diversity Action Programme for 2011.

For more information on the programme, visit www.hrc.co.nz/diversity.





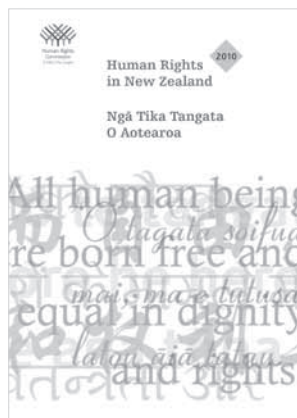
Ngā kaupapa

Contents

1. Kōrero whakataki	4
Introduction	
2. Whakawhanaungatanga ā iwi me ngā tiriti o te ao	6
New Zealand race relations and international treaties	
3. Mahi rerenga kētanga	10
Diversity action	
4. Whakahāweatanga me te nonotitanga	16
Discrimination and harassment	
5. Te Tiriti o Waitangi	23
Treaty of Waitangi	
6. Tauriteritekore	40
Inequalities	
7. Te hekenga me te whakatau	53
Migration and settlement	
8. Reo	65
Language	
9. Pāpāho	73
Media	
10. Rerekētanga whakapono	81
Religious diversity	
11. Te rangahau whānui o te rerenga kētanga	88
Diversity research	

1 Kōrero whakataki

Introduction



Racial equality, in the enjoyment of fundamental human rights, encompassing civil, political, economic, social and cultural rights, is a prerequisite for good race relations. As this year's race relations report shows, New Zealand continues in many respects to make progress in relationships between its diverse ethnic groups.

However, despite the many efforts of communities and successive governments, social and economic inequalities, accentuated by the economic recession, remain unacceptably high. An unrelenting focus on the elimination of racial inequalities is needed, so that future generations of New Zealanders are free from this blight. It is also time to examine whether there are still systemic or institutional barriers to racial equality that need to be addressed to make other interventions more effective.

This year, the Government will submit its five-yearly report on New Zealand's compliance with the International Convention on the Elimination of Racial Discrimination to the United Nations. There will be positive stories to tell:

- New Zealanders have not succumbed to the xenophobic, anti-immigrant and anti-Muslim sentiments that have characterised recent political developments in Europe.
- Instances of racially motivated crime are relatively rare.
- We are in the process of settling historical claims for breaches of the Treaty of Waitangi.
- The Māori economy continues to grow.
- New Zealand can boast many community celebrations and acknowledgments of our cultural diversity.
- The Human Rights Commission has a broad mandate to address complaints of discrimination, promote respect for human rights and encourage harmonious race relations.
- Our Parliament reflects the cultural diversity of our community.
- The Māori language is increasingly acknowledged and used in the public sphere.

However, the Government will also have to acknowledge that, despite ongoing efforts and programmes, the entrenched racial inequalities in health, education, employment, justice and housing continue to be a blot on our otherwise positive record. They impact most of all on our children and young people. For example:

- Māori children were the subject of 25,856 investigations of child abuse (47 per cent of the total) and constituted 11,003 cases (52 per cent) that were substantiated in 2009–10.
- Māori children comprised 57 per cent of those in care and protection residences, 61 per cent of those held in youth justice facilities and 52 per cent of those in out-of-home care and protection placements.
- Māori and Pacific youth unemployment was 27.4 per cent and 27.2 per cent respectively at the end of 2010.
- Māori and Pacific educational achievement continued to lag significantly behind that of others.
- Māori and Pacific children had poorer health status.

This report documents what happened in race relations in 2010. It records some of the many contributions made by community organisations and individuals; the significant progress achieved in treaty settlements; the state of racial inequalities and government initiatives to address them; and developments in immigration and settlement, language, religious diversity, media and diversity research.

It also notes two pieces of legislation that were passed that go against basic human rights principles: the introduction of 'three strikes' provisions in sentencing and the removal of prisoners' right to vote. This is of great concern, particularly since Parliament passed the legislation in both cases despite advice to the contrary from the Attorney-General. He told Parliament that the three-strikes legislation was "inconsistent with the right against disproportionately severe treatment", it would result in "disparities between offenders that are not rationally based", and it might result in "gross disproportionality in sentencing". He described the removal of prisoners' right to vote as "unjustifiably inconsistent with the electoral rights affirmed by section 12 of the New Zealand Bill of Rights Act 1990." Both provisions are likely to have a disproportionate effect on Māori because of their disproportionate rate of conviction and imprisonment.

This year's report makes extensive reference to the Human Rights Commission's five-yearly review of human rights, *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*, published in December. It includes summaries of the Commission's assessment of various human rights of particular relevance to race relations and the priority areas identified for action. Together these set an agenda for race relations.

There are a number of significant events in 2011 that will have an impact on race relations.

The five-yearly Census of population and households will provide an up-to-date picture of the number of individuals of different ethnicities, tribal affiliations, religious beliefs, the languages we speak, and the different balance of peoples living in different locations. This will enable government, business and community organisations to plan more effectively to serve our diverse communities.

During September and October, we will be on show to the world due to the Rugby World Cup, and international media attention will undoubtedly focus on our social as well as our physical landscape. This gives us an opportunity to express our diverse identities as well as our common identity as New Zealanders.

In November, we will have a general election. Hopefully, the election campaign will contribute to positive race relations rather than fan the fires of racial disharmony. Together with the election, there will be a referendum on the future of mixed-member proportional representation (MMP) – the electoral system that has greatly increased the diversity of our Parliament.

Before the election, the first stage of a three-year constitutional review process will take place. It will consider, among other things, the place of the Treaty of Waitangi and Māori seats in Parliament and local government.

Top 10 priorities for 2010

This report contains many priority areas for action, drawn from the Commission's 2010 review of human rights. Based on these, the following are put forward as the top 10 priorities for the coming year:

1. protecting children who are vulnerable to abuse from harm and ensuring that all New Zealand children equally enjoy the right to education, good health, housing and freedom from poverty
2. identifying and working to remove any structural or institutional barriers to racial equality in the enjoyment of civil, political, social and economic rights
3. reducing the high rate of unemployment of Māori and Pacific peoples, and particularly of young people
4. reducing the number of people in our prisons and the disproportionate number of them who are Māori
5. making better provision for Māori representation in local government in this year's representation reviews
6. ensuring that the transitional arrangements of the Auckland Council to provide for cultural diversity, inclusion and responsive services for diverse communities are confirmed and enhanced
7. monitoring the impact of the new Immigration Act 2009 on migrants and refugees
8. renewing efforts to provide for the learning and use of te reo Māori, Pacific Island and other community languages
9. promoting public discussion and input into New Zealand's 2010 report to the United Nations Committee on the Elimination of Racial Discrimination
10. agreeing on actions by the public and private sectors and communities to implement the priority areas identified in the Human Rights Commission's 2010 review of human rights.

Joris de Bres

Race Relations Commissioner

Kaihautū Whakawhanaunga ā Iwi

2 Whakawhanaungatanga ā iwi me ngā tiriti o te ao

New Zealand race relations and international treaties

What happened in 2010?

- The Human Rights Commission reviewed New Zealand's participation in the international human-rights treaty system.
- The United Nations Human Rights Committee considered New Zealand's compliance with the International Covenant on Civil and Political Rights.
- The Government submitted its periodic report to the UN Committee on the Elimination of Discrimination against Women.
- The Government responded to questions from the UN Committee on the Rights of the Child.
- The Human Rights Commission reviewed the Government's response to the recommendations of the UN Committee on the Elimination of Racial Discrimination.

Review of human rights: international treaties

The Human Rights Commission's five-yearly review of human rights, *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*, was published in December. One chapter assessed New Zealand's performance against the international human-rights framework:

New Zealand Government ministers are increasingly participating in human rights treaty body processes when New Zealand's compliance is under examination. The Commission has become more involved in the treaty reporting process, monitoring the outcomes and integrating them into its work.

Internationally, the period is notable for the growing recognition of the value of involving civil society and national human rights mechanisms in the reporting process.

Despite these advances, the relationship between international human rights standards and what happens in practice at the national level is still not widely understood in New Zealand.

New Zealand has a good record of ratification of and compliance with its international obligations. It has demonstrated some commitment to considering further constitutional protection of human rights. There has also been strengthened engagement in the treaty body

reporting process and growing input from civil society. However, New Zealand's human rights obligations are not reflected in a single entrenched constitutional instrument but simply remain part of the ordinary statutory scheme and the common law. Parliament is able to disregard them and they are therefore much less secure than they should be.

New Zealand examined on civil and political rights

New Zealand's compliance with the International Covenant on Civil and Political Rights came under scrutiny by the United Nations (UN) Human Rights Committee (HRC) in New York in March 2010. The Justice Minister presented New Zealand's fifth periodic report. Among other matters, the HRC welcomed the adoption of the Immigration Act 2009. The HRC recommended that the Government:

- strengthen its efforts to reduce the over-representation of Māori, in particular Māori women, in prisons
- increase its efforts to prevent discrimination against Māori in the administration of justice
- provide law enforcement officials and the judiciary with adequate human rights training
- ensure that the Terrorism Suppression Amendment Act 2007 is not applied in a discriminatory manner and does not lead to excessive use of force against suspects – to balance the preservation of public security and the enjoyment of individual rights
- provide the committee, in its next periodic report, with detailed information on the results of any investigation, prosecution and disciplinary measures taken relating to law enforcement officials in connection with the alleged human-rights violations – in particular, cases of excessive use of force – in the context of Operation 8
- ensure that the trials of those arrested in Operation 8 raids in Ruātoki, Auckland, Hamilton, Palmerston North, Wellington and Christchurch are held within a reasonable timeframe
- bring its immigration legislation fully in line with the principle of non-refoulement – forbidding the expulsion of a refugee into an area where the person might be again subjected to persecution
- ensure that no asylum-seeker or refugee is detained in correctional facilities and other places of detention together with convicted prisoners and amend the Immigration Act 2009 accordingly



- consider extending the mandate of the New Zealand Human Rights Commission so it can receive and report on complaints of human-rights violations related to immigration laws, policies and practices
- increase its efforts for effective consulting with representatives of all Māori groups about the current review of the Foreshore and Seabed Act 2004, with a view to amending or repealing it
- continue its efforts to review the status of the Treaty of Waitangi within the domestic legal system, including the desirability of incorporating it into domestic law, in consultation with all Māori groups
- ensure that the views expressed by different Māori groups during consultations about the historical Waitangi Treaty claims settlement process are duly taken into account.

The HRC asked for a report in 12 months (March 2011) on the recommendations concerning Māori imprisonment, Operation 8 and the Foreshore and Seabed Act 2004.

Report submitted on the status of women in New Zealand

The Minister of Women's Affairs released the Government's seventh periodic report to the UN Committee on the Elimination of Discrimination against Women (CEDAW) in December 2010. The report noted:

Some groups of women also continue to have poorer outcomes relative to each other, and some face greater discrimination than others. For example, Māori women have poorer outcomes in many key areas, even after

adjusting for socio-economic status. Pacific women also have poorer outcomes and migrant and refugee women often face cultural and language barriers in addition to those faced by other New Zealand women. Policy approaches are increasingly focusing on this diversity, as significant changes are projected in the ethnic composition of the New Zealand population over the next two decades. These include substantial increases in the proportion of Asian, Māori and Pacific people in the population.

CEDAW is expected to consider the report in 2012, along with any 'shadow reports' from non-government organisations (NGOs). When CEDAW examined New Zealand's previous report in 2006, it received shadow reports from the National Council of Women, the Māori Women's Welfare League and Pacific Women's Watch.

UN questions about New Zealand children answered

In December, the Government responded to a list of questions from the UN Committee on the Rights of the Child (CROC) in preparation for the CROC's examination of New Zealand in January 2011. The Government acknowledged that Māori children suffered significant inequalities in education, health and other social and economic areas. And it listed a wide range of programmes being undertaken to address these. Among the figures supplied to the committee were that in 2009–10, Māori children comprised 57 per cent of those in care and protection residences, 61 per cent of those held in youth justice facilities and 52 per cent of those living in out-of-home care and protection. Māori children were the subject of 25,856 investigations of child abuse (47 per cent of the total) and constituted 11,003 substantiated cases (52 per cent).

UN race relations recommendations monitored

The UN Committee on the Elimination of Racial Discrimination (CERD) last reviewed New Zealand's compliance with the Convention on the Elimination of Racial Discrimination in 2007. The CERD made a number of recommendations and the Human Rights Commission has monitored the Government's response annually. By the end of 2010, eight of the 18 recommendations monitored had been actioned in whole or in part, five were in process, three had been rejected and two were accepted but not actioned (see table).

The Government's responses to recommendations by the UN Committee on the Elimination of Racial Discrimination

Recommendation	Status	Government response
Follow-up on HRC's Action Plan for Human Rights in New Zealand	The HRC completed a second review of human rights in 2010, with priority actions.	In process
Entrench New Zealand Bill of Rights Act 1990 (BORA)	The present BORA arrangements were considered satisfactory, but may be considered in constitutional review.	In process
Discuss constitutional status of Treaty of Waitangi	A constitutional review was announced in 2010.	In process
Incorporate Treaty into domestic legislation where relevant	The principles of the Treaty of Waitangi Deletion Bill was rejected by Parliament.	Actioned
Distinguish between special measures and indigenous rights in reports to CERD	The Government agreed to this recommendation and will amend future reports to CERD.	Actioned
Provide guidance on special measures to achieve equality	The State Services Commission issued guidelines on special measures.	Actioned
Give a cut-off date for lodging historical Treaty claims	The cut-off date was widely publicised and resulted in a dramatic increase in the lodging of claims.	Actioned
Grant the Waitangi Tribunal binding powers	As the Tribunal operates as a truth-and-reconciliation process, the Government has no plans to give it binding powers to adjudicate Treaty matters.	Rejected
Renew Crown–Māori dialogue on Foreshore and Seabed Act 2004 (FSA)	A government-appointed panel reviewed the FSA in 2009. Following further consultation and negotiation, the Coastal and Marine Area (Takutai Moana) Bill was introduced into Parliament in 2010.	In process
Make references to the Treaty in the New Zealand curriculum	References to the Treaty were included in the final version of the new curriculum released in 2007.	Actioned
Deal with over-representation of Māori and Pacific peoples and racial discrimination in criminal justice system	A major work programme has begun, to address the drivers of crime, including work to prioritise specifically Māori initiatives. These include rangatahi courts, Māori-centred rehabilitation and reintegration units and police working with Māori communities.	In process
Assess the effect of section 27 of the Sentencing Act 2002	No assessment has been made.	Rejected
Give unrestricted access to education for undocumented children	The Immigration Act 2009 removed barriers for foreign national children to access education.	Actioned
End the detention of asylum-seekers in correctional facilities	The Immigration Act 2009 significantly restricts the situations in which refugees or protected persons can be detained and requires those to be in line with article 10 of the International Covenant on Civil and Political Rights.	Actioned in part
Collect data on racially motivated crime	The Government agrees with this recommendation, but police will not progress it in the medium term because of higher-priority work.	Accepted, but not actioned

Improve accessibility and effectiveness of HRC discrimination complaints procedures	The HRC undertook a multi-year project to improve the accessibility of its enquiries and complaints service.	Actioned
Consider ratifying the International Labour Organisation (ILO) convention 169 concerning indigenous and tribal peoples, the UN Convention relating to the Status of Stateless Persons and the UN Convention on the Protection of the Rights of All Migrant Workers	The Government has no plans to ratify any of these conventions.	Rejected
Consider accepting the CERD article 14 complaint procedure	The Government agreed to consider accepting the article 14 procedure.	Accepted, but not actioned

Coming up in 2011

New Zealand has the following reporting obligations under international human-rights treaties in 2011:

- In January, the UN Committee on the Rights of the Child considered New Zealand's periodic report on its compliance with the Convention on the Rights of the Child.
- In March, New Zealand must submit its first report on its compliance with the UN Convention on the Rights of Persons with Disabilities.
- In May, New Zealand must report back to the UN Human Rights Committee on its response to the committee's recommendations on Māori imprisonment, Operation 8 and the Foreshore and Seabed Act 2004.
- In May, the UN Committee on Economic, Social and Cultural Rights will conduct a preliminary consideration of New Zealand's periodic report on its compliance with the International Covenant on Economic, Social and Cultural Rights.
- The UN Committee on the Elimination of Discrimination against Women is expected to consider New Zealand's report on its compliance with the Convention on the Elimination of All Forms of Discrimination against Women.

- In December, New Zealand's next report to the UN Committee on the Elimination of Racial Discrimination on its compliance with the Convention on the Elimination of All Forms of Racial Discrimination is due.

Human rights in New Zealand 2010: areas for action

Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa identified the following areas for action in the international human-rights framework:

Parliament

Tabling in Parliament New Zealand's reports on the implementation of international human-rights covenants and conventions and later treaty-body recommendations, as well as those of the Human Rights Commission.

Civil Society

Ensuring wider and more active participation of civil society in international human-rights mechanisms, including establishing a fund to support civil society to more effectively engage with the international treaty processes.

3 Mahi rerenga kētanga

Diversity action

What happened in 2010?

- The Human Rights Commission completed its five-yearly review of human rights, including an assessment of the status of race relations.
- More than 255 organisations participated in the New Zealand Diversity Action Programme, and they delivered 720 diversity projects.
- Race Relations Day was marked with activities throughout New Zealand in March.
- The New Zealand Diversity Forum was held in Christchurch in August.
- Thirteen organisations received awards for their outstanding contribution to positive race relations.

Review of human rights: race relations

Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa assessed race relations and diversity action. In summary:

New Zealand generally complies with and exceeds international standards in terms of its legislation and policies on race relations. Public opinion polling has shown that New Zealanders are more positive about race relations now than they were in 2004, and public institutions, particularly Parliament, are now more ethnically diverse.

There have been many positive developments in race relations since the last review of human rights in New Zealand in 2004, indicating increasing recognition and support for cultural diversity. Many of these developments will have long-term benefits in enhancing race relations. A central example of this is the New Zealand curriculum introduced in 2008, which contains the core principles of the Treaty of Waitangi, cultural diversity and inclusion. Curriculum requirements to learn a language will help bring about the development of language policy and resourcing.

Other examples of positive developments include an increasingly diverse media, the work of the Office of Ethnic Affairs to ensure the Government is responsive to New Zealand's diverse population, and efforts by the New Zealand Police to improve engagement with ethnic communities.

Since 2004, the Human Rights Commission – in partnership with other organisations – has established a framework for addressing race relations issues. This includes the Diversity Action Programme; an annual diversity forum; a system for acknowledging positive contributions to race relations; observance of Race Relations Day; partnerships to promote Māori and Samoan language weeks; publications of national policy statements on language diversity, religious diversity and race relations; and an annual report on race relations.

However, challenges remain. These include promoting public understanding of diversity, combating discrimination and harassment, meeting the needs of diverse communities and fostering harmonious relationships. Anti-discrimination provisions would be enhanced by adopting the article 14 complaints procedure in the Convention on the Elimination of Racial Discrimination.

Diversity Action Programme delivers 720 projects

A total of 255 organisations participated in the New Zealand Diversity Action Programme in 2010. They delivered 720 diversity projects. The programme is co-ordinated by the Human Rights Commission and involves organisations registering projects each year. These projects contribute to one or more of the programme's goals, which are to:

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

There was a wide range of registered projects in 2010 including:

- activities in support of cultural and national days and events – such as Waitangi Day, Race Relations Day and World Refugee Day
- refugee and migrant services
- educational activities
- cultural performances
- exhibitions
- language weeks
- sports and outdoor education programmes

- interfaith dialogue
- development of policies and strategies
- forums and workshops
- research and publications.

Participating organisations included Māori; Pacific; ethnic and multi-ethnic community groups; local and central government; libraries and museums; business groups; refugee and migrant support organisations; faith and

Kai to Pie at Auckland Museum: the world on your plate

From June to October, Auckland Museum hosted an exhibition that celebrated the cultural diversity of the city through exploring food and its preparation. Serving up Auckland in four courses, the exhibition:

- explored traditional harvesting of food from land and sea
- showed the great banquets of Auckland's past
- showcased objects from New Zealand's culinary culture
- investigated the future of our food.

The Kai to Pie exhibition was accompanied by a wide range of activities and events, including lectures and family events. Every Saturday, the museum showcased one of the many ethnic groups that call Auckland home, through cooking

demonstrations, cultural performances and the opportunity to taste some cultural specialities.



Kai To Pie exhibition. Tearooms on the roof of Farmers store, Auckland

interfaith groups; professional associations; and health, educational, community development and research organisations.

Race Relations Day

The International Day for the Elimination of Racial Discrimination is observed in New Zealand as Race Relations Day. The theme for 2010 was 'It's About Us'. The day was promoted by the Human Rights Commission in association with the New Zealand Federation of Multicultural Councils, national and local government, and community organisations. A Race Relations Day page on Facebook, operating for the first time, attracted 3500 fans. The page helped to publicise activities and promote resources. The Ministers of Māori Affairs and Ethnic Affairs hosted official government receptions at Ōrākei Marae, in Auckland, and the Museum of New Zealand/Te Papa Tongarewa (Te Papa), in Wellington, respectively.

Activities organised by the multicultural councils, together with community organisations, attracted thousands of people. These included:

- the Tauranga Multicultural Festival
- the U & I soccer-fest in Rotorua
- a networking event in Christchurch
- a multi-ethnic concert in Dunedin
- the Timaru Race Relations Day Dinner
- the Hutt City Race Unity Festival
- the Southland Multicultural Food Festival
- a Race Relations Day dinner on Auckland's North Shore
- the Nelson Race Unity Day Festival
- the Hamilton Indigo Festival
- the Upper Hutt Festival of Cultures
- the Palmerston North Festival of Cultures
- the Taranaki Multicultural Extravaganza
- a multicultural concert in Oamaru
- the Franklin Multicultural Festival in Pukekohe.

There were many other activities and acknowledgments of the day by schools, councils, libraries and churches around the country.



2010 Race Relations Day poster

New Zealand Diversity Forum held in Christchurch

More than 800 people attended the annual New Zealand Diversity Forum in August. It was held in Christchurch for the first time. This enabled local organisations to host a significant number of sessions on their own projects and issues. It also provided opportunities for local people to engage with national organisations and counterparts from elsewhere. The forum was held under the umbrella of the Human Rights Commission, the Ministry of Social Development's 'Settling In' Programme and the New Zealand National Commission for UNESCO. The forum included the annual national youth forum, as well as workshops organised by 24 community, governmental, academic and professional organisations.

Keynote speakers were Graeme Innes, Australian Race Discrimination Commissioner and Disabilities Commissioner; Mia Northrop, organiser of Vindaloo against Violence – the successful Australian social media campaign; Hana O'Regan, Christchurch Polytechnic Institute of Technology (CPIT) Māori and Pacific Director; and Joris de Bres, Race Relations

Commissioner. The forum also featured the annual New Zealand Diversity Awards.

On the programme were the annual forums for New Zealand Diversity Action Programme networks for people interested in language policy, religious diversity, media diversity and refugee issues. Also included were the annual diversity-research symposium and meetings of professional groups such as librarians.

Apart from networking and sharing of ideas and projects, outcomes of the forum included:

- launching discussion papers on Māori representation in local government and on discrimination against Asian New Zealanders
- a project on international student safety
- new initiatives on diversity and sport
- input into the Human Rights Commission's review of human rights in New Zealand
- a decision to develop a policy statement on religion and the media.

The topics were varied and included health, education, employment, sport, religion, indigenous rights, human rights, social media, disability, dialogue and community development. A decision was made to hold the 2011 forum

in Hamilton. This was based on the success of holding the forum in a location other than the previous alternate cities of Auckland and Wellington.

Diversity awards

At the 2010 New Zealand Diversity Forum, the Human Rights Commission presented diversity awards to 13 organisations for outstanding contributions to cultural diversity and race relations. The winners were:

Auckland Chamber of Commerce

The chamber is a non-government organisation that has been helping employers and job-seekers with employment over the past 10 years. The chamber runs various work programmes for at-risk minority groups, including migrants, refugees, single parents, the recently unemployed and young people in South Auckland.

Hagley Community College

Hagley Community College, in Christchurch, provides education for people of different ages, ethnicities and learning abilities. More than 230 of the 2000 students are refugees from countries such as Afghanistan, Bhutan, Iraq, Somalia, Eritrea and Ethiopia. A further 300-plus family members access the multi-ethnic study centre to gain useful resettlement skills.

Anne Frank exhibition tours New Zealand

The NetherlaNZ Foundation brought a travelling exhibition, developed by Anne Frank House in Amsterdam, to New Zealand. The exhibition opened at Te Papa in February 2010. It portrays the history of the rise of Hitler and the Holocaust; how the Frank family, who were respected citizens in Germany, were made outcasts by the Nazi dictatorship; and how, ultimately, Anne, her sister Margot and her mother died in the Bergen-Belsen and Auschwitz concentration camps.

The foundation said it wanted the exhibition to come to New Zealand "to show new generations what happens when discrimination gains the upper hand and that this must never happen again". A New Zealand perspective was added by showing a special documentary, *New Zealand Survivor Stories*, with interviews of six survivors and other connected people. Also incorporated was the

Moriah School's Button Project to remember the 1.5 million children who died in the Holocaust. Each button represents a child. The buttons will be made into a memorial sculpture and placed in Wellington. There was also a virtual 'Wailing Wall' on which people could text their feelings about the exhibition.

Following six weeks at Te Papa, the exhibition went to museums and venues in Auckland, Whangarei, Howick, Waiouru and Manurewa. It finished the year at Parliament Buildings in Wellington, attracting a total of more than 70,000 visitors. In 2011, the exhibition is scheduled to go to Papakura, Hamilton, Whakatāne, Arrowtown, Nelson and Invercargill. Because of further demand, the itinerary has been extended to 2012 to include visits to New Plymouth, Rotorua and Palmerston North.

Hamilton Multicultural Services Trust

The Hamilton Multicultural Services Trust provides an interpreting service and programmes to support refugees and migrants. The trust collaborates with other organisations to run the NZ Ethnic Soccer Festival, Homeworx Program, Emergent Art and Low Cost Living Expo, and is a partner in the Waikato Migrant Resource Centre.

Southland Multi-Nations Council

Based in Invercargill, the Southland Multi-Nations Council promotes and celebrates cultural diversity, helps with settlement issues and social contacts, and organises educational forums on migrant resettlement. This year, the council held its first multicultural food festival for Race Relations Day, attended by more than 1500 people.

Auckland Regional Public Health Service (ARPHS)

ARPHS provides services for the Counties Manukau, Waitemata and Auckland district health boards. Their services include a medical clinic at the Māngere Refugee Resettlement Centre and health programmes for refugee communities. ARPHS focusses on empowering diverse communities, such as refugees and Māori, Pacific and Asian peoples to take ownership and create sustainable projects.

Christchurch city libraries

This network of 19 public libraries, plus a mobile library and a digital library, provides orientation and training for migrants, refugees and ESOL groups, including an opportunity for internet novices to explore the library website. Library staff maintain relationships with the migrant and refugee communities and organise activities for a wide range of diversity events throughout the year.

CAB Language Link

This charitable organisation aims to ensure that language is no barrier for migrants and refugees. It provides free and confidential information, advice, interpreting support and advocacy in 26 languages. The information and advocacy covers a range of settlement needs including immigration, employment, housing, income support, education, health and counselling.

Plains FM 96.9

Since 1988, community access station Plains FM 96.9 has been providing training and facilities for local community groups, schools, organisations and individuals to make and broadcast their own radio programmes. These programmes allow people to share ideas and express opinions in their own language. Diversity is expressed in 15 different languages, through arts and specialist music shows, local politics, the environment and Muslim youth.

Mercy Ministries NZ Trust

The Sisters of Mercy established this trust for their work in healthcare, education and community development. Their ministries include aged-care facilities, secondary colleges for girls, spirituality and retreat centres, and a range of community development and social service initiatives. Their projects this year have included talks encouraging interfaith understanding, and school celebrations of Matariki and Te Wiki o Te Reo Māori.

Whakatū Marae

The Whakatū Marae complex houses the Whare Tupuna-Kaakati, a Wharekai-Mauriora, six Whare Kaumātua, Kopuawai Te Kōhanga Reo, and a Kōkiri Centre that provides health and social services. This year, Whakatū Marae and Founders Heritage Park Nelson hosted a Waitangi Day Kai Festival, attended by more than 6000 people. The marae also welcomes migrants and refugees new to the Nelson area.

Te Rūnanga o Ngāi Tahu

Te Rūnanga o Ngāi Tahu is committed to the inter-generational well-being and growth of its tribal communities. As an employer, its policies affirm the value of diversity. The rūnanga contributes to business and communities throughout the South Island and has a policy of manaaki (hospitality) towards refugees and migrants.



Island Summer, by Pacific Underground. Credit: Pacific Underground

Pacific Underground Inc

This theatre company was established in 1993 to share Pacific stories. It has been the training ground for some of New Zealand's best known entertainers, such as Oscar Kightley, David Fane and The Naked Samoans; Scribe; Dallas Tamaira of Fat Freddy's Drop; and Ladi 6.

Progressive Enterprises Ltd

In 2010, Progressive Enterprises, owner of Countdown, Woolworths and Foodtown supermarkets, hosted the Auckland launch of Māori Language Week, with the theme 'Te Mahi Kai – the Language of Food'. The company used Māori language widely in its advertising and in-store signage.

Human Rights in New Zealand 2010: areas for action

Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa identified the following areas for action on diversity:

Diversity action

Encouraging organisations and communities to develop their own diversity action projects and programmes, especially intercultural activities.

Diversity education

Ensuring that teachers have appropriate resources and are appropriately trained to teach diversity in the new curriculum.

4 Whakahāweatanga me te nonotitanga

Discrimination and harassment

What happened in 2010?

- A UMR Research Ltd survey in November found that Asians continue to be viewed as the group most discriminated against.
- The media reported sporadic incidents of racial violence and abuse, mainly in the South Island and mostly against Asians.
- The Christchurch report-it website continued to receive complaints from international students about racial harassment.
- A reporting system for racist incidents in Nelson and Tasman, Speak Out Nelson Tasman, was launched in November.
- A research project on harassment of international students started in Auckland.
- The New Zealand and South African rugby unions apologised for discriminating against Māori by excluding them from rugby tours during the apartheid era.
- More than 500 complaints and enquiries were made to the Human Rights Commission about racial discrimination.

Discrimination

Asians perceived to be most discriminated against

In November, UMR conducted a survey for the Commission on New Zealanders' views of discrimination. It indicates what people observe in their own context.

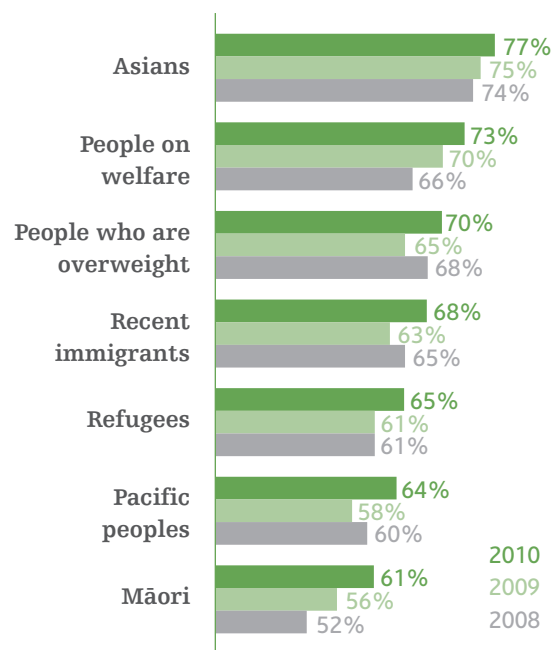
The survey asked respondents which groups they thought were the most discriminated against. From a list of 14 demographic groups, respondents rated the level of discrimination for each: 'a great deal', 'some', 'only a little', or 'none at all'. More than three-quarters (77 per cent) of respondents identified Asians as being discriminated against. This was an increase from 75 per cent in 2009 and 74 per cent in 2008.

Harassment

Media reports of racially motivated crime

The media continue to report sporadic incidents of racially motivated violence, ranging from verbal abuse to severe physical assault. There is no way to establish the actual

Who do you believe suffers "a great deal" or "some" discrimination?



extent of racially motivated crime. This is because the Government has not yet honoured its commitment to the United Nations Human Rights Council to introduce a system of data collection to capture this information. Media reports reflect that most incidents are directed at Asians and occur in the South Island. Some noteworthy media reports are mentioned or discussed below:

A refugee family from Bhutan claimed they had been driven out of their state house in Christchurch because their neighbours' children abused them, urinated on their lawn, threw dog food at their house and threw water bombs at their children. (*TV3 News, 7 January*)

In February 2010, an Asian student was left beaten and bloodied after an assault by four skinhead youths at a bus stop outside the Palms Mall in Christchurch. Witnesses believed the attack was racially motivated. (*The Press, 23 February*)

In April, African-American basketball player Tyler Amaya was subjected to racial taunts by a group of youths while he was socialising with fellow Otago team members in Dunedin. He received a massive hit from behind and suffered a serious concussion. He also had a black eye and a cut to the back of his head. (*Newstalk ZB, 13 April*)

In April, a man who had admitted murdering a South Korean tourist on the West Coast in 2003 was sentenced in the Christchurch High Court to life imprisonment, with a minimum non-parole period of 16 years and three months. The judge told him the murder was committed "with a high degree of callousness" and was clearly a racist killing. "It was very significant that Mr Kim was Asian. You have white supremacist, neo-Nazi beliefs. You regarded him (Kim) as not deserving of the same dignity and respect as a white person." (*The Press*, 29 April)

Jason Macklow, a 21 year old man, was sentenced in the Hastings District Court to two years and three months' jail for terrorising a 71-year-old Indian man, knocking off his turban and punching out his false teeth. The judge noted that the man had continued to use racist terms and showed no remorse to his victim. He said he was allowed to hold whatever views he liked, but he could not act on them. "It is what you do that makes the difference and of course we don't condone this kind of conduct in our society. Quite frankly, this was a disgraceful race-based attack. Not the kind that we're used to in New Zealand and we certainly don't tolerate that kind of behaviour." (*Dominion Post*, 6 August)

In Christchurch, a Filipino woman, had a four litre tin of paint thrown over her as she was putting her children into her car. The paint went all over her and her car, and some splattered on her two year old daughter. The offenders, described as two European teenagers, laughed as they drove away. (*The Press*, 9 August)

A Zimbabwean teenager was set upon by a skinhead as he left a bottle store in Christchurch. He was shoved and hit in the face by the man, who appeared to be intoxicated. (*The Press*, 9 August)

Two men were convicted in the Christchurch District Court for head-butting and punching an Indian man in Cathedral Square. The man had been waiting outside a tourist hotel when the pair got out of a car and approached him, asking what he was up to, and what he was doing in this country (he was a New Zealand resident). Both offenders were drunk. One walked up and head-butted the man, and the other walked round behind and punched him in the head. When hotel staff were called the pair ran to the car, telling the victim to "get out of the country". The judge said they

were "a disgrace to Christchurch. This was a completely unprovoked attack on a visitor to the city, which had racial overtones." (*NZPA*, 24 September)

A Chinese student from Lynfield College, in Auckland, claimed he was racially abused in August by the manager of a supermarket. (*New Zealand Herald*, 17 September)

A 15-year-old Māori youth was repeatedly stabbed in the face and body on a riverbank after a Christmas concert in Christchurch's Hagley Park. Witnesses told police the attackers, who appeared to be skinheads, were using racial slurs against the victim. (*The Press*, 29 November)

Responses to harassment of international students

Report-it website continues in Christchurch

A website providing international students in Christchurch with a safe and confidential means of reporting experiences of racial harassment was established in 2008. It is a collaborative project involving tertiary institutions, local government, the police, Te Rūnanga o Ngāi Tahu and the Human Rights Commission.

Since its inception, the website (www.report-it.org.nz) has had more than 4000 visits and received 89 reports. Here are some examples of how complaints were followed up:

A young Asian man was cycling home when a passenger from a passing car rolled down the window and sprayed water at him. Fortunately, he was able to get the car's licence-plate number. He reported it through the website. The complaint was forwarded by the Human Rights Commission to the project team member in the relevant educational institution, and then referred on to the campus police officer. Having identified the offender from the number plate, the police officer confronted him with the report. He was deeply remorseful and offered to apologise in person. The project team member contacted the young man, who was very pleased with the outcome. The young man said it was enough for him to know that the offender had faced up to what he had done, and he didn't feel a personal apology was necessary.

A group of Asian students were assaulted and mugged by a group of youths in a park. Project team members contacted the students directly and arranged for them to meet with the Asian liaison officer from the police. One of

the students had called the police at the time but could not express himself well enough in English to give the required information. Later, the liaison officer followed up with a presentation to 230 students at the institution on how to place a police report.

A McDonald's staff member complained about racial harassment by customers. The Commission spoke to McDonald's management and the staff member's supervisor sent a memo to the eight McDonalds stores in the Canterbury region, reminding staff that they have a right to refuse service to verbally and/or racially abusive customers. The company is considering undertaking bullying and harassment workshops.

A young Korean woman, in Christchurch for less than a year, went into a pharmacy to buy some make-up. When she asked for help, the assistant made fun of her accent by giggling and mimicking her words to another colleague. The young woman came away feeling embarrassed and shocked by the behaviour and reported it through the website. Although she didn't request any follow-up or give any contact details, the Commission contacted the pharmacy owner and explained what had happened. The pharmacist requested and received a copy of the (anonymous) website report, and then advised that he had raised the issue with his staff members.

One student responded to a progress report on his complaint: "Thank you for letting me know how it is going. Two days before I got your email, I thought that my report has been forgotten. Anyway, I got email from you and I'm very pleased to hear about it because I feel that NZ really cares about foreign people." Another said: "I just wanted the people who were rude at me to know it was not OK."

Nelson and Tasman people urged to speak out

Concern about racial harassment in Nelson led to a meeting in February 2009 at Whakatū Marae, at which members of the Christchurch Safer Students project were invited to outline their initiative. This led to a coalition of local groups, including local government, the multicultural council and the police, commissioning a research project involving 30 focus groups and representing a wide range of ethnic communities. The report, published in August 2009, found that 81 per cent of participants had experienced racism at

speakout
there are no strangers here

A reporting system for racist incidents in Nelson/Tasman
www.speakout.org.nz
0508 SPEAK OUT (0508 773 256)

tasman Nelson City Council Nelson Marlborough District Health Board Christchurch Community

Speak Out, Nelson

some stage and 86 per cent had witnessed it. The result was the development of a web-based reporting system for the whole community, not just students, called 'Speak Out Nelson Tasman'. The website process is backed up by ethnic community representatives as well as education providers who can provide follow-up and support if requested. The website (www.speakout.org.nz) was launched with a street parade in Nelson in November.

International student experiences in Auckland researched

The Christchurch and Nelson initiatives were locally appropriate responses to racial harassment in a medium-sized and a small New Zealand city. But two thirds of international students, as well as a large proportion of Asian migrants, live in the much larger city of Auckland. A new project began in Auckland in November to establish the experience of international students and consider appropriate responses. An Asian police liaison officer, Jessica Phuang, was seconded for six months to the Ministry of Social Development's 'Settling In' team to undertake the project. It involves:

1. establishing a high-level national steering group, including the police, the Department of Labour, the Ministry of Education, the Commission and the Ministry of Social Development
2. initial discussion with key services, agencies and consulates in Auckland to establish relationships and shape the project
3. a range of focus groups with international students from different countries
4. further discussion with key services, agencies, consulates and others who interact with international students
5. collation of any other supporting statistics, research or material
6. development of a 'Settling In' report that brings together all information and sets out priorities.

The Auckland project follows the successful methodology used by the Settling In teams in other areas to establish migrants' needs.

Complaints

More than 500 complaints made to the Human Rights Commission

The Human Rights Commission received 543 complaints and enquiries¹ on race-related grounds in 2010. This comprised 32 per cent of all complaints about unlawful discrimination. The number was higher than in previous years. This was mainly due to 21 complaints about sports personality Andy Haden's comments in May about rugby players of Pacific Island origin and 83 complaints about broadcaster Paul Henry's comments about the Governor-General.

The number of race-related complaints and their percentage of all complaints to the Commission:

2010	543	32.0%
2009	501	34.6%
2008	407	26.8%
2007	414	27.9%
2006	491	26.0%

Government agencies

Part 1A of the Human Rights Act 1993 applies to discrimination by government agencies. Part 2 applies mainly to the private sector. Of all race-related complaints in 2010, 22 per cent were classified as Part 1A – the same proportion as in the previous two years.

Ministry of Education decision on Pacific language resources attracts complaints

Eight of the complaints about race-related discrimination under part 1A of the Human Rights Act 1993 concerned the Ministry of Education's decision to pause production of the Tupu series of Pacific languages series and Fōlauga, the Samoan school journal. In September, the ministry announced that the Government had instructed it to "pause" production of Tupu and Fōlauga from the end of 2010. The complaints to the Commission were that this pause would seriously disadvantage Pacific children at bilingual and immersion schools and erode the language and cultural rights of Pacific children. A mediation took place between the complainants and the ministry but the matter remains unresolved.

Rules about choosing your taxi driver don't breach the Human Rights Act 1993

Five complaints were received about a licensing rule, which was alleged to be discriminatory towards immigrant taxi drivers. The rule states that "a taxi driver must accept the first hire offered, whether or not the driver's vehicle is first on the stand, unless there is a lawful reason to refuse the hire". Implicit in the complaints was that passengers selecting a taxi from the rank can discriminate in selecting a driver of their choice – passengers do not have to choose the first cab on the rank. They may use race or ethnicity as a basis for making this choice. Although these complaints were initially considered under Part 1A, they were not progressed. This is because the Human Rights Act 1993 makes it unlawful for anyone to refuse 'supplying' goods, facilities or services to the public. However, the act does not cover the situation of 'consumer' choice. Under the law, people have the right to choose their service provider.

1 The term 'complaints' is used to cover all complaints and enquiries made to the Human Rights Commission

Rugby unions apologise

In May 2010, both the South African Rugby Union (SARU) and the New Zealand Rugby Union (NZRU) apologised for discriminating against Māori by excluding them from rugby tours to South Africa in 1928, 1949 and 1960 in deference to apartheid policies in South Africa.

The apologies came in the centennial year of Māori rugby, after the publication of Malcolm Mulholland's history of Māori rugby, *Beneath the Māori Moon* (Huia, 2009); a call from the Minister of Māori Affairs at the launch of the centenary; and support from a wide range of public figures and media commentators.

In a statement, SARU said:

A number of Māori rugby players became innocent victims of the racist ideology of our former government, a policy that oppressed the daily lives of all black South Africans. Those policies also denied thousands of talented black sportsmen and women the opportunity to compete for selection for South Africa's national sports teams. As the current guardians of the game of rugby union, it is therefore appropriate that we take this opportunity to apologise to those Māori players who may have been excluded from selection and for the offence this may have caused to the Māori community. But, even more importantly, this is the opportunity to apologise on behalf

of rugby to black South Africans who were denied the opportunity to represent not only their country but also their provinces throughout those long dark years because of the connivance of our predecessors in the systematic suppression of the majority.

The NZRU said:

On behalf of the New Zealand Rugby Union, we wish to say sorry first and foremost to those Māori players who were not considered for selection for teams to tour South Africa or to play South Africa. We apologise to the families of those players and to the wider Māori community who were affected directly or indirectly by the decisions taken to not include Māori players for those teams and tours. It was a period in which the respect of New Zealand Māori rugby was not upheld and that is deeply regretted.

2010 is a year in which the New Zealand Rugby Union (NZRU) and New Zealand Māori Rugby Board (NZMRB) wish to honour all players of Māori descent, and especially those who have worn the New Zealand Māori jersey over its proud 100-year history. The centennial activity has also prompted rugby to revisit and wrestle with the hurt caused by our sporting contact with South Africa during the years that black and other South Africans were subject to the oppression of apartheid. The issues generated by apartheid and the sporting connections which existed at that time affected our two countries deeply and had an enormous

Inciting racial disharmony

The number of complaints received under section 61 of the Human Rights Act 1993 – about inciting racial disharmony – has fluctuated greatly in the past four years. In 2010, the Commission received 125 complaints, compared with 782 in 2009, 23 in 2008 and 66 in 2007. In most years, the fluctuations were caused by a relatively large number of complaints about a single issue. In 2007, comments made by a Whakatāne councillor attracted 35 complaints. In 2009, MP Hone Harawira drew 752 complaints. And in 2010, Paul Henry's comments drew 83 complaints and Andy Haden's comments 21. When the figures are adjusted to account for these relatively high numbers of complaints on single issues, the number of complaints under section 61 has been relatively similar from year to year: 31 in 2007, 23 in 2008, 30 in 2009 and 21 in 2010.

Employment

In 2010, employment and pre-employment were the most common areas for race-related complaints, comprising 193 complaints or 36 per cent of the total. These areas are consistently the most common type of race-related complaints. However, their proportion to all race-related complaints has declined in the past four years, accounting for 45 per cent in 2007, 43 per cent in 2008 and 40 per cent in 2009.

The most common type of complaint (29 per cent) related to poor treatment or harassment that the complainant viewed as race-related. A further 19 per cent of complaints involved specific instances of racist comments or other verbal abuse. A number of other complaints concerned ethnic bias in pre-employment. In some cases, this ethnic

impact over several decades, to the extent that those effects are still being felt today.

We also wish to take the opportunity to apologise to New Zealand as a whole for the division that rugby's contact with South Africa caused across the country over many years.

NZRU proposed to celebrate the centenary of Māori rugby with a Māori All Black tour of South Africa and a match against the Springboks in Soweto. SARU initially refused this proposal due to a policy it had adopted after apartheid not to play against racially selected teams. The New Zealand Race Relations Commissioner wrote to SARU explaining the different circumstances in New Zealand. He stated that there was no discrimination in selecting players for the national team, but there was a long tradition of Māori playing as Māori (as well as in the All Blacks). The issue wasn't resolved in time for a tour to take place in the centennial year. However, in December, SARU announced it had changed its policy so that South African teams would now be allowed to play against "any team which has the official blessing of its national governing body".



George Nepia, *Ngāti Kahungunu, finding touch*, 1928. F- 18732-1/1, SP Andrew Collection, Alexander Turnbull Library, Wellington, NZ

bias was explicitly stated in a job advertisement. In other cases, the bias was apparent to the complainant, either by being verbally expressed or implicit.

There were a steady number of complaints to the Commission about language in the workplace, as in previous years. In 2010, there were 36 complaints, 17 of which related to English-only policies in the workplace. Others related to:

- pre-employment requests that applicants have English as their first language
- advertisements specifying that applicants must speak other specified languages
- problems due to foreign accents
- issues around the use of te reo Māori in the workplace.

Racial harassment

The number of racial harassment complaints in 2010 (59) was lower than in previous years. This accounted for 11 per cent of all race-related complaints. It compares with 90 complaints in 2009 (18 per cent), 56 in 2008 (14 per cent), 75 in 2007 (18 per cent), and 114 in 2006 (23 per cent).

For a matter to reach the threshold required by the Human Rights Act 1993, it must be repeated, or of such significance that it has a detrimental effect on the person complaining. It must also have occurred in one of the areas of public life the act applies to. In most cases, the complaints did not reach the necessary threshold for the Commission to formally intervene. However, the Commission was often able to provide information and advice to help complainants address the issues themselves.

The majority of complaints about racial harassment were in the area of employment, with 44 complaints received. This represents 75 per cent of the total racial harassment complaints. In previous years, the proportion of employment and pre-employment complaints was lower, accounting for 58 per cent of racial harassment complaints in 2009, 61 per cent in 2008 and 68 per cent in 2007.

Goods and services

In 2010, the Commission received 51 race-related complaints about providing goods and services, accounting for 9.4 per cent of all race-related complaints. This number is similar to that received in previous years, except in 2009. In 2007, there were 61 complaints (14.7 per cent) and 60 complaints in 2008 (also 14.7 per cent). In 2009, there were 112 complaints (22 per cent). However, if this number is adjusted to account for the large number of complaints about a single topic, then the number of other complaints was 76 (15.1 per cent).

The most common type of complaint in 2010 was from people who felt they had been treated differently because of their ethnicity. This was followed by complaints of racist comments made by people providing goods or services.

Education

The number of race-related complaints about educational establishments was in line with the previous two years, with 34 received. This is 5.3 per cent of the total of race-related complaints, as compared with 35 in 2007 (six per cent), 37 in 2008 (nine per cent) and 36 in 2009 (seven per cent).

Moko case goes to Tribunal

A female staff member lodged a claim with the Human Rights Review Tribunal, stating that she had been asked to change her shirt before serving clients at a corporate function. She was given a shirt with longer sleeves to cover her ta moko. This matter is in the pre-hearing stage and is the only matter before the Tribunal on the grounds of racial discrimination.

The Human Rights Commission previously dealt with the matter, but no settlement was reached and it then proceeded to the Tribunal.

In certain circumstances, people who have complained of breaches of the Human Rights Act 1993 can apply to the Director of the Office of Human Rights Proceedings, to provide legal representation at the Tribunal.

In 2010, the Tribunal received 12 applications involving race, colour, or ethnic and national origins. Of those, three also referred to other grounds of discrimination under the Human Rights Act 1993. The Director declined to provide representation to six of the 12 applicants and has not released his decision to the remaining six applicants.

Human rights review: areas for action

The Human Rights Commission's five-yearly review, *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*, identified the following areas for action on discrimination:

Asian New Zealanders and international students

Countering the relatively high level of prejudice, discrimination and harassment experienced by Asian New Zealanders and international students.

Section 61 of the Human Rights Act 1993

Reviewing section 61 of the Human Rights Act to ensure it fulfils its legislative purpose.

5 Te Tiriti o Waitangi

Treaty of Waitangi

Human rights and the treaty

What happened in 2010?

- The Human Rights Commission reviewed the status of human rights and the treaty.
- The Government expressed its support for the United Nations Declaration on the Rights of Indigenous Peoples.
- The United Nations Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, visited New Zealand.
- The Government established a constitutional review process.
- The Marine and Coastal Area (Takutai Moana) Bill was introduced into Parliament.
- A Māori Advisory Board was established by the Local Government (Auckland Council) Amendment Act.
- The Waitangi Tribunal registered its 2310th claim; released its final reports into both the Wairarapa ki Tararua and Tauranga district inquiries; released pre-publication reports on aspects of the Te Urewera, Indigenous Flora and Fauna and Cultural Intellectual Property, and Petroleum inquiries; and released an urgent report on the East Coast settlement process.
- A third Crown-iwi Kōkiri Ngātahi hui was held to discuss how best to achieve the 2014 treaty settlement goal.
- Twelve deeds of mandate were recognised by the Crown for the negotiation of historical treaty settlements and 13 terms of negotiation and five agreements in principle were signed. Eight deeds of settlement were initialled and eight deeds of settlement were also signed. Legislation was enacted for three treaty settlements. Progress in achieving treaty settlement milestones exceeded previous years.
- Legislation was passed to give effect to a \$97 million aquaculture settlement with South Island and Coromandel iwi
- Three more iwi recognised under the Māori Fisheries Act gained mandated iwi organisation (MIO) status, enabling them to receive their allocation of fisheries settlement assets. Only four iwi are yet to set up their MIOs.
- Nine applications for mātaihai customary fishing reserves were approved by the Minister of Fisheries.
- Aotearoa Fisheries Limited issued its first dividend to iwi shareholders of \$9.4 million.
- An institute was established to share experiences and expertise with iwi moving into post settlement mode.
- The first 14 Māori cadets graduated from the Department of Conservation's Tairā Kaitiaki Taiao training programme.
- Te Whare Wānanga o Awanuiārangī received a settlement of \$14 million for claims of insufficient funding first made through the Waitangi Tribunal.
- The preferred national Māori flag was flown for the first time from the Auckland Harbour Bridge and some government buildings on Waitangi Day 2010.
- A public opinion survey found the number of New Zealanders who had a good understanding of the treaty fell slightly, from 41 per cent to 39 per cent. However, 60 per cent of people polled viewed the treaty as New Zealand's founding document.

Human Rights in New Zealand 2010: Treaty of Waitangi

The Human Rights Commission's five yearly review of human rights, *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*, was published in December. One chapter assessed the status of human rights and the Treaty of Waitangi. In summary, it said:

"The status of human rights and the treaty in New Zealand today is mixed. There are legislative mechanisms in place to protect the principles of the treaty and the rights of Māori as indigenous people. In practice, the level of recognition and protection varies. There has been significant progress in hearing and settling treaty claims, the revitalisation of Māori language, and establishing whānau-centred initiatives, particularly in health and education.

"Systemic disadvantage remains to be fully addressed, however, and the process of providing redress for historical grievances is yet to be completed. Significant

challenges remain in Māori land development, enabling Māori participation in decision-making at the local level, and in improving social and economic outcomes for Māori in health, education, employment, standard of living and imprisonment.

“With the Māori population projected to grow to 810,000, or 16.2 per cent of the population by 2026, it is vital that representative structures and public services are optimised. This is to ensure the endurance of the treaty partnership and better economic, social and cultural outcomes for Māori and non-Māori New Zealanders.”

Wairoa school commits to human rights

The Kura Kaupapa Māori o Kahungunu ki Wairoa declared itself a “kura tika tangata”, or human rights school, on Human Rights Day (10 December). The kura took part in the Human Rights Commission’s Tūhonohono Māori project, which promotes human rights in Māori communities. The Commission’s Ahi Kaa team assisted the kura with workshops in July and September on the UN Convention on the Rights of the Child (UNCROC), the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and other international treaties. They discussed the whakapapa, language and role of human rights in the community. Staff member Anahera Scott said, “Human rights fit into our charter, not just the curriculum. It underpins everything we do.”

As a kura tika tangata, the school has committed to teach human rights in an environment that reflects human rights and responsibilities. The ceremony was attended by Human Rights Commissioner Karen Johansen, who presented the school with a framed bilingual copy of the Universal Declaration of Human Rights and a certificate of acknowledgment from the Race Relations Commissioner. The declaration of the kura stated “We are a kura tika tangata because we actively promote and protect human rights, recognising that our tamariki are our greatest taonga. Under the guidance of the philosophy and principles of Te Aho Matua, we hereby make our declaration to be a kura tika tangata and invite you to sign our declaration statement in support of our kaupapa.”

Government supports declaration

The Government announced its support for the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in April. The announcement was made by the Minister of Māori Affairs at the United Nations Permanent Forum on Indigenous Issues, in New York, and shortly afterwards by the Minister of Justice in Parliament, in Wellington. New Zealand initially voted against the declaration at the UN General Assembly in 2007, along with Australia, Canada and the United States. Australia reversed its position in 2009, and Canada and the United States did so following New Zealand in 2010.

Signatories included whānau and community representatives, government agencies and a representative from the Office of the High Commissioner for Human Rights in Geneva, who was in New Zealand for the Asia-Pacific regional workshop on the UNDRIP.



Te Kura Kaupapa Māori o Kahungunu ki Wairoa celebrates their human rights school declaration. Credit: Gisborne Herald

The declaration is not legally binding. However, it brings together existing provisions of binding human rights treaties to form part of the international human rights framework.

Indigenous rights express how general human rights are interpreted and applied in the context of the specific individual and collective situation of indigenous peoples. They affirm that indigenous peoples are entitled to their distinct identity. Indigenous rights recognise the historical and ongoing circumstances that have prevented indigenous peoples from fully enjoying their rights on an equal basis with others.

With its strong focus on the reciprocal relationships between indigenous people and the State, many of the declaration's provisions reinforce the Treaty of Waitangi principles that provide for cooperation, mutual respect, good faith, consultation and partnership.

The declaration sets out the individual and collective rights of indigenous peoples, including rights to self-determination, culture, identity, language, employment, health, education, land and resources. It emphasises the rights of indigenous peoples to maintain and strengthen their own institutions, cultures and traditions, and to pursue their development in keeping with their needs and aspirations. The declaration sets out the responsibilities of states to assist indigenous peoples in realising those rights.

UN workshop on the declaration

An international workshop on the UN Declaration on the Rights of Indigenous Peoples was held in Auckland in December. Hosted by the New Zealand Human Rights Commission and the United Nations Office of the High Commissioner for Human Rights, it brought together representatives from national human rights institutions and indigenous people's organisations from 15 countries in the Asia-Pacific region. The workshop contributed to the development of guidelines for national human rights institutions, indigenous peoples and states to implement the declaration. In the concluding Tāmaki Makaurau Statement, states were encouraged to comply with and effectively implement all the obligations contained in the declaration, to ratify and comply with all UN human rights conventions, and to establish national human rights institutions where they did not exist. Indigenous peoples and states in the Asia

Pacific region were called on to implement the declaration as a standard of achievement to be pursued in a spirit of partnership and mutual respect.



United Nations Special Rapporteur James Anaya.
Credit: NZPA/Ross Setford

Special Rapporteur visits

The UN Special Rapporteur on the Rights of Indigenous Peoples, Professor James Anaya, visited New Zealand in July to meet government ministers, iwi and other interested parties to discuss human rights and indigenous development. At the conclusion of his visit, he applauded New Zealand's endorsement of the UN Declaration on the Rights of Indigenous Peoples, progress in treaty settlements, and the establishment of the Whānau Ora programme. He also:

- noted concern that redress provided in treaty settlements does not go far enough to meet the interests of Māori and called for the Government to reconsider the return of Te Urewera National Park to Ngāi Tūhoe
- called for the Government to ensure that adequate consultation takes place with Māori on the replacement regime for the 2004 foreshore and seabed legislation, avoiding discriminatory effects on Māori and recognising their customary foreshore and seabed rights
- called for the forthcoming constitutional review to ensure that the principles of the Treaty of Waitangi are formally recognised
- noted concern at lower social and economic conditions suffered by Māori, especially their high imprisonment rates, and called for ongoing measures to address these conditions (such as Whānau Ora) to be a high priority.

Constitutional review

The Government announced the terms of reference for a constitutional review in December. The review was part of the relationship and confidence and supply agreement between the National Party and the Māori Party after the 2008 general election.

The review will seek the public's views on constitutional issues that include:

- the size of Parliament and electorates
- the length of parliamentary terms
- Māori seats in Parliament and local government
- Māori electoral participation
- how the Treaty of Waitangi is reflected in constitutional arrangements
- Bill of Rights issues
- whether New Zealand should have a written constitution.

The issues will be confirmed in 2011. Public engagement will begin following the general election. A report summarising the views on constitutional issues and recommendations on possible areas for reform is expected by the end of 2013. The Government has undertaken to respond to the review's recommendations by 30 June, 2014.

No changes will be made as a result of the review unless there is widespread support for change.

Social and economic initiatives

New social and economic initiatives for Māori in 2010 included:

- the Māori Economic Taskforce launched *Iwi Infrastructure and Investment*, a set of resources for iwi about infrastructure opportunities, public-private partnerships and commercial entities, with case studies
- the launch of the Whānau Ora programme and the selection of 25 Whānau Ora service providers
- new funding for Whare Oranga Ake, an initiative to contribute to reducing criminal offending, for up to 42 Māori inmates annually
- the opening of four new rangatahi courts on marae (bringing the total to six)
- a focus on Māori education and employment programmes by the Department of Corrections

- the Kāinga Whenua initiative to provide loans for housing on multiple-owned Māori land
- an independent report found positive outcomes of the Te Kotahitanga programme for greater use of Māori values in the classroom
- a comprehensive review of Māori language activity and commitment to develop a revised Māori Language Strategy.

Other chapters of *Race Relations in 2010* look at research showing inequities and challenges faced by Māori in areas of crime and safety, high imprisonment and recidivism rates, unemployment, income, housing, health and education, and the state of the Māori language.

A further chapter reviews legislation that removes prisoners' voting rights, slow progression to trial in the "Operation 8" case, closure of the Te Hurihanga programme for youth offenders and its replacement "Fresh Start", and changes to parole and sentencing with the "three strikes" bill.

Marine and Coastal Area (Takutai Moana) Bill

The Marine and Coastal Area (Takutai Moana) Bill was introduced to Parliament in September, following a review of the Foreshore and Seabed Act by an expert panel. In July 2009, the panel recommended the repeal of the act and its replacement by legislation based in the Treaty of Waitangi partnership and acknowledgment of the customary rights of hapū and iwi. The panel said these were property rights and should not be lightly removed. The panel further recommended restoring access to the courts to determine customary rights, and making provision for reasonable public access. They proposed two options for the apportionment of customary and public interest – regional or national settlements, or a mix of the two.

The Government discussion paper in response set out a range of options. After consultation hui, the Government negotiated again with the Māori Party and the Iwi Leaders Group. The Coastal and Marine Area (Takutai Moana) Bill was introduced into Parliament in September with their qualified support.

The bill provides for the repeal of the Foreshore and Seabed Act and provides that the common marine and coastal area (currently the foreshore and seabed) will not, and cannot be, owned by anyone apart from land that is in private

ownership or Crown land that is a conservation area, national park or reserve, wildlife management reserve, wildlife reserve, or wildlife sanctuary.

The bill divests the Crown and local authorities of any part of the common marine and coastal area in their ownership but continues rights of public access in, on, over and across the common marine and coastal area and retains existing rights of access, fishing and navigation. The Crown retains ownership of petroleum, gold, silver and uranium in the marine and coastal area.

The holders of existing resource consents in the common marine and coastal area do not have their rights limited by the bill. Existing leases, licences or permits will run until their expiry. Existing ownership of structures in the common marine and coastal area continue.

Legal recognition of Māori customary interests is provided for in three ways:

- mana tuku iho – the mana based relationship that iwi and hapū have with the common marine and coastal area is acknowledged
- protected customary rights – exercised in 1840 and continuing today
- customary marine title – where it can be shown that a group has occupied a specific part of the common marine and coastal area to the exclusion of others without substantial interruption since 1840. This allows rights such as planning rights, but land cannot be sold and public access is guaranteed in most cases.

The Māori Affairs Select Committee heard submissions on the bill in November and December. The Coastal Coalition campaigned against the bill, which it saw as handing ownership of the foreshore and seabed to Māori. A number of iwi and others opposed the bill, contending that it still discriminated against Māori and that the new prescribed tests for customary marine title were too restrictive and that a limit of six years to claim customary title was unjust. Māori Party MP Hone Harawira dissociated himself from the party's support for the legislation. The Labour Party, contrary to earlier indications, said it would vote against the bill, given the extent of opposition, leaving the Government with the narrowest of majorities to proceed.

Māori representation in local government

The Human Rights Commission published a discussion document *Māori Representation in Local Government: the Continuing Challenge*, following a workshop on a draft at the New Zealand Diversity Forum in August. The report looked at a case study of the successful Māori representation model in the Bay of Plenty Regional Council. The report reviewed recommendations of the Royal Commission of Inquiry into Auckland Governance for Māori seats on the new Auckland Council; the defeat of Māori Party MP Te Ururoa Flavell's private member's bill to extend Māori representation; and the provision for Ngāi Tahu representation among the Environment Canterbury Commissioners. The report recommended:

- analysis of the 2010 local elections results should be undertaken to determine the extent of Māori representation
- iwi should discuss whether or not they want Māori seats on their local or regional council
- the Auckland Council should establish Māori seats without further ado, subject to re-endorsement by Auckland iwi
- discussions should take place between councils and iwi on Māori seats and Māori representation prior to the next representation review (in 2011-12)
- councils should support the Māori choice
- Environment Canterbury commissioners should resolve to establish a Māori constituency for the 2013 elections
- there should be further national discussion on improved provision for Māori representation.

Māori representation on the Auckland Council

The Government did not follow a recommendation from the Royal Commission on Auckland governance and considerable public support for the establishment of three dedicated Māori seats on the new Auckland Council. Instead, a Māori statutory board was established by the Local Government (Auckland Council) Amendment Act 2010 to promote cultural, economic, environmental and social issues of significance to Māori residing in Auckland. The council must "take into account" the advice of the board, and the board and council must meet at least four times a year.

Members of the board were elected by an iwi selection body in November, with David Taipari as chair. Key issues included developing co-governance arrangements for the city's maunga/volcanic cones, the city's district plan, resource management and ensuring Auckland marae capitalise on tourism spending for the 2011 Rugby World Cup. The board can have up to two votes on committees dealing with natural and physical resources. At the end of 2010, the board argued that the scope of natural and physical resource issues was wide enough for it to have seats on all other Auckland Council committees.

After the board's inaugural meeting in November, Auckland mayor Len Brown said there were plans to review Māori representation after a period of 12 to 18 months. The select committee examining Auckland governance legislation had urged the Auckland Council to consider establishing Māori representation if there was strong community support. Its report indicated such support existed.

Te Puke Ariki marks 150th anniversary of the Taranaki War

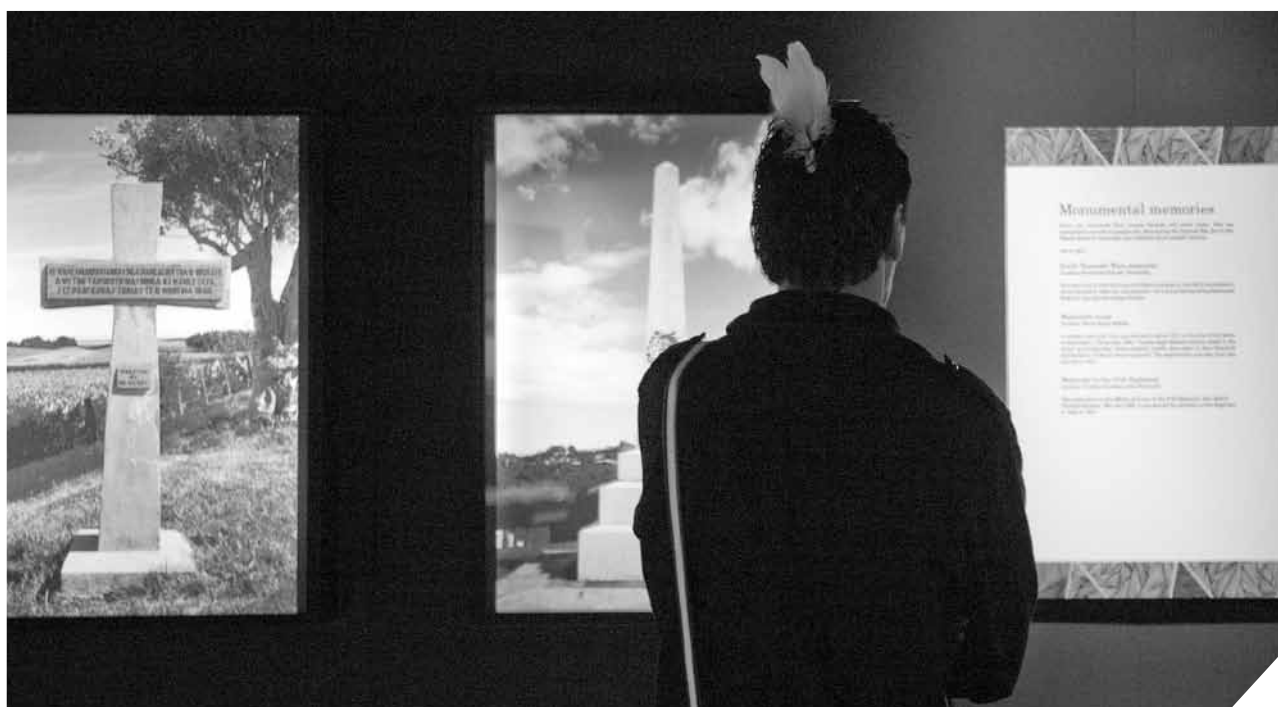
A major exhibition was opened at Te Puke Ariki in New Plymouth by the Prime Minister on 17 March, the 150th anniversary of the commencement of the Taranaki Land Wars in Waitara. The exhibition, *Te Ahi Kā Roa, Te Ahi Kātoro, Taranaki War 1860 – 2010, Our Legacy, Our*

Challenge, was accompanied by educational programmes and community events. It told the story of the war, using historic photographs, taonga, digital technology and poignant firsthand accounts. It offered an unflinching look at the harsh reality of war and colonisation in Taranaki. The exhibition was the final in a series of five exhibitions on the theme of Common Ground leading up to the anniversary. Previous exhibitions were Takapou Whāriki, which explored family history and identity; Taranaki Whenua, which looked at issues surrounding land; Taranaki Culture, which celebrated the region's creativity; and Taranaki Fortunes, which dealt with matters of regional economy. The final exhibition revisited all these topics of family, land, culture and economy in the light of the devastating effects of Taranaki war.

Waitangi Tribunal

The Waitangi Tribunal released pre-publication versions of some of its major district inquiries, in order to assist claimants and the Crown on specific issues in settlement negotiations. It also released a separate chapter on the use of te reo Māori ahead of its full report on the Wai 262 claim about indigenous flora and fauna and cultural intellectual property, to assist a ministerial review of the Māori language sector and strategy.

Te Puke Ariki marks 150th anniversary of the Taranaki War.
Credit: Jane Dove Juneau and Puke Ariki



Tauranga Moana, 1886-2006: Report on the post-raupatu claims

Published in September, this report covered over 50 claims as stage two of the tribunal's inquiry into Tauranga Moana claims, covering issues arising in the decades after raupatu. Stage one had examined raupatu claims.

The report looks at land loss after 1886, notably through Crown purchasing, public works, pressures caused by actual and potential rates debt, and the processes of urbanisation and subdivision. The tribunal described the effect of the loss of land as being nearly total land loss. It looked at problems with land and resource development, local government issues, environmental issues and cultural heritage. The report urged greater collaboration and information flow between various arms of government, in order to redress the prejudice suffered and assist Māori in their future development. It recommended that the settlement of claims of Tauranga iwi and hapū be addressed as a matter of high priority, and urged substantial redress be made for post-1886 breaches, separately and in addition to redress for the raupatu. It particularly stressed the importance of returning land wherever possible.

Te Urewera: Part two report on the Wai 894 claim

This was a pre-publication version of the tribunal's report into the treaty claims of the iwi and hapū of Te Urewera. Part two has seven chapters, and follows on from the release of Part one in April 2009, that ended with the conclusion of the war in the centre of Te Urewera in 1871.

Part two describes war in Wairoa and Waikaremoana in the mid-1860s, Crown acts of violence, and legislative land alienation until 1930. It analyses the Urewera District Native Reserve Act establishment of self-government in 1896 and collective tribal control of land. The tribunal concludes it is of huge regret that the legislation failed. The tribunal refrained from making recommendations at this point in its inquiry, except in relation to one particular piece of land at Onepoto, Lake Waikaremoana.

The East Coast Settlement Report

The East Coast Settlement Report is the outcome of an urgent tribunal hearing held in December 2009 into the Crown's recognition of Te Runanga o Ngāti Porou's (TRONP) mandate to negotiate and settle historical Ngāti Porou

Treaty of Waitangi claims. It was released in pre-publication format in March, with the publication version being released in July.

The three main claimants objected to TRONP representing them in treaty settlement negotiations. The tribunal did not inquire into matters of tribal identity but instead focused on the actions of the Crown in recognising TRONP's mandate.

The tribunal did not recommend the Crown delay settlement with TRONP as requested by the claimants. It reasoned that the potential prejudice of delaying such a significant settlement would outweigh any possible prejudice to the claimants from having their claims settled without their specific consent. However, the tribunal recommended changes to the Crown's mandate process, including earlier and more direct consultation with Wai claimants and interested parties, ensuring more information is provided in mandate strategies, and making updates to its policy guide, Ka Tika a Muri, Ka Tika a Mua.

Wairarapa ki Tararua Claims Report

In June, the tribunal released its report on the treaty claims of iwi and hapū of the Wairarapa ki Tararua district. The tribunal describes the rapid purchase of a large extent of Māori land in the region during the 19th century, and the disregard for the effect of land loss, in an area where the Māori population had made most of its livelihood from agriculture. The report also comments on issues of local government representation, protection of heritage sites, loss of language, and reiterates calls for policy changes to the public works scheme.

The Management of the Petroleum Resource Report

In December, the tribunal released a pre-publication version of its report on claims regarding the Crown's management of the petroleum resource. This report follows on from the tribunal's 2003 petroleum report, which dealt with the ownership of this resource. This version of the report was produced to coincide with legislative changes to the Crown Minerals Act 1991, under which the petroleum resource is managed.

The tribunal found there are a number of systemic flaws in the operation of the current regime for managing the petroleum resource meaning decision-makers have tended to minimise Māori interests while elevating others. The

tribunal made a number of recommendations designed to enable Māori to be more effectively involved in decision-making processes regarding the petroleum resource.

Te Paparahi o Te Raki (Northland) inquiry

This area comprises five inquiry districts with over 100 claims. The initial hearings began in May and took place over four weeks. The hearings focused on understandings of Te Tiriti o Waitangi and He Wakaputanga o Rangatiratanga o Niu Tirenī (the 1835 Declaration of Independence).

Te Rohe Pōtae (King Country) inquiry

Te Rohe Pōtae inquiry encompasses the area on the west coast of the North Island to the northwest of Lake Taupo. It involves over 140 claims from Ngāti Maniapoto and other iwi and hapū, including Ngāti Hāua. Major issues in the inquiry include the Crown's relationship with the Kingitanga movement and the creation of the Rohe Pōtae; the construction of the main trunk railway through the district; the operation of the Native Land Court and the alienation of Māori land in the 19th century; the management of Māori land in the 20th century; waterways; environmental impacts; and public works takings. The research programme for the inquiry was confirmed in January 2008 and the boundary finalised in May 2008. This inquiry is in its pre-hearing and research stage. A judicial conference was held in October 2010 to discuss the proposed plan for the inquiry.

Te Urewera inquiry

Most of the 33 claims in this inquiry are from Ngāi Tūhoe. Other claimant communities involved include Ngāti Whare, Ngāti Manawa, Ngāti Ruapani, Ngāti Haka Patuheuheu, and Ngāti Kahungunu. The main issues in the inquiry include the military conflict of the 1860s and the ensuing raupatu; the political relationship between the Crown and Urewera Māori; land administration and alienation, including the Urewera District Native Reserve Act, Crown purchasing, and the Urewera consolidation scheme; the creation of the Urewera National Park; and environmental and socio-economic issues. The first part of the report was released in April 2009; the second in August 2010.

Porirua ki Manawatū inquiry

In 2008, the tribunal received requests to inquire into treaty claims in the Rangitikei, Manawatū, Horowhenua, and Kāpiti areas. Some claims in this region were already in the process of being settled, with Ngāti Apa, Rangitāne ki Manawatū, and Ngāti Toa Rangatira already in negotiations with the Crown. This inquiry is now in the planning and research stage.

The Taihape district inquiry

The Taihape district inquiry is likely to address 20 to 30 claims, particularly those of the Mōkai Pātea peoples, but also other iwi and hapū, including Ngāi Te Upokoiri and Ngāti Hinemanu; Ngāti Apa; Ngāti Rangī; peoples of Ngāti Tūwharetoa and Ngāti Raukawa; Ngāti Waewae and Ngāti Pīkiahū. The tribunal held a series of judicial conferences in 2009 and 2010 to consult and assist planning and research.

East Coast inquiry

The East Coast inquiry comprises well over 100 claims from Ngāti Porou and a number of other iwi and hapū, including Uepohatu, Ruawaipu, Te Aitanga a Hauiti and Te Whānau-a-Apanui. The inquiry covers an area from Gisborne to just south of Cape Runaway in the north, and inland to the Raukumara Range and the Waipaoa River. Issues include the East Coast "civil war"; Crown and private purchases of East Coast land in the 19th century and the operations of the Native Land Court; Crown and private purchases in the 20th century and land rating issues; the provision of social services; and environmental and resource issues. A pre-publication version of the report was released in March and it was published in July.

As a consequence of its findings, the tribunal deferred its inquiry into the East Coast claims to await the outcome of the ratification process of the Deed of Settlement between Te Rūnanga o Ngāti Porou and the Crown. The Tribunal will revisit its decision to defer the inquiry at the end of January 2011.

National Park inquiry

The National Park inquiry comprises approximately 40 individual claims and encompasses Tūwharetoa, Ngāti Hikairo, Ngāti Rangī, Ngāti Haua, and several other iwi and hapū. It covers an area from just south of Turangi to north

of Ohakune, and from the main trunk line in the west to State Highway 1 in the east. This includes most of Tongariro National Park, including the mountains Tongariro, Ruapehu, and Ngāuruhoe. The main issues include: the operations of the Native Land Court in the district; the alleged “gift” of the mountain peaks by Tūwharetoa paramount chief Te Heuheu Tukino in 1887; the management of the national park; and the Tongariro Power Development scheme. The final hearings were held in July 2007. The tribunal was in the process of completing its report at the end of 2010.

The Whanganui inquiry

The Whanganui inquiry encompasses over 50 claims, covering an area stretching from the mouth of the Whanganui River to just north of Taumarunui. Claims relate to the early purchase of Whanganui lands by the New Zealand Company; the Native Land Court and Crown purchasing of Māori land in the 19th and early 20th centuries; the vesting and management of land in the 20th century; takings for public works, particularly for scenery preservation; the foundation of the Whanganui National Park; the main trunk railway line; the creation and management of native townships; and issues of authority and kaitiakitanga of the environment. Claimant and Crown final submissions were heard in October and December 2009. The tribunal released a pre-publication report on findings related to a specific claim within the district in 2009.

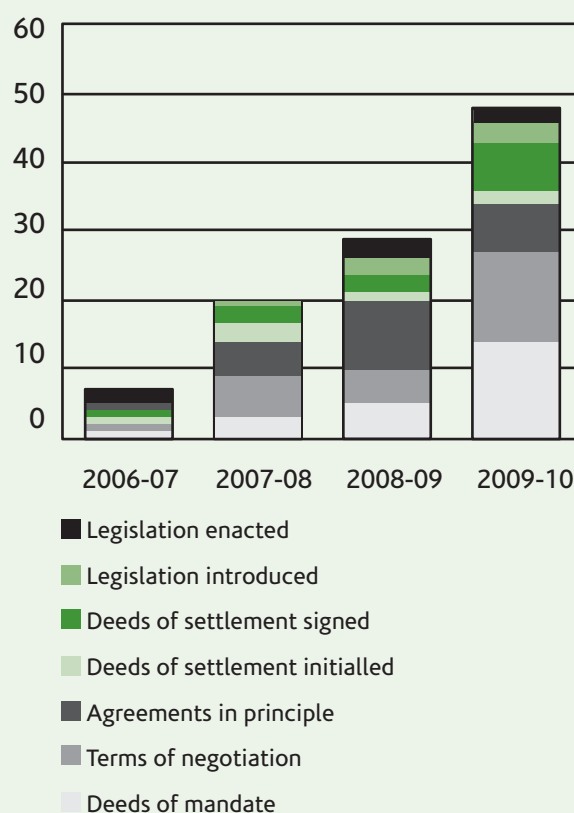
The Indigenous Flora and Fauna and Māori Intellectual Property (Wai 262) Inquiry

The Wai 262 claim was lodged with the tribunal in 1991 for and on behalf of six iwi: Ngāti Kuri, Ngāti Wai, Te Rārawa, Ngāti Porou, Ngāti Kahungunu and Ngāti Koata. It inquires into rights in respect of mātauranga Māori or Māori knowledge, and indigenous flora and fauna. The claimants consider these rights are guaranteed under the Treaty of Waitangi. This claim raises complex issues of intellectual property rights that will impact on many areas of government policy. Closing submissions were heard in 2007 and the inquiry is now in its report-writing phase. The chapter on te reo Māori was released in October, and is discussed further in the Language chapter of this report.

Historical treaty settlements

The Government has continued to work towards its goal of settling all historic treaty claims by 2014. The rate of progress in achieving settlement milestones has increased significantly, as shown in the table below:

Treaty settlement milestones



The Office of Treaty Settlements reports on progress by financial year, running from July to June as represented by the graph. For the six-month period from July to December 2010, the Office of Treaty Settlements achieved 29 milestones, a 21 per cent increase for the same period in 2009. The increase in treaty settlement progress is expected to continue to rise for the next two years.

Funding for treaty settlements was allocated an extra \$6.5 million in the 2010 budget. The Minister for Treaty Negotiations described this as an indicator of the Government's commitment to treaty settlements, given the environment of fiscal restraint. The extra funding will be

used to increase staff to support negotiations. It also allows for increased use of facilitators and chief Crown negotiators with a wide range of experience, including former cabinet ministers, senior public servants and company directors.

In October, the Crown held its third Te Kōkiri Ngātahi (Moving Forward Together) hui in Wellington. It was attended by approximately 160 people representing settled and non-settled claimant groups. The Minister for Treaty of Waitangi Negotiations announced the introduction of an iwi mentoring scheme to support groups to share their knowledge with groups in earlier stages of the settlement process. This complements the iwi secondments programme where public servants can be seconded to iwi to assist them prepare for and participate in treaty settlements. To date there have been three secondments – to Te Aupouri, Ngāi Takoto and Ngāi Tamanuhiri. The programme's criteria have been extended to promote greater uptake. The minister also announced policy changes to allow more scope to investigate transfer of larger conservation sites in treaty settlements; and policy changes to improve the condition of properties held in the Office of Treaty Settlement's landbank.

Other policy work in 2010 included government agreement to what should be the key considerations and options for redress over natural resources to assist negotiators. The Government also agreed that the Office of Treaty Settlements should be the sole funder for claimants in treaty settlement negotiations. Funding will be transferred from the Legal Services Agency to the Office of Treaty Settlements for allocation to claimant groups. This means the Office of Treaty Settlements will now provide for pre-mandate work and for sub-groups in need of specialist or legal advice. Legal aid funding for Māori making claims before the Waitangi Tribunal will continue to be available through the Legal Services Agency. The Crown Forestry Rental Trust will continue to fund groups where Crown forests are involved in the claims.

Waikato and Waipā River co-governance legislation

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 was passed in May and established a co-governance framework for the Waikato River. It provided for a \$210 million clean-up fund and a co-governance entity

to be known as the Waikato River Authority. The authority's purpose includes setting the primary direction and strategy to restore and protect the river for future generations. Membership consists of 12 members with an equal number of representatives of the Crown and Waikato River iwi. The Ngāti Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act was passed in October 2010, enabling the people of Ngāti Tuwharetoa, Raukawa and Te Arawa to participate with Waikato-Tainui in co-governance arrangements over the Waikato River.

The Crown and the Maniapoto Māori Trust Board signed a deed of settlement for the co-governance and co-management of the Waipā River in September. This deed enables the participation of Maniapoto in co-management arrangements for the Waikato River and extends the arrangements to cover the Waipā River in its entirety.

Ngāti Apa (North Island) legislation

The Ngāti Apa (North Island) Claims Settlement Act 2010 was passed in December. This settlement provides commercial and cultural redress, including a cash settlement of \$16 million with the ability to purchase Crown forest licenced land and other Crown properties. The settlement was one of the first to explicitly provide an amount to support the cultural revitalisation of Ngāti Apa through a research fund.

Ngāti Manawa and Ngāti Whare legislation

Legislation to give effect to the deeds of settlement signed by the Crown and Ngāti Manawa and Ngāti Whare in December 2009 was introduced to the House in October 2010. Both Ngāti Manawa and Ngāti Whare are part of the Central North Island Iwi Collective. Legislation introduced settles the remainder of their claims, relating to Crown actions during the New Zealand Wars and in the Urewera, alienation of land and environmental issues. The legislation will provide for the return of 12 sites of cultural significance to Ngāti Whare; the return of 16 sites of cultural significance to Ngāti Manawa; the joint return of four sites of cultural significance to Ngāti Whare and Ngāti Manawa; and apologies to Ngāti Whare and Ngāti Manawa for historical breaches of the treaty.

Kurahaupō deeds of settlement

In October, the Crown signed deeds of settlement with Ngāti Kuia and Ngāti Apa ki te Rā Tō, two of the three Kurahaupō iwi of the Te Tau Ihu (top of the South Island) region. The Crown had initialled these deeds in August, as well as initialling a deed of settlement with Rangitāne o Wairau, the other of the Kurahaupō iwi. The deed of settlement with Ngāti Kuia sets out commercial redress worth over \$24 million and includes an apology, the return of nine culturally significant sites and other Crown properties. The deed of settlement with Ngāti Apa ki te Rā Tō sets out commercial redress worth over \$28 million and includes an apology, the return of four culturally significant sites, and other Crown properties. Rangitāne o Wairau's deed of settlement was signed in December and provides commercial redress of over \$25 million, an apology and the return of 10 culturally significant sites and other Crown properties. The claims of Ngāti Kuia, Ngāti Apa ki te Rā Tō and Rangitāne o Wairau relate primarily to the failure of the Crown to adequately recognise the customary rights of Ngāti Kuia in pre-1865 purchases of land. Their claims also relate to the Crown's failure to ensure the iwi retained sufficient lands for their future needs.

Work continues towards a deed of settlement with Ngāti Toa Rangatira. Negotiations with the four iwi of Tainui Taranaki ki te Tonga were in abeyance at the end of 2010 due to litigation between some of the parties and the Crown.

Ngāti Pahauwera deed of settlement

Ngāti Pahauwera are from northern Hawkes Bay, centred on the Mohaka River. Their claims relate to severe loss of life as a result of Crown actions during the New Zealand wars, and the alienation of land.

In December, the Crown signed a deed of settlement with Ngāti Pahauwera. The deed provides financial redress of \$20 million, a Crown apology, the return of 16 sites of cultural significance and other properties. It also commits to further talks on the establishment of a joint regional planning committee for natural resources in the region, in particular the Mohaka, Waihua and Waikari Rivers. Members include Ngāti Pahauwera, the Crown and Hawke's Bay Regional Council.

Ngāti Porou deed of settlement

In December, the Crown and Ngāti Porou negotiators signed a deed of settlement providing financial redress of \$110 million, 15 sites of cultural significance and other properties. The package is in recognition of Ngāti Porou claims relating to Crown-imposed reforms of Māori land tenure that made it difficult for Ngāti Porou to use their land to economic advantage and contributed to their relative poverty.

Ngāti Porou is one of the largest iwi in New Zealand, based around the East Coast of the North Island.

Maraeroa A & B Blocks deed of settlement

The Crown and Te Maru o Rereahu Trust negotiators initialled a deed of settlement for the Maraeroa block claims in December. Te Maru o Rereahu Trust negotiators initialled the deed on behalf of the descendants of the original owners of the Maraeroa blocks. The descendants are affiliated to Rereahu, Ngāti Tuwharetoa, Raukawa, Ngāti Maniapoto and others. The package includes \$1.8 million in financial redress and the return of conservation land and other property redress.

Ngāti Makino deed of settlement

In December, the Crown and Ngāti Makino Heritage Trust negotiators initialled a deed of settlement. Ngāti Makino is a small iwi whose rohe lies between Rotoehu and Rotoma and the coast, in the Bay of Plenty.

Initialling the deed of settlement represents the culmination of 15 years of work for the iwi. Ngāti Makino first presented their claims to the Eastern Bay of Plenty Inquiry of the Waitangi Tribunal in 1995. Negotiations commenced in 1998 but stopped due to the difficulty in distinguishing between Ngāti Makino and Ngāti Pīkiao. The Crown commenced negotiations with Ngāti Pīkiao (who had joined the Ngā Kaihautu o Te Arawa Executive Council) in 2004 and gave priority to those negotiations over those with Ngāti Makino. The Crown has acknowledged that its approach had a negative impact on Ngāti Makino. Negotiations with Ngāti Makino recommenced in 2008.

The package includes financial redress of approximately \$10 million, the return of conservation land within Rotoehu forest as cultural redress and the purchase of part of the Rotoehu West Crown Forest licensed land.

Ngāi Tamanuhiri deed of settlement

The Crown and Ngāi Tamanuhiri negotiators initialled a deed of settlement in December. The deed provides financial redress of \$11.07 million and the return of several sites of cultural significance including Te Kuri a Paoa (Young Nick's Head). The settlement is in recognition of the historical claims of Ngāi Tamanuhiri, which relate primarily to the Crown's conduct in the war in Tūranga in the 1860s; its pressure on Ngāi Tamanuhiri to sign a deed of cession for all their land; the operation of the Poverty Bay Commission; and the operation and the impact of the Native Land Court. The tribunal has reported that these breaches of the treaty in Tūranga are among the worst in New Zealand.

Work continues towards finalising deeds of settlement with the other Tūranga groups – Rongowhakaata and Te Whakarau.

Tāmaki Makaurau agreements in principle

In February, the Crown reached a supplementary agreement in principle with Ngāti Whātua o Ōrākei, an agreement in principle with Te Kawerau a Maki, as well as a framework agreement with the Tāmaki Collective. This collective comprises iwi and hapū of the Tamaki (Auckland) region: Ngāti Whātua o Ōrākei, Te Kawerau ā Maki, Ngāti Te Ata, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Āki Tai, Ngāti Pāoa, Ngāti Maru, Ngāti Whanaunga, Ngāti Tamaterā and Te Rūnanga o Ngāti Whātua. Membership can be added to with the support of the existing members.

The Crown had previously signed an agreement in principle with Ngāti Whātua o Ōrākei in 2006. However, other Tāmaki groups were concerned that redress included in that package would prevent adequate redress being provided to them in future. The agreements reached in February amend Ngāti Whātua o Ōrākei's redress package, agree redress for Te Kawerau a Maki, and agree the parameters for key Tamaki redress for other groups.

Ngāti Whātua o Ōrākei's amended redress package provides an additional \$10 million in financial redress to the \$8 million agreed in 2006, as well as the return of additional cultural redress properties. Redress agreed for Te Kawerau a Maki includes \$6.5 million in financial redress, the return of five sites of cultural significance and other property redress.

There is no financial offer associated with the Ngā Mana Whenua o Tāmaki Makaurau and Crown framework agreement. The framework provides for the shared ownership of Auckland's volcanic cones (including Maungawhau/Mt Eden, Maungakiekie/One Tree Hill) with all 11 groups in the Tamaki Collective, to hold in trust for the people of Auckland. The framework also provides all Tamaki Collective groups' rights of first refusal over Crown land in Auckland for 170 years.

Ngāti Tamaoho and Ngāi Tai ki Tamaki, two Tamaki collective groups, also signed terms of negotiation this year for their own comprehensive treaty settlement negotiations.

Agreement in principle – Te Hiku Forum

In January, the Crown signed an agreement in principle with the Te Hiku Forum, representing Ngāti Kuri, Te Aupouri, Ngāi Takoto, Te Rarawa and Ngāti Kahu. The collective approach to negotiations with these iwi was an important factor in reaching the agreement in principle. The agreement provides for commercial redress of \$120 million between the five iwi. It includes the transfer of the Aupouri Crown forest along with accumulated rentals, and the transfer of seven Landcorp and Crown owned farms. It provides for a co-governance arrangement with the Crown over Ninety Mile Beach (Te Oneroa a Tohe) and the return of 75 hectares at Cape Reinga (Te Rerenga Wairua) as an historic reserve.

Terms of negotiation

During 2010, terms of negotiation were signed with 13 iwi, including a framework agreement signed between the Crown and the Hauraki Collective in October.

The framework agreement was signed by 12 Hauraki iwi – Ngāti Hako; Ngāti Paoa; Ngāti Tamaterā; Ngāti Tara-Tokanui; Ngāti Porou ki Hauraki; Ngāti Whanaunga; Ngāti Hei; Ngāti Maru; Ngāti Pūkenga; Te Patukirikiri; Ngāi Tai ki Tāmaki and Ngā Rahiri Tumutumumu. It is similar to a terms of negotiation in that it sets out procedures for negotiations between the Crown and Hauraki iwi. However, the framework agreement also sets out the scope of redress to be negotiated including the right to purchase the Crown's interests in a number of forests and a right of first refusal over core Crown properties. The agreement acknowledges the cultural importance of Tikapa Moana (the Hauraki Gulf),

Te Tai Tamahine (east coast of the Coromandel Peninsula), Te Aroha and Moehau maunga and the Waihou and Piako rivers.

Deeds of mandate

During 2010, the Crown recognised 12 deeds of mandate. A deed of mandate states who has the authority to represent the claimant group in negotiations, defines the claimant group, the claim area and the claims that are intended to be settled. The Government's intention is to commence negotiations with these groups as other claims are settled.

Aquaculture

Māori Commercial Aquaculture Claims Settlement (Regional Agreements) Amendment Act

The Māori Commercial Aquaculture Claims Settlement (Regional Agreements) Amendment Act was passed in March. The act gives effect to early settlement of the Crown's pre-commencement aquaculture space obligations, a \$97 million settlement for 10 South Island and Coromandel iwi (Hauraki, Ngāti Apa ki te Rā To, Ngāti Koata, Ngāti Kuia, Ngāti Rārua, Ngāi Tahu, Ngāti Tama, Ngāti Toa, Rangitāne and Te Atiawa o Te Tau Ihu). The settlement is a one-off cash payment in full and final settlement of the current Crown obligations for pre-commencement space or aquaculture space that was approved between 21 September 1992 and 31 December 2004. It follows the signing of a deed of settlement by the Crown and each of the 10 iwi in May 2009. The deed also provides for payment of future permitting decisions of pre-commencement space that is still progressing through the decision-making process. This additional payment has been provided to the relevant iwi. The settlement covers the majority of New Zealand's aquaculture development areas, including the Hauraki Gulf, Marlborough Sounds, Tasman Bay and remaining parts of the South Island.

The act also provides the Crown with an additional option for complying with its aquaculture pre-commencement space obligation. It addresses the limited prospects of the Māori Commercial Aquaculture Claims Settlement Act 2004 generating settlement assets for iwi by 2014. The additional settlement option of regional agreements enables iwi

aquaculture organisations in a region and the Crown – as well as the Te Ohu Kai Moana Trustee Limited – to agree on how to settle the pre-commencement space obligation in that region. Iwi in the outstanding regions are engaging with the Crown to bring about an early settlement in their regions. Settlements have been achieved in the Chatham Islands (Moriori and Ngāti Mutunga) and Kaipara Harbour (Ngāti Whatua).

Aquaculture Legislation Amendment Bill (No 3) – Impact on Māori Commercial Aquaculture Settlement

The Aquaculture Legislation Amendment Bill (No 3) had its first reading in Parliament in November. The bill is intended to address the lack of any new aquaculture space being created through the Aquaculture Reform Act. It makes amendments to the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004; Fisheries Act 1996; Māori Commercial Aquaculture Claims Settlement Act 2004 and Resource Management Act 1991. The bill retains the core components of the settlement, including protecting iwi rights associated with 20 per cent of new space created from 1 January 2005, but the mechanism for delivery of the settlement (Aquaculture Management Areas) is removed. The Crown is engaging with iwi to determine the most appropriate way to deliver the new space obligation.

The Ministry of Fisheries and iwi leaders appointed a technical group of Crown and iwi advisors to hold regional hui and consider options for delivering the settlement under the reforms. A series of seven regional hui were held in early December to discuss the issue with mandated iwi organisations. Delivery may be through provision of aquaculture space to iwi, financial compensation, or both. Cabinet's decision on delivery of the settlement is expected in early 2011.

Fisheries

Te Ohu Kaimoana, the Māori Fisheries Trust, holds fisheries assets secured by Māori through an agreement with the Crown. It manages their transfer to iwi to settle Māori claims to commercial fishing under the Māori Fisheries Act 2004. Te Ohu Kaimoana has a goal to transfer all assets to iwi by 2011.

There are 57 iwi recognised in the Māori Fisheries Act 2004. When a recognised iwi organisation has met the governance criteria set out in the Māori Fisheries Act, it is entitled to receive fisheries assets as the mandated iwi organisation. Mandated iwi organisations are responsible for the management of assets allocated to each iwi. These assets consist of cash, quota and shares in Aotearoa Fisheries Limited, and are based on the population of iwi and the length of the coastline concerned. Fifty three iwi organisations have been mandated, with four remaining. The three iwi mandated in 2010 were Ngāti Kuri, Ngāti Manawa and Raukawa Ki Te Tonga. More than 80 per cent of Fisheries Settlement assets, equaling more than \$510 million, has been allocated to iwi.

During 2010, a number of mandated iwi organisations completed harbour and coastline agreements and/or received coastline and harbour asset entitlements. This included Ngā Rauru, Hauraki, Ngāi Te Rangī, Ngāti Ranginui, and Ngāti Pūkenga. Agreements for 509km of coastline were completed during 2009-10, taking the coastline agreements to 3800km, or 55 per cent of the New Zealand coastline. As a result, Te Ohu Kaimoana was able to transfer 65 per cent of the coastline assets to iwi.

Further progress in the transfer of fisheries assets is dependent on the remaining four iwi gaining mandated status. Progression plans are in place for two of the four.

Protection of significant sites

Taiapure-local fisheries and mātaihai reserves are two means of protecting significant sites for Māori. A mātaihai reserve is an identified traditional fishing ground in fisheries waters, established for the purpose of non-commercial customary food gathering. Local iwi representatives – known as tangata kaitiaki /tiaki – act as guardians or managers of a mātaihai reserve. In a mātaihai reserve all commercial fishing is banned unless the Minister of Fisheries and Aquaculture is specifically requested to allow it as part of the mātaihai reserve application; in a taiapure-local fishery the fishing rules for the wider area remain unchanged. Taiapure-local fisheries have management committees that can recommend regulations to the Minister of Fisheries and Aquaculture for managing fisheries resources.

In 2010, nine mātaihai reserve applications were approved, increasing the total to 19 around the country. Eight of the new reserves are in South Island waters and one in North Island waters. In 2010, two new applications were received for North Island waters.

Eight taiapure-local fisheries have been established to date. No new taiapure were established in 2010, but an application to establish one over Te Wakatehaua (Ninety Mile Beach) was agreed to in principle in 2009 by the then Minister of Fisheries. The Māori Land Court is conducting a public inquiry on the proposal.

First dividends for largest Māori owned fisheries firm

Aotearoa Fisheries Limited announced in December a pay-out of its first dividend in cash to iwi shareholders. Set up by the Māori Fisheries Act 2004, Aotearoa Fisheries Limited manages commercial fishing assets on behalf of Māori. Shareholders are those 57 iwi recognised in the Māori Fisheries Act. Of those shareholders, some will receive dividends of \$5000, while other larger iwi, such as Ngāpuhi, will receive around \$1 million. Dividends are paid out to mandated iwi organisations only. Those iwi shareholders who have not yet reached mandated iwi organisation status have their dividends held in trust by Te Ohu Kaimoana.

Aotearoa Fisheries Limited's 2010 profit was \$18.9 million, from which a dividend of \$9.4 million was paid to shareholders, after Māori authority tax credits of \$7.5 million. The profit achieved in 2010 is positive considering tough economic conditions.

Other developments

Institute for post treaty settlement guidance

An institute was established in November to provide guidance for those at the post treaty settlement stage considering long-term economic development. The institute is a joint venture by Te Rūnanga o Ngāti Awa and Te Whare Wānanga o Awanuiāraangi. It is intended to be a place where iwi and scholars can share ideas on the organisations iwi need to develop, how settlement assets can be used, and how iwi can influence the policy the Crown develops around the treaty relationship.

First Māori conservation cadets graduate

The first 14 Māori cadets graduated from the Department of Conservation's Tauira Kaitiaki Taiao training programme in November. The intensive conservation training programme was set up early in 2009 to help the department work closer with iwi, provide practical links for iwi and hapū with conservation land, and gain skills to manage conservation land returned through treaty settlement.

The NZQA accredited training included chainsaw use, fire fighting, fencing, first aid, boat masters, computer skills and quad bike training.

The graduates have earned a Level 3 National Certificate in Conservation and Trainee Ranger Certificate from the Nelson Marlborough Institute of Technology, as well as a Level 3 Certificate in Tikanga Māori from Te Wānanga o Aotearoa.

Wānanga settlement reached

The Crown signed a deed of settlement with Te Whare Wānanga o Awanuiārangi in October, worth \$14.4 million. The settlement completes negotiations over the 1999 Waitangi Tribunal Wānanga Capital Establishment Report (Wai 718). In the report, the tribunal supported the claims of three wānanga that they did not receive sufficient funding, equivalent to that of other tertiary institutions. The tribunal found that students of the wānanga were disadvantaged as a result.

Te Wānanga o Aotearoa and Te Wānanga o Raukawa settled their claims in 2001 and 2008. Te Whare Wānanga o Awanuiārangi will use the funding to build a library, large lecture theatre, enrolment centre and other buildings at its Whakatāne campus.

Māori Community Development Act reviewed

In December, the Māori Affairs Select Committee reported to the House on its inquiry into the operation of the Māori Community Development Act 1962. The act covers Māori welfare issues and the New Zealand Māori Council and other regional Māori councils and committees.

The report recommends the Government develop legislation specifically for Māori wardens, after comprehensive

consultation. It recommends the Government establish an independent organisation to lead and support the wardens and increase their funding. It also recommends an evaluation of the role and funding of the New Zealand Māori Council, and repeal of existing parts of the act relating to Māori committees and community officers.

New governance structure proposed for Creative New Zealand

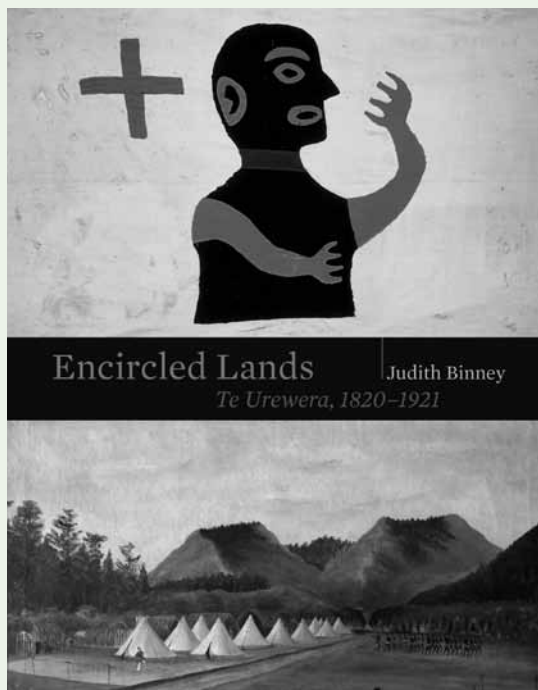
A bill to streamline the governance of Creative New Zealand was introduced into Parliament in August. The Arts Council of New Zealand Toi Aotearoa Bill replaces the existing Arts Council, Arts Board, Te Waka Toi and the Pacific Arts Committee with a single board of 13 members.

The new council will have a minimum of four members with knowledge of Māori arts, te ao Māori, and tikanga Māori. These members will be appointed by the Minister for Arts, Culture and Heritage in consultation with the Minister of Māori Affairs. At least two members will be appointed with knowledge of Pacific Island people of New Zealand, in consultation with the Minister of Pacific Island Affairs.

The bill was referred to the Government Administration Select Committee, which reported back with some minor changes in December. A minority report from the Labour Party members of the committee expressed concern that the dissolution of Te Waka Toi and its replacement with four qualified persons to represent Māori and their culture on a council of 13 members could result in the loss of a distinctive identity for Māori.

Māori flag flies on Waitangi Day

A national Māori flag flew from the Auckland Harbour Bridge and some government buildings on Waitangi Day for the first time in 2010. This decision followed a national consultation process where the preferred flag was identified. The process attracted strong interest among Māori and other New Zealanders, with over 1200 submissions received. Although some saw the flying of two separate flags as divisive, there was also support for flying two flags as a symbol of partnership in the spirit of the treaty. Of those who supported the flying of two flags, about 80 per cent chose the tino rangatiratanga flag as the preferred Māori flag.



Encircled Lands by Judith Binney published by Bridget Williams Books

Tūhoe history receives top award

Historian Judith Binney's history of Ngāi Tūhoe, *Encircled Lands*, (Bridget Williams Books) was the book of the year at the annual New Zealand Post Book Awards in August. The history documents Ngāi Tūhoe's quest for self-government of their lands, granted to them in law more than a century ago.

Awards judge Paul Diamond described the book as one that will profoundly change understanding of our shared history. "Encircled Lands is an exhaustive, comprehensive history of Te Rohe Pōtae o Te Urewera, the only autonomous tribal district that was recognised in law. Not only does it fulfill the author's hopes of revealing an almost unknown history to a new audience, it also deftly illustrates why the history of the Urewera and its people continues to resonate."

The book was launched in Ruatoki in 2009, where Ngāi Tūhoe bestowed Binney with the name Tomoirangi o Te Aroha (a little cloud of rain from heaven) in recognition of her work.

Ngāi Tūhoe's treaty settlement negotiations with the Crown were put on hold in April but had resumed by the end of the year. Negotiations stalled when the Prime Minister ruled out returning ownership of Te Urewera National Park to the iwi as part of the settlement.

The Ministry for Culture and Heritage's Commemorating Waitangi Day Fund assists community organisations to promote participation in events around the country. For 2011, the ministry has approved 61 grants ranging from \$500 to \$141,100. As in previous years, many successful applications have an inter-cultural focus. They include the Toi o Manukau – Māori Arts and Culture Trust event, raising awareness and understanding through the sharing of arts, crafts, music and food; a Tamil Society Waikato session with local MPs and iwi representatives for speeches, discussion and shared kai; and Te Roopu o Tane Mahuta Trust's Kaiapoi Pa Festival with international food, culture and arts to celebrate Ngāi Tahu and the treaty relationship at a significant historical location.

Public awareness

Only 26 per cent of people taking part in a nationwide poll agreed with the statement "The treaty relationship between the Crown and Māori is healthy". This is down on the same polling conducted in 2009, but remains well above the 17 per cent recorded in May 2007, the lowest figure since this poll began.

The poll, conducted by UMR Research for the Human Rights Commission, continued to show more than a third of New Zealanders felt they had a high level of knowledge about the treaty. This is consistent with past results – 42 per cent in 2006 and 41 per cent in 2007.

The latest polling on how New Zealanders view the Treaty of Waitangi shows that 60 per cent of people agree that the treaty is New Zealand's founding document. However only 51 per cent of all those polled consider the treaty is for all New Zealanders. The corresponding figures for Māori respondents is 75 per cent and 61 per cent.

In the same year that New Zealand formally recognised the United Nations Declaration on the Rights of Indigenous People, 39 per cent of respondents said they had little knowledge of indigenous rights, up three per cent from 2009. Twenty six per cent of people said they have some knowledge of indigenous rights, a drop of eight per cent from 2009, while one third of people were neutral.

UMR polled 750 New Zealanders nationwide between 19 and 24 November 2010. The poll has a margin of error of 3.6 per cent. The research has been conducted since 2000, with the 2010 questions repeating those asked in 2009.

Human Rights in New Zealand 2010: areas for action

The Human Rights Commission's five yearly review of human rights, *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*, identified the following areas for action in relation to the status of human rights and the Treaty of Waitangi:

Public awareness

Increasing public understanding of the treaty and the human rights of indigenous peoples (including the meaning of rangatiratanga today), and building relationships between Māori and non-Māori New Zealanders at the community level.

Constitutional arrangements

Reviewing laws that make up New Zealand's constitutional framework, to ensure the treaty, indigenous rights and human rights are fully protected.

Treaty settlements

Concluding the settlement of historical breaches of the Treaty of Waitangi promptly and fairly.

Pathways to partnership

Building on existing processes and developing new forums for Tangata Whenua and the Crown to engage at local and national levels, and developing and implementing new pathways to partnership between Tangata Whenua and the Crown.

United Nations Declaration on the Rights of Indigenous Peoples

Promoting awareness of the Declaration on the Rights of Indigenous Peoples in New Zealand, particularly in forums charged with the responsibility for the management and/or the administration of natural resources.

Children and their families

Ensuring all children and young people enjoy improved economic, social and cultural outcomes, which more fully realise the rights set out in the Treaty of Waitangi and international human rights treaties, including the Declaration on the Rights of Indigenous Peoples.

6 Tauriteritekore Inequalities

What happened in 2010?

- Elections were held for school boards of trustees, local and regional councils and district health boards.
- Parliament removed sentenced prisoners' right to vote.
- Māori were disproportionately represented in all areas of the criminal justice process, including as victims of crime, apprehended, in prison and serving community-based sentences.
- 'Three strikes' legislation was passed introducing a new regime of increased penalties for repeat offenders.
- The Te Hurihanga programme for the rehabilitation of youth offenders was closed and replaced with Fresh Start.
- The Government announced a new kaupapa Māori prison based programme – Whare Oranga Ake – to assist prisoners' reintegration into society.
- One Pasifika youth court and four more rangatahi courts were opened.
- The Whānau Ora programme was launched and 25 providers were selected.
- Unemployment rates for Māori and Pacific remained higher than the 6.57 per cent rate for the total population – and Māori and Pacific youth were the hardest hit, unemployment rising around eight per cent for both to 27.4 per cent and 27.2 per cent respectively.
- *The Social Report 2010* showed high levels of household overcrowding for Pacific peoples and poor health in Māori and Pacific peoples.
- The Ministry of Health released reports on Māori and Pacific peoples' health needs and on the performance of healthcare providers.
- *The Social Report 2010* showed that a lower proportion of Māori and Pacific school-leavers had achieved NCEA level 1 than any other ethnic group. However, Māori had the highest proportional participation rate for tertiary education.
- The Education Review Office published three reports: a review of Māori early childhood education providers, a

review of primary and secondary school education for Māori, and a report on education for Pacific peoples.

- The Ministry of Education published a review of Pacific schooling and the Te Kotahitanga programme.



Social Report

Review of human rights: civil and political rights, economic, social and cultural rights

Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa assessed the right to participation, justice, work, housing, health and education. In summary:

Right to participation

Participation is heavily influenced by who speaks for communities and who is represented on decision-making bodies. Only when those directly affected by policy and legislation have a genuine voice in deciding its formation can a governance structure be said to truly reflect the society it represents. Though many institutions reflect increasing diversity, Māori, Pacific peoples, women, young people, disabled people and people of ethnic, cultural, religious and linguistic minorities are under-represented in elected office.

Right to justice

Overall, New Zealand demonstrates an active commitment to the rule of law and the right to justice through continual review, evaluation and ongoing legal development. However, through the Universal Periodic Review process, New Zealand has come under international criticism for significant variations in the realisation of the right to justice among different New Zealanders, including disabled people; Māori and Pacific peoples; and children and young people. Māori are disproportionately represented in the criminal justice system and there continues to be few Māori, Polynesian, Indian or other ethnic minorities appointed as judges.

Right to work

Although the labour-force participation rate for Māori has increased steadily over the past five years, the recession has had a severely detrimental effect on Māori, particularly in Auckland, Northland and on the East Coast. The recession has had a major impact on Pacific people, as a significantly high proportion are employed in unskilled and lower-skilled jobs and are at higher risk of unemployment. The Commission would like to see strategies to increase access to work for Māori, Pacific and disabled people, and a youth-to-work programme for every young New Zealander.

Right to housing

The measures of affordability, accessibility and habitability that underpin the right to housing show that Māori, Pacific peoples and disabled people continue to be disadvantaged. One of the challenges in making progress and furthering full realisation of the right to housing is the siloed nature of New Zealand's system of government and public accounting. This makes it almost impossible to offset investment in one area against direct, measurable benefits in another. Yet a whole-of-government approach is required to address the housing issues outlined in this report.

Right to health

Health service-funders generally recognise the need for, and fund, services that are accessible and acceptable and provided on a non-discriminatory basis. There is also greater recognition of the importance of an inter-

sectoral approach to delivering the right to health and new mechanisms (such as the Whānau Ora programme) for delivering it. Further challenges remain, including inadequate mechanisms for assessing New Zealand's performance in realising the right to health overall, the continuing disproportionate poor health outcomes for Māori and Pacific people and recognition of capacity in non-consensual mental health treatment.

Right to education

A review of the right to education in New Zealand shows that since 2005, progress has been made. The 20 Hours Early Childhood Education policy has increased the number of children participating in early-childhood education services. The focus on Māori and Pacific children and young people as educationally disadvantaged groups has seen an improvement in achievement rates. Likewise, there has been an improvement in achievement of those from low-decile secondary schools. Fewer are leaving school without a qualification.

Barriers to access and successful engagement in education still exist for specific groups of children and young people. For example, high suspension, exclusion and expulsion rates remain an issue for Māori, males and students from low-decile schools. As a result of these barriers, successful participation and achievement rates continue to be disproportionately low for some groups, including Māori, Pacific, male, disabled children, young people and those from low-decile schools. The gap between those achieving at an average rate and those not achieving has narrowed but is still large compared with other OECD countries.

Civic participation

Representation

In 2010, elections were held for local government and district health boards. Results from those elections according to ethnicity were not available when this report went to press.

New Zealand's electoral system will come under review in 2011. The Electoral Referendum Act 2010, passed in December, provides for a referendum on MMP together with the 2011 general election. The referendum will ask voters whether they want to keep MMP and, regardless of that, what alternative voting system they would prefer.

Ethnicity of school boards of trustees unchanged

In May 2010, around 13,000 parent representatives were elected to school boards of trustees. This came as a result of the triennial school-trustee elections.

The ethnicity of all trustees remains relatively unchanged from 2007, despite a push by the Ministry of Education for more Māori and Pacific trustees. Seventy-four per cent were of European ethnicity, down from 76 per cent in 2007; 14 per cent were Māori, down from 15 per cent; and four per cent were Pacific, up from three per cent.

The options for the alternative voting system will be first-past-the-post, preferential vote, single transferable vote and supplementary member. If a majority vote for change to the voting system, a second binding referendum will be held together with the 2014 election asking voters to choose between MMP and the most preferred alternative. If at least 50 per cent of voters opt to keep MMP, the Electoral Commission will undertake a review of that system.

MMP has seen an increase in representation for Māori, Pacific and Asian peoples. According to the *Social Report 2010*, representation of these groups was as low as six per cent in 1984 and eight per cent in 1993, under the first-past-the-post system. There was a steep rise to 17 per cent in 1996 with the first MMP election. It continued to rise after that, reaching 25 per cent in 2008.

A report by the State Services Commission in December found only fractional shifts in Māori and Asian people in public-sector senior management. Māori made up 8.3 per cent and Asian people 1.7 per cent. Pacific peoples made up 1.5 per cent, the same as in 2009.

Ethnic groups were better represented in the wider public service. There were only slight changes to representation since 2009. Māori made up 16.4 per cent; Pacific peoples 7.6 per cent; Asian peoples 7.4 per cent; European and New Zealand European 75.7 per cent; Middle Eastern, Latin American and African peoples one per cent; and others four per cent. The most significant change since 2001 was a rise of four per cent in Asian peoples in the public sector and a decrease of 6.8 per cent in European and New Zealand Europeans.

Safety and criminal justice

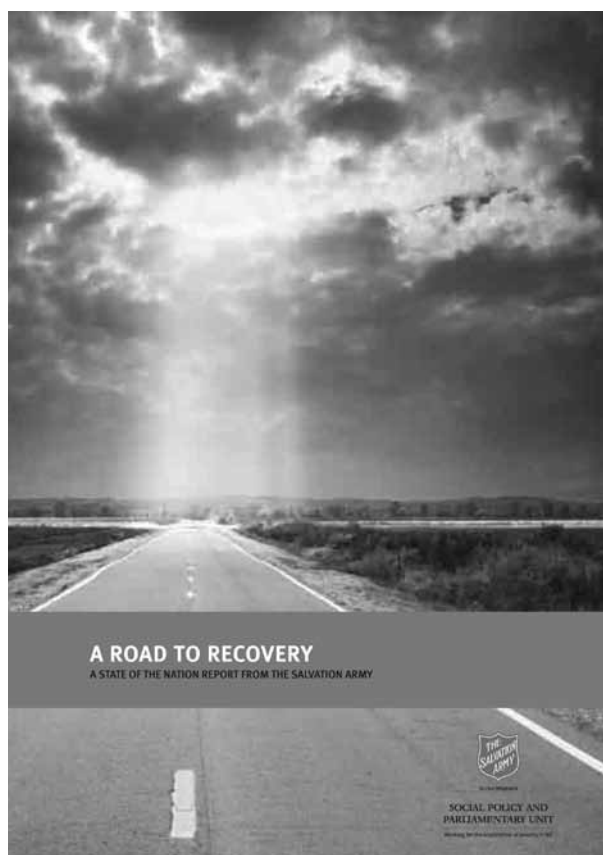
Prisoners' right to vote was removed in December when Parliament passed the Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010. Prisoners were previously allowed to vote unless they were serving a jail sentence of three years or more, imprisonment for life, or preventive detention. The act will disproportionately affect Māori as they make up almost half the prison population. The Attorney-General described the bill as introduced as "unjustifiably inconsistent with the electoral rights affirmed by section 12 of the New Zealand Bill of Rights Act 1990". Article 25 of the United Nations International Covenant on Civil and Political Rights says that every person, without distinction of any kind, has the right to vote. New Zealand is a signatory to this covenant.

Long wait for Operation 8 trial

The case of 18 people facing charges stemming from Operation 8 in 2007 progressed only through pre-hearing stages this year. The trial date is not until 30 May 2011.

On 9 December 2010, a judgment was issued on proceedings for the trial, but a suppression order meant the judgment could not be published. The order was varied on 21 December and the judgment made public. It included decisions that the case be heard by a judge rather than a full jury, and that three defendants have separate trials from the other accused. The rationale for these decisions has remained suppressed. The trial is set down for 12 weeks.

Operation 8 took place in October 2007 after 18 months of police surveillance of people suspected of terrorist activity. The raids were centred on the small Māori township of Ruātoki. Police armed offenders and anti-terror units searched houses. They also stopped vehicles coming and going from the township and photographed occupants. Eighteen people were arrested in Ruātoki, Auckland, Hamilton, Palmerston North, Wellington and Christchurch. Police originally sought to charge them under the Terrorism Suppression Act 2002. However, the Solicitor-General ruled this out, considering the requirements of that law too complex. Charges of possession of firearms under the Arms Act 1983 remain.



Crime and imprisonment rates

The *Social Report 2010* found that the assault mortality rate had remained highest among males; youth aged 15–24 years and Māori. In 2007, the age-standardised rate for Māori was 2.8 deaths per 100,000 compared with 1.0 per 100,000 for non-Māori. Forty per cent of adults said fear of crime had a moderate or high impact on their quality of life. Of those adults, fear was highest among females, Asian, Māori, Pacific and those living in deprived areas.

In December 2010, the Ministry of Justice released the results of its 2009 Crime and Safety survey. It showed that a small number of people (six per cent) had experienced the majority of crimes (54 per cent). Māori and Pacific people experienced the most violent crime and burglary. Māori experienced the most vehicle crimes. The previous survey was undertaken in 2005. Overall, the survey showed no significant change in the amount of crime since 2005 or the proportion of crime reported to the police (about a third).

The prison population peaked to an all-time high of 8816 prisoners on 30 June. Strong growth in our prison population began in 2003 and is forecast to rise to around 10,314 by 2017. This will put pressure on the existing corrections system. The Salvation Army's 'State of the Nation 2010' report, *A Road to Recovery*, noted that Māori are 5.6 times more likely to be imprisoned than non-Māori. Māori consistently account for nearly half the prison population, despite accounting for only 15 per cent of the national population.

Total numbers and percentages of people arrested in 2009–10 (from Statistics NZ):

Ethnic Group	Total number of people arrested	Percentage of all people arrested
European	103,054	43.81 %
Māori	98,881	42.03 %
Pacific	21,681	9.21 %
Asian	6929	2.94 %
Other/unknown	2437	1.03 %
Total	232,982	

Total numbers and percentages of the prison population (Department of Corrections):

Ethnic Group	Total number of prisoners	Percentage of all prisoners
European	2942	34.05 %
Māori	4350	50.35 %
Pacific	977	11.31 %
Asian	238	2.75 %
Other	87	1.01 %
Unknown	46	0.53 %
Prisoner population at 28 Nov 2010	8640	

Total numbers and percentages of community-based offenders (Department of Corrections):

Ethnic Group	Total number of community-based offenders	Percentage of all community-based offenders
European	13,963	36.97%
Māori	16,430	43.50%
Pacific	3722	9.86%
Asian	545	1.44%
Other	356	0.94%
Unknown	2751	7.28%
Community probation offenders at 28 Nov 2010	37,767	

Rehabilitation of offenders

Reoffending is a major issue in criminal justice. According to *A Road to Recovery*, nearly half of released prisoners will reoffend within 12 months of release. Over one-third will be back in prison within two years of release. Rates of reoffending and re-imprisonment are higher for Māori than for non-Māori.

'Three strikes' legislation comes into force

The Sentencing and Parole Reform Act 2010 came into force in June. The act introduces a three-stage regime of increasing penalties for offenders convicted of repeat serious violent and sexual offending. It applies to 40 specified offences, consisting of most of the violent and sexual offences in the Crimes Act 1961 that carry a maximum penalty of seven years' jail or more. These include murder, manslaughter and rape.

An offender convicted of a first specified violent or sexual offence will receive a warning (stage 1). If the offender is convicted of a second specified offence, they will receive a final warning and will serve their sentence in full without the possibility of parole (stage 2). If the offender is convicted of a third specified offence, the offender will receive the maximum penalty for the offence (stage 3). The

offender must serve that sentence without parole, unless the court decides that this would be manifestly unjust.

The act also empowers the courts to impose a life sentence without parole for murder in two circumstances. One is for a person who commits the worst murders, regardless of their prior record. The other is if the offender has a previous conviction for a specified offence, unless this would be manifestly unjust.

Before the act came into force, the Ministry of Justice estimated that about 1400 offenders would receive a first warning each year. The number of second warnings was estimated to increase each year, starting at about 25 in the first year and progressing to about 100 in the fifth year and about 200 in the 20th year and beyond. There is expected to be few, if any, stage 3 convictions in the first five years. Stage 3 convictions will slowly increase to a steady state of around 60 per year after 50 years.

The act has caused concern among the justice sector, human rights groups, criminologists and victims' rights groups. The Attorney-General concluded that the bill as introduced was inconsistent with the right against disproportionately severe treatment in the New Zealand Bill of Rights Act 1990. He warned that it would result in "disparities between offenders that are not rationally based. The regime may also result in gross disproportionality in sentencing."

The measures in the act, particularly stage 3 sentences and life imprisonment without parole for murder, are likely to result in fewer guilty pleas and more appeals. This may mean that more victims and victims' families face lengthy trial and appeal processes.

Closure of Te Hurihanga programme

Criminology and rehabilitation experts were concerned about the Government's decision not to extend the term of the Te Hurihanga programme for youth offenders. Youth Horizons Trust, a national organisation specialising in working with youth who have severe behavioural problems, ran the Te Hurihanga programme. It was funded by the Ministry of Justice and was developed in partnership with Tainui. Te Hurihanga's replacement – the Fresh Start programme – will be run by Child Youth and Family.

Te Hurihanga began in April 2007 as a fixed-term pilot programme run out of a dedicated facility in Hamilton. It serviced the Waikato area, housing up to eight youths at a time for up to 18 months. It achieved a low reoffending rate and was heralded as a world leader. However, because the programme could only accept eight youths at a time, an evaluation could not prove statistically that the programme reduced offending in the long term. The cost and low volume throughput compared to other rehabilitation programmes for young offenders were factors in the decision to close it down.

The Fresh Start programme will include community youth programmes with the New Zealand Defence Force and New Zealand Police. Where Te Hurihanga was aimed at the most serious youth offenders, Fresh Start will work with youth in the early stages of offending.

Whare Oranga Ake

Whare Oranga Ake is a new initiative funded in the 2010 Budget, aiming to significantly reduce the high rate of Māori reoffending. The initiative will support prisoners in the last stages of imprisonment to gain employment, find suitable accommodation, and build healthy family and wider social relationships. It is provided in a kaupapa Māori setting outside the main prison grounds, at a 16-bed whare and communal facility.

Two Whare Oranga Ake units, at the Hawke's Bay and Spring Hill Prison sites, are expected to open for low-risk prisoners in 2011. The services will be delivered in partnership with a contracted service-provider. Subject to a review in 2012, each unit will expand to 32 beds in 2013. The typical stay is expected to be nine months, so a 32-bed unit should provide for an average of 42 residents a year.

Prisoner skills and employment

The Department of Corrections has given priority to Māori participation in prisoner education and employment programmes to reduce reoffending. Initial results suggest that Māori comprise 46 per cent of prisoners in corrections employment, up from 42 percent in 2009. Māori prisoners gained 49 per cent of all the National Qualification Framework credits gained by prisoners through employment training in 2009–10.

Rangatahi courts and Pasifika youth court

Rangatahi courts are a judicially led initiative, in which part of the youth court process is on a marae. Four new rangatahi courts were opened in 2010. Their purpose is to reconnect young offenders with their culture to reduce their risk of reoffending. The focus is on young Māori, but non-Māori are also eligible.

The Pasifika youth court is a new judicial initiative, operating in South Auckland and based on the rangatahi court concept. This court aims to hold Pacific young people accountable for their offending in a more meaningful way.

The Pasifika youth court and rangatahi courts are not a separate system of justice for Māori and Pacific people. However, they are a way of using the marae or cultural centre and tikanga Māori or Pacific culture within the youth court legal structure.

The rangatahi courts monitor the young person's progress through a family-group conference programme. This involves frequent judicial reviews (fortnightly in most cases) by the same judge, allowing a relationship to build between the judge and offender. Only those young people who admit the charge(s) they are facing are offered the opportunity to have their next hearing on the marae.

There are now six rangatahi courts in operation:

- Kirikiriroa Marae, Hamilton, launched in July 2010
- Owae Marae, New Plymouth, launched in June 2010
- Ōrākei Marae, Auckland, launched in June 2010
- Hoani Waititi Marae, the former Waitākere, launched in March 2010
- Manurewa Marae, the former Manukau, launched in September 2009
- Te Poho-o-Rāwiri Marae, Gisborne, launched in May 2008.

The first Pasifika youth court was opened in Māngere, in the former Manukau City, in June 2010.

Social and economic equality

Whānau Ora established

Whānau Ora is a scheme to address inequalities through providers who act as a 'one-stop shop' for families in need. The providers offer services to improve health, education, employment and housing in a way that enhances families' self-reliance.

In 2009, Cabinet agreed to develop Whānau Ora, with \$134.3 million over four years to implement the programme. Funding for Whānau Ora was reprioritised from existing programmes.

In April 2010, the Whānau Ora taskforce published its report, with recommendations on how to operate the programme. The taskforce described the programme as being essentially about self-determination and self-management.

A Whānau Ora governance group was established with community representatives and senior government officials. In October, the governance group announced its selection of 25 Whānau Ora service-providers. They included Māori and Pacific groups, refugee/migrant focussed providers, specialised social service providers and disability providers. Service providers are likely to be highly scrutinised and have a high level of accountability back to their communities. This is because of their high profile within their communities.

Employment and income

The *Social Report 2010* assessed social and economic well-being across a range of indicators. It showed that though unemployment rates have increased across the total New Zealand population, increases were greatest for Māori and Pacific people – an effect of economic downturn. The report also showed that Māori, Pacific people and men experienced a higher incidence of workplace injury claims. These groups have a greater proportion of youth relative to Europeans and also tend to be disproportionately employed in lower-skilled occupations.

Māori and Pacific unemployment

In October 2010, the Department of Labour published its report '*How have Māori and Pacific people been affected by the recession?*' The report showed that as a result of

economic downturn, the Pacific unemployment rate more than doubled in the two years to June 2010, from 6.3 per cent to 15.5 per cent. The Māori unemployment rate also nearly doubled from 7.3 per cent to 14.3 per cent. The rate for the total population did not increase as quickly, rising from 3.9 per cent to 6.7 per cent.

The report noted that Māori and Pacific people were also particularly affected during previous recessions. The Māori and Pacific populations are relatively young on average, have lower educational attainment, and are over-represented in lower-skilled industries and occupations. For these reasons, they are often more vulnerable in weak economic conditions.

Youth hardest hit by unemployment

Youth aged 15–24 have been most affected during the labour market downturn. Figures from the Household Labour Force survey show unemployment has risen most sharply for Māori and Pacific youth. From December 2008 to December 2010 the Māori youth unemployment rate increased from 19.5 per cent to 27.4 per cent and the Pacific rate from 18.6 per cent to 27.2 per cent. The unemployment rate for all youth has not increased quite so sharply, rising from 12 per cent per cent to 16.8 per cent.

The Human Rights Commission's *What Next? National Conversation about Work*, published in July 2010, reports on concerns about youth unemployment. It found that the most disadvantaged youth were those who had low levels of educational attainment. Māori and Pacific youth were seen as groups at risk of future unemployment. The *National Conversation* report is discussed further in the **Migration and Settlement** chapter of this report.

Career futures for Pacific people

A report by the Ministry of Pacific Island Affairs, developed with the Department of Labour, looked at Pacific people's role in the workforce and how to ensure they are represented in the 'in-demand' jobs of the future.

Currently Pacific people are over-represented in occupations projected to have low future demand, such as trade workers. In areas of high future demand, Pacific

people are under-represented – and even then, is mostly in low-skilled, low-paid jobs. Key areas of future demand are advanced trade, technical and professional qualifications, especially in engineering, architecture and building.

Pacific people are now studying in these areas at higher rates. However, the rates are still lower than for New Zealand Europeans. Only 22.8 per cent of Pacific school-leavers can enter university, compared with 48.3 per cent of European students. Of those Pacific people who do pursue tertiary education, the trend is not towards areas of high future demand.

The report recommended effective schooling to increase the rate of students who achieve University Entrance. The report also recommended that students be given better information to help them with their subject, qualification and future career choices.

Social equality

Housing and household income

The *Social Report 2010* found that 15 per cent of the population lives in low-income households, a considerable improvement since the mid-1990s. (Low income is defined as 60 per cent of the 2007 household disposable income median, with 25 per cent deducted for average housing

costs). However, housing affordability worsened for all ethnic groups from 2003–04 to 2008–09 and was worst for Pacific and Māori groups. Proportions of ethnic groups in overcrowded housing were static across all ethnic groups between 2001 and 2006. Household crowding was significantly higher for Pacific peoples than for any other ethnic group.

Housing New Zealand and the Ministry of Pacific Island Affairs gave housing information workshops tailored for Pacific community leaders in the Auckland, Wellington and Christchurch regions. These workshops were to combat problems with the standard of housing and housing affordability. The Healthy Housing programme had helped 900 families in South Auckland by the end of October 2010 – for example, by extending existing homes to accommodate large families, and renovating homes to improve ventilation and insulation.

An initiative was announced in February to overcome the problem of Māori not being able to provide papakainga (multiple-owned) land as collateral to banks when seeking loans. With a kāinga whenua loan, Kiwibank can lend 100 per cent of house building costs or the purchase price of the house, up to \$200,000. This is as long as the borrower has a right to occupy the land, a valuation from a registered

Indicator	By ethnic group
<p>Unemployment rate (seasonally not adjusted) Source: Statistics New Zealand, Household Labour Force Survey, December quarter 2007, 2010</p>	<p>2010 compared with 2007:</p> <ul style="list-style-type: none"> • 13.4% of Māori, up from 7.5% • 13.6% of Pacific, up from 5.7% • 5.1% of European, up from 2.5% • 9.6% of Asian, up from 5.3% • 6.9% of Middle Eastern, Latin American or African (MELAA), down from 8.4%.
<p>Earnings per hour Source: Statistics New Zealand, New Zealand Income Survey June quarter 2005, 2010</p>	<p>June 2010 quarter compared with June 2005 quarter:</p> <ul style="list-style-type: none"> • \$20.65 for Europeans, up from \$17.00 • \$17.78 for Māori, up from \$15.00 • \$16.98 for Pacific, up from \$13.79 • \$18.75 for Asian, \$20.00 for MELAA and \$20.24 for Other ethnic groups, up from \$15.00 for all Other ethnic groups as categorised in 2005

Note: 2005 ethnicity data has been coded using the prioritisation method, while 2010 is based on single/combined response.

valuer and a satisfactory building contract. No deposit is required for a loan below \$200,000. The Government acts as guarantor for the loan. As at 31 December 2010, one kāinga whenua loan had been settled and three further loans pre-approved.

Health

The *Social Report 2010* found that though health expectancy – the number of years a person can expect to live in good health – has improved; it is lower for males and Māori. Life expectancy – the total number of years a person could expect to live – had also improved, but was similarly lower for males, Māori and those living in deprived areas. Reporting by the Ministry of Health shows Pacific people have experienced the least improvement in life expectancy over the past 20 years. Suicide deaths, which were higher than the OECD average for all ages, were higher for males; those aged 35–44 and Māori. Cigarette smoking rates have shown some improvements since 2003, but remain higher for younger adults, Māori, Pacific people and those living in deprived areas. Obesity rates are higher for Pacific people, Māori and people in deprived areas. Potentially hazardous drinking rates are higher among males, young people and Māori. The Ministry of Health reports that a larger

proportion of Pacific people are non-drinkers, but of those who do drink there is a high level of potentially hazardous drinking.

Healthcare services to meet Māori and Pacific needs

In June 2010, the Ministry of Health published *Lalaga – Pacific Providers Making a Difference*. The report looks at positive developments in providing Pacific health services, with a growth to 39 providers in 2009. These providers deliver service contracts worth \$50 million a year. Their governance boards are comprised of more than 95 per cent Pacific people, providing valuable experience for community members.

The providers work in one of the most in-need parts of the health sector. From 1981 to 2004, Pacific mortality rates improved least of any ethnic group. Proportionately, Pacific people suffer high rates of:

- heart disease, stroke and diabetes in general
- lung cancer and liver cancer in men
- breast and cervical cancer in women
- respiratory and infectious diseases in children.

Indicator	By ethnic group
<p>Housing affordability</p> <p>Source: Statistics New Zealand Household Economic Survey, cited in Social Report 2005, 2010</p>	<p>Defined as households spending more than 30% of income on housing costs.</p> <p>2008–09 compared with 2003–04:</p> <ul style="list-style-type: none"> • 25% of households with at least one Māori adult, up from 21% • 33% of households with any Pacific adult, up from 23% • 27% of total all New Zealand households, up from 22%.
<p>Household crowding</p> <p>Source: Statistics New Zealand, Census 2001, 2006, cited in Social Report 2005, 2010</p>	<p>Defined by the Canadian Crowding Index as households requiring one or more additional bedrooms.</p> <p>2006 compared with 2001:</p> <ul style="list-style-type: none"> • 43% of Pacific, the same as in 2001 • 23% of Māori, the same as in 2001 • 23% of Other ethnic groups, down from 25% • 20% of Asian, the same as in 2001 • 4% of European, down from 5%.

Poor employment rates, earnings and housing conditions contribute to ill-health. More than 40 per cent of Pacific people live in the most deprived 10 per cent of neighbourhoods. Pacific people make up seven per cent of the New Zealand population, but only 1.6 per cent of the medical workforce.

Pacific providers work to address these problems by health education programmes run together with schools, churches, tertiary providers, community groups and sports clubs. Early results show improved access to healthcare, lower incidence of diabetes and higher rates of immunisation compared with other health sectors. Financially, the providers seem sustainable and many have plans for growth.

In September, the Ministry of Health released its report *Shifting Māori Health Needs: Māori population trends, health service needs, and medical workforce requirements*. The report looks at the medical needs of the projected Māori population over the next 10–20 years, specifically at the demands on the Māori medical workforce. Although the number of Māori doctors is increasing, the increase is not enough to meet demand. The growth in the Māori population is predicted to be twice as fast as the increase in the number of Māori doctors, and the Māori population is

ageing. Previous Ministry of Health reports have found that Māori are much more likely to seek medical advice from Māori medical staff.

The report recommends measures to encourage and support Māori medical training. It also outlines initiatives already begun by the ministry. One such initiative is *Kia Ora Hauora*, a national Māori health-recruitment programme launched in June, to support students studying health sciences in secondary schools through an online health career portal.

Education

The *Social Report 2010* noted that rates of participation in licensed early-childhood services changed little between 2008 and 2009, and remained lower for Māori and Pacific people. There were lower proportions of male, Māori and Pacific school-leavers with NCEA level 2 or above compared with female and European school-leavers, but an increase on the previous year. Participation in tertiary education has improved, and there were higher rates for Māori aged under 18 and over 25. The age-standardised participation rate for tertiary education was higher for Māori than for any other ethnic group. All ethnic groups experienced an increase in tertiary participation in the first half of the 2000s and a slight fall in participation between 2005 and 2009. Māori and Asian ethnic groups experienced the greatest fall. Rates of educational attainment of the adult population have remained much higher than in 1991 but are proportionally lower for older people, Māori and Pacific people. Between 1996 and 2006 there were improvements in adult literacy in English, although proportions are lower for the youngest and oldest age groups and ethnic groups other than New Zealand European.

School performance: Māori and Pacific achievement

The Education Review Office (ERO) published two reports on education providers' success in fostering Māori achievement: one on the early-childhood sector, the other on primary and secondary schools. It also published a report monitoring Pacific students' achievement.

The report on early childhood education, *Success for Māori Children in Early Childhood Services*, found that 76 per cent of Māori in early-childhood education are enrolled in

Indicator	By ethnic group
<p>Health expectancy</p> <p>Source: The Ministry of Health, Social Report 2010</p>	<p>2006:</p> <ul style="list-style-type: none"> • Māori males – 62.0 years • Māori females – 64.2 years • non-Māori males – 68.8 years • non-Māori females – 70.4 years
<p>Life expectancy</p> <p>Source: Statistics New Zealand, Social Report 2005, 2010</p>	<p>2005–07 compared with 2000–02:</p> <ul style="list-style-type: none"> • Māori males – 70.4 years, up from 69 years • Māori females – 75.1 years, up from 73.2 years • non-Māori males – 79.0 years, up from 77.2 years • non-Māori females – 83.0 years, up from 81.9 years.

mainstream services. Many mainstream services incorporate a degree of te reo Māori and tikanga Māori in the classroom. However, a sizeable minority fail to use Māori perspectives in their planning, assessment and evaluation work. Only 41 per cent of providers were engaging with Māori parents and whānau to understand their needs, respect their opinions and respond meaningfully.

The report into primary and secondary schools, *Promoting Success for Māori Students: Schools' Progress*, followed up on ERO's 2006 review of how schools provide for Māori. The report found that, although about half of secondary

schools can show improved NCEA grades for Māori students since 2006, there is still a lag between Māori and non-Māori students' achievement. ERO expressed concern at the number of schools that fail to monitor Māori achievement against non-Māori. Monitoring is needed to collect information on education needs and the success of initiatives for Māori.

The number of schools that fail to engage meaningfully with students' parents and whānau was also a concern. In some schools, initiatives to increase student participation are aimed at all students rather than just targeted at Māori.

Indicator	By ethnic group
<p>Participation in early childhood education</p> <p>Source: Ministry of Education, Education Counts, October 2010</p>	<p>As at July 2010 compared with July 2004:</p> <ul style="list-style-type: none"> • 89.4% of Māori, up from 87.3% • 85.3% of Pacific, up from 83.3% • 98.1% of European, up from 96.7% • Asian, 96.7% of Asian, up from 94.4% • 96.1% of Other ethnic groups, up from 89.2%
<p>School-leavers with NCEA level 1 or above</p> <p>Source: Ministry of Education, Education Counts 2009, 2005</p>	<p>2009 compared with 2005:</p> <ul style="list-style-type: none"> • 71.6% for Māori, up from 51.1% • 82.6% for Pacific, up from 63.4% • 89.7% for European, up from 78.3% • MELAA/Other, 84.4% for MELAA/Other, up from 68.9% • Asian, 92.6% for Asian students, up from 89.2%
<p>Educational attainment of adult population</p> <p>Source: Statistics New Zealand Household Labour Force Survey, cited in Social Report, 2010</p>	<p>2009 adults (aged 25–64) holding at least upper-secondary qualifications, compared with 2001:</p> <ul style="list-style-type: none"> • 65.4% of Māori, up from 58.2% • 52% of Pacific adults, down from 52.7% • 79.3% of European, up from 76.2% • 71% of Asian, MELAA and Other ethnic groups, up from 67.8% <p>2009 adults (aged 25–64) holding tertiary qualifications at bachelor's degree level or above, compared with 2001:</p> <ul style="list-style-type: none"> • 10.1% of Māori, up from 4.8% • 8.3% of Pacific people, 8.3% up from 5.6% • 21.7% of Europeans, up from 12.9% • 36.9% of Asian, MELAA and Other ethnic groups up from 31.5%

Schools with initiatives tailored to Māori tended to be more effective in building relationships with parents, whānau and Māori and with increasing students' achievement.

In February, the Ministry of Education published *Pasifika Schooling Improvement*. This found that initiatives in some schools were raising Pacific students' achievement but needed fine-tuning to better meet the students' needs. It found an urgent need for reporting systems in schools to standardise and more coherently report on Pacific initiatives and student's achievement. It also recommended that schools increase engagement with local Pacific communities and provide for greater support for newly arrived Pacific students.

The Ministry of Education has supported the boards of schools with high Pacific rolls, with advice on planning and reporting on targets for Pacific achievement. It is seeking to raise the proportion of Pacific people on boards at those schools, to raise awareness of Pacific issues and be a voice for their students.

ERO published *Promoting Pacific Student Achievement: Schools' Progress* in June. Similar to the ministry's report on Pacific schooling improvement, it noted a lack of reporting on Pacific achievement in many schools. What reporting is available shows improvement in attendance of Pacific students and fewer disciplinary actions. Special initiatives to target literacy and numeracy were often generic rather than targeted at Pacific students. Generic initiatives saw Pacific grades improve, though not as much as for their peers. Schools with the best achievement rates for Pacific students had close links with their parents, families and communities. Some employed a Pacific liaison person to build these links.

Evaluation of Te Kotahitanga programme

In August, the Ministry of Education published a report by Victoria University evaluating outcomes of the Te Kotahitanga programme. The programme's facilitators train teachers to incorporate and show respect for Māori values in the classroom as a way to address Māori underachievement in mainstream schools. The programme was launched in 2001. By 2010, it involved 33 schools, hundreds of teachers and thousands of Māori students around New Zealand.

Teachers, principals, boards of trustees, facilitators, students and student's families were all positive about the programme. Teachers and principals reported stronger relationships and better expectations for Māori pupils. Students commented that motivation was hard if teachers had low expectations of them. However, through the success of the programme, Māori students felt increasingly proud of their culture and identity. Parents, teachers, facilitators and principals reported improvements in Māori students' attendance, participation, achievement and a higher level of students gaining University Entrance in year 13.

The report also looked at the sustainability of the programme. Principals emphasised that the effectiveness and sustainability of Te Kotahitanga was dependent on the facilitator's resources and expertise.

Human rights review: areas for action

Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa identified the following areas for action on civil, political, social and economic rights:

Structural discrimination

Investigating how much structural discrimination underlies entrenched racial inequalities in the enjoyment of civil, political, social, economic and cultural rights, and developing programmes to address it.

Representation

Increasing the representation of Māori, Pacific and other ethnic groups in local government.

Disenfranchisement of prisoners

Reversing the disenfranchisement of prisoners.

Judiciary

Increasing diversity in the judiciary.

Māori imprisonment

Committing to specific targets and timelines for reducing the disproportionate number of Māori in prison.

Drivers of crime

Implementing, in partnership with civil society, a comprehensive strategy and programme of action to address the drivers of crime.

Measurable targets

Adopting measurable targets and reporting annually on the effectiveness of economic and social policies in meeting these targets.

Inequalities – health

Tackling entrenched health inequalities through a systematic, comprehensive, long-term, whole-of-government approach, with explicit targets and timelines and clear indicators to monitor the impact.

Educational underachievement

Addressing underachievement by:

- ensuring universal provision of quality early childhood education
- ensuring equitable access to quality education for all, focussing particularly on Māori, Pacific and disabled children and young people
- removing any financial and other barriers to full participation in education.

Equal employment opportunities (EEO) framework

Implementing a new EEO framework that specifically addresses access to decent work for disadvantaged groups such as Māori, Pacific youth and disabled people, and that covers pay and employment-equity issues for men, women and families.

Child poverty and inequality

Prioritising eliminating child poverty and addressing inequalities affecting Māori, Pacific and disabled children.

7 Te hekenga me te whakatau

Migration and settlement

What happened in 2010?

- The Human Rights Commission completed its five-yearly review of human rights, including sections on the rights of migrants and refugees.
- The Immigration Act 2009 came into force, with significant changes for migrants and refugees.
- A total of 45,719 migrants were approved for residency in 2009–10, with the largest numbers coming from the UK, China, South Africa and the Philippines.
- A total of 73,432 international students were approved for studying in New Zealand.
- Temporary migrant worker permits were issued to 130,002 people.
- New Zealand accepted 709 people for resettlement under the Refugee Quota Programme in 2009–10, with the largest number coming from Bhutan, Colombia and Burma.
- A total of 6,261 workers came to New Zealand under the RSE Recognised Seasonal Employer (RSE) policy in 2009–10. A review of RSE policy identified positive impacts for migrant workers and their employers, and some issues requiring attention.
- The Silver Fern Visa Policy and the Retirement Visa Policy were implemented.
- Student policies were amended to allow greater flexibility for parents and caregivers accompanying international students to leave New Zealand in emergency situations; to tighten restrictions on students changing courses or education providers; and to change some immigration requirements for short periods of study.
- The 2009–10 period saw 6261 workers arrive in New Zealand under the RSE Recognised Seasonal Employer (RSE) policy.
- The impact of the recession continued to be felt by migrant workers in particular, some not being able to renew their visas, despite already being employed
- The Prime Minister indicated support for a 'regional solution' to asylum-seekers.

Human rights in New Zealand 2010: the rights of migrants

The Commission's five-yearly review of human rights included an assessment of the status of migrants' rights. In summary, it said:

Migrants in New Zealand represent a rich diversity of people and backgrounds. They come to New Zealand for a variety of reasons, including work, marriage, family, and education. Most adjust well to their new home. In 2010, the Department of Labour's Longitudinal Immigration Survey showed that new migrants adjusted well and more than 90 per cent were very happy with life and settled after 18 months of living in New Zealand.

The rights of migrants are generally well protected under New Zealand law and policy. Employment laws protect the rights of migrant workers and there are effective enforcement mechanisms.

However, for some migrants settlement continues to be a difficult process. As strangers to a new society, they may be unfamiliar with the national language, laws and practice and thus be less able than others to know and assert their rights. They may face discrimination; and be subjected to unequal treatment and unequal opportunities at work and elsewhere; and have difficulty accessing social services and justice.

The Government has taken a number of positive steps to support migrant settlement, including:

- the adoption of national and regional settlement strategies and action plans
- the introduction of the Settling In programme
- the establishment of 18 Settlement Support New Zealand initiatives
- the permanent continuation of Language Line.

The adoption of the Recognised Seasonal Employers Scheme (RSE) in 2007 and the introduction of the Supplementary Seasonal Employment (SSE) permit in 2009 provide workers from the Pacific with access to the New Zealand labour market and aim to better protect the rights of these workers.

Immigration Act 2009 comes into force

The majority of the Immigration Act 2009 came into force on 29 November 2010. The act is intended to modernise New Zealand's immigration laws without making major changes to the criteria under which people apply to travel to and stay in New Zealand. Some of the key changes included in the act are:

Streamlining appeals

Existing appeal rights are maintained and one independent body is established to hear appeals – the Immigration and Protection Tribunal. The tribunal, administered by the Ministry of Justice, replaces the four previous appeal authorities.

A new classified information system

Classified information relating to security or criminal conduct can now be used in decision-making if the Minister of Immigration agrees. Safeguards balance the right of the Government and the rights of foreign nationals in using all available information to decide who may travel to, enter and stay in New Zealand.

Biometrics and information sharing

Specific biometric information – such as photographs, fingerprints and iris scans – can be collected, stored and used to verify a foreign national's identity. These provisions will only come into force when Cabinet is satisfied that robust procedures and processes are in place and there is appropriate protection for individuals, consistent with the Privacy Act 1993.

Compliance, detention and monitoring

A flexible approach is established for monitoring and detaining foreign nationals who are considered to be a threat to the integrity of the immigration system or the security and safety of New Zealand.

A person can be detained under the 2009 act if there is doubt about their identity, if there is a threat or risk to security, to facilitate legitimate removal action or if it is otherwise in the public interest.

Section 324(3) of the Immigration Act 2009 enables people detained under a warrant of commitment to apply to a district court judge for a variation of the warrant or a release on conditions.

Employer obligations

The 'reasonable excuse' defence for employing a foreign national not entitled to work in New Zealand is narrowed. The Department of Labour has set up an online system, called VisaView that allows employers to check a job applicant's entitlement to work and any conditions, while protecting their individual privacy.

Interim visa

A new interim visa is established for temporary migrants already onshore who are awaiting a decision on an application for another temporary visa, in order to provide them with a lawful immigration status in the interim.

Sponsorship

Organisations and government departments are permitted in some circumstances to sponsor migrants – such as, but not limited to, community leaders, sportspeople or professional experts. Previously, only individuals could sponsor migrants.

Right to education

Primary or secondary schools will henceforth not be prosecuted for enrolling a child who is unlawfully in New Zealand.

Compliance with United Nations Conventions

New Zealand's immigration-related obligations under the UN Convention against Torture (CAT) and International Covenant on Civil and Political Rights (ICCPR) are incorporated. New Zealand's commitments to the UN's 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees are retained. Protection claims under the CAT and ICCPR will now be determined at the same time as refugee status claims.

Restrictions to claiming refugee or protection status

There are new provisions for managing potential abuses of New Zealand's asylum process, for example, when a person acts other than in good faith. There is discretion to refuse a claim to refugee or protection status if the person has, or could have sought, protection elsewhere. Claims cannot be made for protection status under the ICCPR based on the absence of medical treatment facilities in the claimant's country of origin.

Migration

In 2009–10, around 1.37 million people were granted temporary visitor, student or work permits, and another 45,719 people were granted permanent residence. The following statistics provide an overview of key migration and residence trends for this period. They are drawn mainly from the Department of Labour's *Migration Trends and Outlook 2009–10*, published in January 2011.

Migration trends

In 2010 the global economic downturn affected migration, particularly temporary migrants. The number of people approved for temporary work visas decreased (down five per cent in 2009–10), partly because of a drop in demand for temporary migrant workers. Despite the downturn, international student numbers remained high and net migration increased.

Net migration: Net migration is the difference between the number of long-term arrivals and the number of long-term departures. In 2009–10, net migration was 16,500 – the highest since 2003–04. This increase was mainly due to a large drop in the number of departing New Zealand citizens (down 12,100 from 2008–09). The economic recession has had a big impact on the number of New Zealanders leaving for Australia, with a 27 per cent drop from July 2009 to June 2010.

International students: The number of international students decreased only slightly in 2009–10 to 73,432, down 0.5 per cent on the previous year. The top five source countries for international students were China (20 per cent), South Korea (14 per cent), India (12 per cent), Japan (five per cent) and Germany (four per cent).

Temporary migrant workers: In 2009–10, 130,002 people were issued temporary work permits – five per cent less than in the previous year. The drop was mainly because of fewer people being approved under the Essential Skills Policy. On the other hand, the number of working holidaymakers increased, as did the number approved through the 'Specific Purpose or Event Policy and Study to Work' policy.

The main nationalities of temporary work-permit holders in 2009–10 were the UK (14 per cent), India (nine per cent), and China (eight per cent).

Residence

Residence approvals: There were 45,719 migrants approved for residence, a slight drop from the 46,097 in 2008–09. Of those, 62 per cent came through the 'Skilled/Business' category, 32 per cent came through the family-sponsored streams and 83 per cent were made from within New Zealand.

The largest group of residence approvals came from the UK (17 per cent) followed by China (13 per cent), South Africa (12 per cent) and the Philippines (nine per cent). Since 2004–05 the biggest changes in country-of-origin of residence approvals have been a decrease in applicants from the United Kingdom (from 31 per cent to 17 per cent) and an increase from the Philippines (from two per cent to nine per cent). Other top 10 countries of origin for residence approvals in 2009–10 were India, Fiji, Samoa, the United States, South Korea and Tonga.

Family sponsorship: China was the largest source country of residence approvals for 'Parent and Adult Child and Sibling' sponsorship (35 per cent). Parents can be sponsored to become permanent residents if half or more of their children live in New Zealand.

Samoan quota: Each year, up to 1100 Samoan citizens can be approved for residence under the Samoan Quota Scheme, with successful applicants selected by ballot. In 2009–10, there were 788 people approved for residence through the Samoan quota – a significant drop from the 1122 in 2008–09 and 1202 in 2007–08. A likely reason for this decrease has been the state of the labour market, as the scheme requires applicants to have a job offer in New Zealand.

Pacific Access Category: Each year, up to 250 citizens of Tonga, 75 citizens of Tuvalu and 75 of Kiribati can migrate to New Zealand under this category. In 2009–10, 357 people were approved for residence, compared with 360 in 2008–09.

Other International/Humanitarian approvals: In 2009–10, there were 612 people approved for residence through other special policies in the International/Humanitarian stream, compared with 778 in 2008–09. Of these, most (37 per cent) came through the Ministerial Direction Policy, and 33 per cent through the Refugee Family Support category.

Policy developments

Impact of recession on migrant workers

The global economic downturn and a rise in unemployment have put pressure on the Government to ensure that New Zealanders get first chance at jobs ahead of temporary migrant workers. This has meant that some temporary workers could not renew their visas, despite already being employed, because labour market tests indicated that suitable New Zealand workers were available for the position.

Some migrants on work-to-residence visas and permits have been unable to fulfil their employment obligations and achieve residence. The work-to-residence scheme allows people wanting to live in New Zealand to test their skills against the local labour market. If they cannot find work, they are required to leave.

Recognised Seasonal Employers (RSE) scheme

In 2010 the Department of Labour published an evaluation of the RSE scheme. The report identified the following positives for employers:

- Those in the horticulture and viticulture industries have access to a reliable and stable seasonal workforce.
- Labour supply crises before the RSE scheme came in have been avoided, and now employers can plan and manage their businesses with confidence.
- Significant productivity gains for employers began to emerge in the second season.

And positives identified for RSE workers:

- They could develop skills.
- They were generally satisfied with the amount they earned over four to seven months, as this was more than they could earn in their home countries.
- Workers from Vanuatu, Tonga and Samoa benefited financially from working in New Zealand.
- Workers' earnings enhanced the wellbeing of their families and enabled individuals and communities to pursue business ventures.
- Many workers engaged with the local community through church, sports, and cultural activities.

The report raised some areas of concern about workers in the RSE scheme, including:

- accommodation, particularly costs and overcrowding
- lack of awareness and understanding of their rights and obligations and fears of what might happen if they complained
- unfavourable reactions from the host community.

To provide more useful information to seasonal workers, the department developed a fact sheet, guides to employment and workers' rights, and translations.

Silver Fern Job Search Visa and Silver Fern Practical Experience Visa

The 'Silver Fern' policies were implemented in April 2010. They are intended to allow eligible, skilled young people to enter New Zealand and work towards gaining residence. When the Silver Fern Job Search Visa was launched in April, the 300 available places for 2010–11 were filled within half an hour. There is no annual limit to the number of Silver Fern Practical Experience Visas that may be granted.

Parent Retirement Category and Temporary Retirement Category

The new Retirement Visa policy was implemented in March 2010. The policy consists of two categories that enable wealthy people of retirement age to come and live in New Zealand, if they can make an economic investment here. The Parent Retirement Category allows New Zealand to prioritise individuals of high net worth who are already seeking to migrate here under the Family Category. The Temporary Retirement Category creates a two-year visa for people who want to spend some of their retirement in New Zealand. Visa-holders can usually renew their visas as long as they continue to meet certain criteria, including investment funds, income and health insurance.

Student policy

Changes were made to student policy to support the export education industry and international students and to protect the integrity of the immigration system. According to the Department of Labour, the industry is worth \$2.3 billion a year to New Zealand. The changes included:

- relaxing requirements to allow parents and guardians who accompany young children to New Zealand to then

leave the country without their children in emergencies

- strengthening immigration policy to stop students from changing course and/or education provider for non-bona fide reasons
- changing immigration requirements for short periods of study.

Skill shortages lists

The Essential Skills in Demand Lists, comprising the Long Term Skill Shortage List (LTSSL) and the Immediate Skill Shortage List (ISSL), are reviewed twice a year. After the lists were updated in September 2010, seven occupations were added to the LTSSL and one was removed; the ISSL had two occupations added and nine removed. Both lists were also altered to clarify certain qualifications and work-experience requirements for occupations.

Working Holiday Schemes

New Working Holiday Schemes with Poland, Spain and Slovenia were implemented. In addition, new schemes with Turkey and Israel were signed and will be implemented in 2011.

Migrant experiences

Migrants and their employers

In a Department of Labour survey, 89 per cent of respondents were satisfied with life in New Zealand. The survey was undertaken in 2009 and published in *Key Findings from the Migrants Survey 2009 (Pilot)*. However, 37 per cent found the cost of living in New Zealand higher than expected and 37 per cent found their household income too low to support them and their family.

The survey found that 66 per cent of visa or permit applicants were in paid employment, and 92 per cent of skilled principal applicants and 96 per cent of essential skills workers were in paid employment.

Of the respondents working in a skilled job, 65 per cent earned \$40,000 or more, and 43 per cent of skilled principal applicants earned \$60,000 or more. The median income for all New Zealanders is around \$39,000 a year.

Most respondents – 87 per cent – planned to stay long term in New Zealand, and 73 per cent wanted to gain citizenship. Also, 35 per cent of respondents planned to sponsor family, in particular their parents.

Settling in Tauranga and Albany

Two further Settling In reports, for Albany and Tauranga, were published in April. They are a response to the changing demographics of the two regions, intended to identify the community's needs, gaps in existing services and suggestions for change.

Priority areas identified in the Tauranga and Western Bay of Plenty reports include:

- facilitating access to services
- improving support to families and children
- improving appreciation of diversity
- encouraging well-being, especially for youth and the elderly
- safety and security
- knowledge and skills
- economic well-being.

Priority actions identified in the Albany report include:

- working on a strategy for a central community space
- producing local resources in Chinese and Korean languages
- establishing an Albany 'Newcomers Network'
- linking Albany migrants with available services
- promoting a social English-language group
- investigating Pacific peoples' views.

The Settling In programme received an extra \$3 million in the 2010 Budget over the next three years, to support more co-ordinators in more regions.

The Department of Labour's survey of employers of migrant workers found that 87 per cent rated their employees good or very good. For those who said they experienced difficulty, 43 per cent referred to language as the key challenge.

The Department of Labour's report 'Transition to Permanent Residence' found that the experiences of work-permit or visa holders who went on to permanent residence as skilled migrants were largely positive. Six out of 10 former work-permit holders had not faced obstacles in finding work. Of those who had, the most common obstacle was a lack of New Zealand work experience.

International students' settlement experiences

The Department of Labour's Life after study: *International students' settlement experiences in New Zealand* was published in December. The report is based on a survey that found 68 per cent of former international students were in full-time employment 18 months after gaining permanent residence. Of those, 62 per cent were in a skilled job and 31 per cent were in professional occupations.

The report looks at the importance of type of qualification to gaining work. Former students with a bachelor's or higher degree were more likely to earn more, in a higher-skilled job, and report higher job satisfaction, than those with a vocational qualification gained in New Zealand.

The report concludes that facilitating transition to work and residence are important in attracting and retaining international students. These students make a positive contribution to the economic and social fabric of New Zealand.

The Asian workforce

In June the Department of Labour published *The Asian workforce: A critical part of New Zealand's current and future labour market*. The report looks at the growth of the Asian workforce in New Zealand, as a group that is expected to increase at a much higher rate than any other ethnic group. It estimates that by 2026 the Asian workforce will make up 15 per cent of the working-age population, with Māori 14 per cent and Pacific people eight per cent. Though much of this population growth will come from net migration, the population of Asian people born in New Zealand will also grow.

The report found that the Asian workforce is youthful. Half of the Asian working-age population was between 15 and 34, compared with a third of the total population. The Asian workforce is highly qualified and more likely to have tertiary qualifications. However, Asian people with a bachelor's degree were three times more likely to be working as clerks than the national average (33 per cent compared with 11 per cent), showing that the skills of some Asian people are not used to their full potential. Asian people are over-represented in the retail sector; in professional occupations, especially in the health and community-services sector; and in service and sales-worker occupations.

The report also analyses limitations that exist when the blanket term 'Asian' is used as an ethnic description. It provides further breakdown of how North Asian, South Asian, South-east Asian and 'Other Asian' people are represented in the workforce. The report highlights employers' need to adapt to a diverse Asian population. This population will be important to New Zealand's future economic development and health sector as the population ages.

National Conversation about Work

The Human Rights Commission's *What Next? National Conversation about Work* reported on a nationwide series of meetings it held with employers, employees, organisations, businesses and community groups between 2008 and 2010. The Commission asked people what would make a difference to them so they can achieve equality and fairness at work, and how this might affect families. The report found that many migrants find it hard to access decent employment, despite years of experience and qualifications recognised elsewhere. A key problem for some migrant workers is the recognition of qualifications, particularly in some professions. Work is arguably the single most important element in the integration of immigrants to New Zealand.

Migrant workers the Commission met with spoke of various forms of discrimination they faced when seeking work. Chinese Aucklanders said some migrants 'anglicise' their names to increase the chance of being interviewed for a job. Participants also said employers sought 'Kiwi experience' and English as a first language. Migrants were less likely to complain because they were in the area for only a short period or would simply find another job elsewhere. Typical complaints by migrant employees to the Queenstown Citizen's Advice Bureau included not being paid holiday pay, being told they had lesser rights because they were on working holiday visas, and being told they were not entitled to annual leave.

Both migrants and community workers were concerned that important support services for migrants are not as readily available in small towns as in urban centres.

Settlement

The Department of Labour is the lead agency for activities across the Government to support good settlement outcomes for migrants and refugees in their initial settlement period (up to five years). The New Zealand Settlement Strategy provides the framework and overarching goals for the settlement of migrants and refugees.

National and Regional Settlement Action Plans

In 2010 the Department's co-ordination function for settlement outcomes under the New Zealand Settlement Strategy focussed on three key areas: the development of a Refugee Resettlement Strategy (described on page 61) and the implementation of two regional settlement strategies (Auckland and Wellington).

Auckland Regional Settlement Strategy

Launched in January 2007, the Auckland Regional Settlement Strategy is jointly led by the Auckland Council and the Department of Labour and supports the region's significance as the primary destination for more than 60 per cent of new migrants. With the strategy's initial three-year action plan completed, the second phase of implementation was drafted in 2010. A refreshed Auckland Settlement Action Plan focusses on the economic benefits and innovation that migration brings to Auckland. More than 50 partners across central and local-government agencies, non-government organisations and community organisations are involved in 43 actions of the new action plan.

The outcomes of this collaborative approach are outlined in a new booklet launched in December 2010 which features key strategy achievements to date in the health, local government, police and refugee work strands.

Wellington Regional Settlement Strategy

The Wellington Regional Settlement Strategy, launched in June 2008, completed its second year of implementation in 2010. Actions achieved under this strategy include:

Connecting Newcomers and Māori – A total of 320 newcomers to the region were welcomed as manuhiri to marae in their local communities. Activities included



Wellington website

pōwhiri, workshops on Māori tikanga, kaimoana gathering and preparation, and a heritage walk of Te Ara o Ngā Tūpuna. The marae-based programmes were developed in partnerships between the Wellington region's city councils and local iwi, to welcome new migrants across the region.

Supporting newcomers in the region's workplaces – A new 'Moving Here' section for migrants was added to Wellington's regional portal www.wellingtonnz.co.nz, with information for settling in the region. A new 'For Employers' section connects employers to a range of support agencies for their new migrant staff and provides information about programmes on the benefits of a culturally and linguistically diverse workforce.

Many migrants, especially those who struggle to find work, take up voluntary work as a step towards employment and a way to connect with their new community. As part of the Wellington Resettlement Strategy, Volunteer Wellington has promoted success stories and case studies of such migrants volunteers, resulting in a 40 per cent increase.

Refugees

2010 human rights review: the rights of refugees

One chapter of *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*, summed up the status of refugees' rights:

New Zealand is one of only 21 countries that accept an annual quota of refugees for resettlement. It is one of 10 countries considered by the United Nations High Commissioner for Refugees as core resettlement countries. New Zealand accepts 750 refugees a year under its quota programme. The number of quota refugees accepted annually has remained static since 1987. At the same time, there has been a dramatic drop in the number of asylum-seekers. This is due, at least in part, to the advance passenger screening process.

Quota refugees receive significant and ongoing settlement support. By contrast, Convention refugees (asylum-seekers) and family members of refugee members resident in New Zealand receive only a minimal level of advice. Non-government organisations and volunteers make a major contribution to the successful settlement of refugees and provide essential support to asylum-seekers.

Since 2004, two major developments have impacted on the rights of refugees and asylum-seekers in New

Zealand: development of the New Zealand Settlement Strategy, and the related national and regional action plans and enactment of the Immigration Act 2009.

The 2009 act aims to manage immigration in a way that balances the national interest and the rights of individuals. It seeks to strengthen border control while ensuring compliance with immigration-related international obligations, particularly those under the Refugee Convention, Convention against Torture and the International Covenant on Civil and Political Rights.

Refugee communities are asserting a stronger voice, through capacity-building programmes, regional and national forums, and networks. Refugee communities are increasingly providing settlement support in their own right. Recognising that settlement is more successful and sustainable where refugee communities are involved in the resettlement process, there has recently been an increased involvement of communities in government-mandated resettlement activities.

Settlement Support New Zealand (SSNZ) initiative

The Department of Labour funds Settlement Support New Zealand (SSNZ) initiatives throughout New Zealand. These provide a clear point of contact for new migrants and for employers seeking settlement information and referral services for their new migrant staff. The department collaborates with local government and non-government organisations in 18 areas.

In 2009–10, the 18 SSNZ initiatives provided services to 11,745 migrants, resulting in 18,278 referrals to local mainstream and settlement-service providers. SSNZ also ran workshops for migrants on topics such as Te Tiriti o Waitangi; preparation for work; cross-cultural awareness; immigration processes; and the tax, health, and education systems –2568 people attended.

In 2009–10, SSNZ provided services for clients from 127 language backgrounds. Of these, 36 per cent had been in New Zealand less than one year and 48 per cent for two years or less. One quarter of all migrant inquiries were about employment, and one quarter about immigration and

cultural/community issues. SSNZ also helped 2895 local service-provider agencies and 283 employers, including hosting workshops on topics such as ‘using interpreters’ and ‘intercultural communication’.

Other settlement programmes

In 2009–10, nine settlement programmes were funded by the Department of Labour. Six of these provided settlement information and orientation to new migrants. They are Auckland Regional Migrant Services (ARMS); CAB Language Link; Relationship Services – Relating Well in New Zealand; Chinese New Settlers Services Trust (Auckland); Pacific Education and Employment Training Organisation (PEETO) (Christchurch); and Christchurch Resettlement Services. The Auckland, Wellington and Christchurch Chambers of Commerce were funded to help employers recruit and retain 1494 migrants already living in New Zealand.

In addition, the Auckland Chamber of Commerce developed its NewKiwis website, which helps New Zealand-based employers recruit migrants who are still overseas. In 2009–10 a total of 293 job-seekers gained employment through this site.

However, a number of challenges continue to face refugees settling in New Zealand. These include access to education; respect for different values (including dress codes); access to health; housing; barriers to employment; and family reunification. The economic recession has further intensified difficulties in some areas, with funding cuts to some programmes.

Refugee resettlement under review

In 2010 the Department of Labour began work on a draft refugee-resettlement strategy in consultation with a number of government and non-government stakeholders. The proposed strategy sets out an approach for supporting a broader range of refugees: the 750 refugees received each year under the UN Office of the High Commissioner for Refugees (UNHCR) quota; those granted asylum-seeker status; and those who join family members already resident in New Zealand. It aims to see refugees rebuild their lives in New Zealand as quickly as possible, focussing on outcomes for self-sufficiency, participation, health and well-being, education and housing at each stage of the resettlement process.

A multi-agency action plan will be developed to implement the new strategy, so that the right services are available with agreed-on progress indicators for achieving the outcomes.

Refugee quota

In 2009–10, there were 709 people granted residence through the Refugee Quota Programme, compared with 757 in 2008–09.

In the past 10 years, 7305 people from 55 different countries have been approved for residence through the programme. The main source countries were Afghanistan (1395), Burma/

Myanmar (1380), and Iraq (1055).

Claims for refugee status

Internationally, around 358,000 asylum-seekers enter OECD countries each year. This number has decreased from around 567,000 in 2002. In New Zealand the number of successful claimants has also dropped significantly – in the past two years around 20 per cent of the 2001–02 total. In 1997–98 and 2009–10, 3019 people successfully claimed refugee status under the convention. Ninety one of these were in 2009–10, up slightly from 72 in 2008–09 and 81 in 2007–08.

Permanent residence is approved separately from refugee status. In 2009–10, the number of convention refugees approved for residence was 270, compared with 207 in 2008–09 and 213 in 2007–08. These came from 25 countries, with the highest number of approvals from Iraq (73), Iran (40) and Sri Lanka (35).

Refugee resettlement support

The Department of Labour is the key agency responsible for New Zealand's international obligations for resettling an annual quota of UNHCR refugees. It funds the non-government agency Refugee Services Aotearoa NZ to provide resettlement support for all quota refugees in their initial settlement. This includes linking refugees to vital services such as health, education and social support.

Family reunification

The burdensome immigration process results in significant time delays between refugees being resettled in New Zealand and being reunified with their family. This contributes to the social and health issues they face and

Top five countries of origin for quota refugees, 2005–10

2005–06	2006–07	2007–08	2008–09	2009–10
Burma/Myanmar	Burma/Myanmar	Burma/Myanmar	Burma/Myanmar	Bhutan
Iran	Afghanistan	Bhutan	Bhutan	Colombia
Republic of Congo (Brazzaville)	Democratic Republic of Congo	Eritrea	Iraq	Burma
Iraq	Sudan	Iraq	Democratic Republic of Congo	Democratic Republic of Congo
Afghanistan	Rwanda	Afghanistan	Colombia	Afghanistan

necessitates government and community support.

The Department of Labour is scoping improvements to the operational aspects of the family reunification policy. This includes procedures that would allow for onshore lodgment of Refugee Family Support Category applications, and policy and procedures that would allow the department to request medical tests for refugee category applicants once all other criteria have been assessed favourably.

World Refugee Day

World Refugee Day on 20 June was marked by a series of community events around New Zealand. The Department of Labour published a booklet, *First Steps to a New Future*, marking the contribution of the Māngere Refugee Resettlement Centre to refugee resettlement. The programme of events at Māngere to mark World Refugee Day also included a symbolic planting of a kauri tree.

Bureaucracy threatens successful refugee-education programme

A decision by the Tertiary Education Commission (TEC) at the end of 2009 to end funding from its Foundation Learning Pool for adult refugee students at Selwyn College in Auckland threatened to scuttle an international best-practice model of refugee education. The Refugee Education for Adults and their Families (REAF) programme had just celebrated its 10th anniversary. The programme, at

a purpose-built centre, provides English-language courses, a range of adult education courses for refugees and early childhood education. The centre caters for 180 adult students and 80 pre-school children. Adults had help with transport so they could attend.

Following the withdrawal of TEC funding, Work and Income decided that students who were previously on the Unemployment Benefit and receiving Unemployment Benefit Training must either cease their studies or go onto the IRD-administered Study Allowance. This involved administrative hurdles such as:

- complex online application processes
- identity document production
- statutory declarations
- obtaining of IRD numbers for adults and children
- the loss of a \$1000 study grant
- penalties for studying while on the Unemployment Benefit
- Housing Corporation rent reassessment
- family support applications to top up the student allowance
- ineligibility for transport subsidies.

Some simply failed to meet the complex requirements and left their courses.

Strengthening Refugee Voices

The Department of Labour supports a number of events that provide opportunities for refugees to offer their perspectives on resettlement and the services that support refugees. Each year the department funds regional refugee-resettlement forums where government and non-government stakeholders meet with the region's refugee communities. The forums – jointly organised by Refugee Services Aotearoa, the Auckland Refugee Community Coalition, the Waikato Refugee Forum, the Wellington Changemakers Refugee Forum and the Canterbury Refugee Council – discuss successes and challenges for refugee resettlement in the region.

Issues that cannot be resolved regionally and that require a response from government agencies are raised at the

annual National Refugee Resettlement Forum hosted by the department. The two-day forum involves international agencies (UNHCR, the International Organisation for Migration, and the Red Cross), government agencies, NGOs and refugee community members.

The 2010 national forum highlighted the emergence of strong leadership among refugee communities, and the importance of resettlement-sector agencies working together.

Apart from the department-funded regional refugee forums, a New Zealand National Refugee Network was established in 2009 to create a stronger national voice, with the policy of 'nothing about us, without us'.

Young refugees tell their stories

In April, young people from refugee backgrounds worked with the Museum of New Zealand/Te Papa Tongarewa in Wellington to create The Mixing Room, a three-year exhibition installed in the community space. Seventy young people from diverse communities – including Afghani, Bhutanese, Burmese, Burundian, Cambodian, Colombian, Congolese, Eritrean, Ethiopian, Iranian, Kosovar-Albanian, Rwandan, Somali, Sudanese, Tamil, and Vietnamese – were involved in the process.

Following initial consultation with community leaders, a youth forum was held. This confirmed the exhibition's concept: 'Optimism in a new land', with three themes of 'challenge', 'connection' and 'freedom'. A reference group of 10 young people was established in Wellington. They helped to choose material for the exhibition and provided feedback

to the development team. Twelve professional tutorial workshops were held with young people in the six main refugee-settlement areas: Auckland, Hamilton, Palmerston North, Wellington, Nelson and Christchurch. Young people from refugee backgrounds were employed to rally other young refugees to attend the workshops.

The exhibition presents their stories in a range of creative mediums, including art, short film, poetry, performance, screen-printing, cast glass and digital story-telling. It was underpinned by the 'capacity building' approach, whereby the young people were able to tell their stories in their own way and up skill themselves in the process. The exhibition includes a blog on the Te Papa website.

At Christmas, presents donated by members of the public for the Te Papa Christmas tree were given to the Refugee Family Reunification Trust



World Refugee Day poster

Representations to the Government led to a meeting in July, where it was agreed that REAF students should not have been required to transfer to the Student Allowance and should have remained on the Unemployment Benefit. Transport assistance remains an issue.

The REAF programme was founded on the theory that provision of childcare and transport subsidies would remove two of the main barriers to refugee women accessing classes, as well as addressing their social isolation. Since the first classes were held for 35 women in church halls in 2000, the programme has grown significantly. It is now open to both men and women, and has a well established home at Selwyn College with classrooms, an early-childhood centre and a community garden.

Regional solution to asylum seekers?

The Prime Minister, John Key, had discussions with the new Australian Prime Minister, Julia Gillard, in July about the possibility of creating a regional refugee-processing centre in the Pacific region. Mr Key told the *New Zealand Herald* that the proposal was partly due to the prospect of boatloads of asylum-seekers arriving in New Zealand. He said he was prepared to discuss with Australia a regional solution to the issue of asylum-seekers and people-smuggling. He told Ms Gillard that New Zealand was not interested in increasing its refugee intake of 750 a year, nor in accepting a reduction in the quality of refugees it accepts. "The solution from our perspective has to ensure that it acts as a strong deterrent for those who are engaging in people-smuggling and doesn't act as some sort of magnet to increase the number of boats that are coming to Australia – and maybe one day to New Zealand," he said.

Human rights review: areas for action

Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa identified the following areas for action on migrants' and refugees' rights:

Public awareness

Promoting public awareness of the economic, social and cultural contributions made by migrants.

Employment

Addressing barriers to the employment of migrants, and ensuring that the rights of temporary, seasonal and rural workers and those on work-to-residence visas are respected.

Education

Increasing access to English for speakers of other languages (ESOL) and bridging programmes for migrants.

Children

Protecting the rights of migrant children – both those who migrate to New Zealand with their families and those coming to New Zealand as international students.

Immigration Act

Monitoring the implementation of the Immigration Act 2009.

Comprehensive refugee resettlement strategy

Completing a comprehensive whole-of-government resettlement strategy for convention refugees, quota refugees and family reunification members, with agreed-on standards for measuring the effectiveness of refugee resettlement.

Equal support for all categories of refugees

Providing asylum-seekers and family reunification refugees with similar support and conditions as quota refugees get.

Participation

Developing a partnership model with the Government, so refugee communities can fully engage in the development of policy and service delivery.

Family reunification

Undertaking a comprehensive review of the family reunification policy for refugees.

8 Reo Language

What happened in 2010?

- The Human Rights Commission completed its five-yearly review of human rights, including a section on languages.
- There was a call for a national languages commission to be set up and a national languages policy to be developed.
- The Government initiated a review of Māori language strategy and spending.
- A Waitangi Tribunal report called for urgent action on te reo Māori.
- Te reo Māori lost ground in Australia.
- Business support for te reo Māori increased.
- Samoan Language Week used social media to increase participation.
- The Ministry of Education announced a pause in the production of Pacific language educational resources.
- A trilingual Pacific kindergarten opened in Porirua.
- The Government's Language Line extended its reach.

Review of human rights: language

Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa assessed the situation of languages:

A range of initiatives have been implemented to further the goal of establishing New Zealand as a bilingual nation by 2040, and supporting other languages in the community. In addition to new curriculum requirements to learn a second language, these include the development of new strategies, resources and media, the establishment and increasing profile of awareness-raising language weeks, and making New Zealand Sign Language an official language of New Zealand.

Resourcing remains a challenge, particularly in the provision of teachers with high degrees of fluency in te reo Māori. The timely provision of information – particularly relating to health and government – in a range of community languages is similarly challenging. English-only policies in the workplace have repeatedly been the cause of complaints to the Human Rights Commission.

Call for a national languages commission

A call was made at a Human Rights Commission forum in August to establish a national languages commission that would advocate for improved provision of language teaching and language services other than te reo Māori and New Zealand Sign Language. The forum was held during International Languages Week in response to a call from the Prime Minister for more schools to teach Mandarin. He had recently returned from a visit to China, and believed our learning of the language was essential for a good business relationship with China.

The forum felt that separate provision should continue to be made for te reo Māori and New Zealand Sign Language as official languages of New Zealand. But without a central advocacy body for other languages and interpreting services, progress in moving towards a multilingual society would be too slow and too little. In December, the Commission's five-yearly review identified the development and implementation of a national languages policy as a priority action area.

Te reo Māori

Review of Māori language strategy and spending

In July, the Minister of Māori Affairs announced a comprehensive review of the strategy and infrastructure for the Māori language sector. He said the purpose of the review was to ensure that programmes and expenditure across the whole Government were responsive to iwi aspirations. "I am asking the review group to consider whether responsibilities, programmes, services and expenditure are co-ordinated, and whether or not they are located with the right agencies or Māori stakeholders. By restructuring and consolidating the sector, we can only achieve better results. A revised Māori language strategy will bring together all our efforts to promote and revitalise our language – a strategy that will be based on partnership between the Crown and iwi/Māori."

The minister appointed a group of seven language experts to carry out the review. The group is chaired by Professor Tamati Reedy, and the members are Toni Waho, Hana O'Regan, Cathy Dewes, Te Kāhautu Maxwell (replacing Pem Bird when he became president of the Māori Party), Pania Papa and Rahera Shortland. Areas under the spotlight

include the Māori education sector, Māori broadcasting and funding for hapū and iwi.

The review group held hui with Māori around the country and met with representatives of government agencies and other interested parties. Its report is due in early 2011.

Waitangi Tribunal calls for action to avert crisis for te reo Māori

The Waitangi Tribunal released a report on te reo Māori in October. This is part of a wider inquiry into the WAI 262 claim on flora and fauna and cultural intellectual property, but it was released early to inform the minister's review into the Māori language sector.

The Tribunal found that te reo Māori was approaching a crisis point. Diminishing proportions of younger speakers meant that older native speakers were not being replaced when they passed away. Since 1993, the proportion of Māori children who attended kōhanga reo had dropped from just under half to under a quarter. At school, the proportion of Māori children participating in Māori-medium education had dropped from a high of 18.6 per cent in 1999 to 15.2 per cent in 2009. The total number of school children in Māori-medium learning had dropped each successive year since 2004. If the peak proportions of the 1990s had been maintained, 9600 more Māori children would be attending kōhanga reo today and an extra 5700 Māori school children would be learning through te reo. The 2006 Census revealed 8000 fewer Māori conversational speakers of te reo than if the 2001 proportion been maintained.

The Tribunal said it had identified a number of shortcomings when assessing the Crown's performance on te reo Māori over the past 25 years.

They saw no evidence of true partnership between Māori and the Crown. The 2003 Māori Language Strategy was a well-meaning but essentially standard and pre-consulted Crown policy that did nothing to motivate Māori at the grassroots.

Not enough had been done to implement the 1986 Tribunal recommendation that speakers be allowed to use te reo in any dealings with the courts, government departments and other public bodies.

There had been repeated failures of policy. The most profound was the failure to train enough teachers to meet the predictable demand for Māori-medium education, demonstrated by the surge in kōhanga reo enrolments in the 1980s.

The Māori Language Strategy was another failure of policy. It was too abstract and was constructed within the parameters of a bureaucratic comfort zone. There had also been genuine problems with its implementation due to a lack of leadership and commitment amongst the responsible crown agencies.

Given the failures of policy, it followed that the resources made available to te reo had been inadequate.

The Tribunal made four fundamental recommendations:

- that Te Taura Whiri (the Māori Language Commission) become the lead Māori language sector agency. This would address the problems caused by the lack of ownership and leadership
- that Te Taura Whiri function as a Crown–Māori partnership through the equal appointment of Crown and Māori appointees to its board – this reflected concern that a te reo revival will not work if responsibility for setting the direction is not shared with Māori
- that Te Taura Whiri be given increased powers, so public bodies are compelled to contribute to the revival of te reo and key agencies are held properly accountable for the strategies they adopt (for instance, targets for the training of te reo teachers must be met, education curricula involving te reo must be approved, and public bodies in districts with enough te reo speakers and schools with a certain proportion of Māori students must submit Māori language plans for approval)
- that regional public bodies and schools consult iwi in preparing their plans, so that iwi have a central role in revitalising te reo in their areas and efforts to promote the language at grassroots are encouraged.

Te reo Māori in Australia

The large number of Māori living in Australia face losing their native language, in part because they assimilate so easily, according to findings by Victoria University researcher Paul Hamer released in August.

One in six Māori live in Australia, but Hamer's research indicates that only six per cent have retained the Māori language while living there. Māori are considered to be

more at risk of losing their language than other migrant groups because many are not fluent to begin with; their English skills help them fit easily into many Australian workplaces and communities; and their intermarriage rates are high.

New Zealand and Australian federal and state human-rights commissioners came together at the Australia New Zealand Race Relations Roundtable in November. They agreed to work together to promote the protection of the

Business more comfortable with te reo Māori

A notable feature of Maori Language Week in July was the evidence that the business sector is now comfortable with te reo Māori. In earlier years, the Human Rights Commission acknowledged small businesses, such as the Four Square in Tokomaru Bay and the BP Service Station in Kaikohe, for having bilingual signage. Their stories were given prominence in the national media because of their novelty.

Suggestions that Māori brand names would give New Zealand products a marketing edge were laughed at. Today, te reo is a common sight on supermarket shelves, whether promoting wine, cheese, tea, instant dinners or organic foods. Newspapers, radio and television have increasingly embraced Māori Language Week, and Māori words are in everyday use in their stories, programmes and greetings.

Two years ago, the focus of Māori Language Week was on tourism, and many tourism operators increased their use of the language. But never before 2010 has a business the size of Progressive Enterprises, owner of 152 Countdown, Woolworths and Foodtown supermarkets all over New Zealand, with 2.4 million customers a week, made such a large investment in Māori Language Week. This included bilingual signage, advertising, mailers, posters and staff wearing stickers in support of the week. Progressive Enterprises reported a positive public and staff response.

Other innovations in 2010 included the introduction of a Māori language option on BNZ's ATMs in March; the opening of New Zealand's largest shopping mall, Te Awa, in Hamilton, with bilingual signage in July; and the Domain Names Commission's launch in July of domain names using macrons for Māori language addresses on the internet.

The results of Te Puni Kōkiri's three-yearly survey of public attitudes to the Māori language were released during Māori Language Week.

The survey found a major shift in attitudes of non-Māori between 2000 and 2009. Respect for people who speak Māori fluently has increased from 74 per cent to 87 per cent. The number of people who believe it is a good thing for Māori to be spoken in public places, such as the street or supermarket, has almost doubled from 40 per cent to 77 per cent. And 64 per cent of non-Māori respondents consider some Māori language education should be compulsory in schools for all children.

Public approval of government funding for Māori radio stations has risen from 73 per cent to 85 per cent, and 64 per cent agree that the Government should encourage the use of Māori in everyday situations.

Support for the use of bilingual street signage has risen from 48 per cent to 59 per cent. From 2006 to 2009, the number of non-Māori who often or very often watched Māori Television increased from 10 per cent to 26 per cent.

The theme for Māori Language week in 2010 was Te Mahi Kai, the 'Language of Food', which prompted many imaginative food-related activities throughout the country.

The New Zealand curriculum for business studies includes a requirement for the study of Māori business concepts. Students at level 7 must understand collective motivation and the importance of sustaining Māori language and tikanga in Māori business.

Indigenous languages of Australia, New Zealand and the Pacific, as well as those of other cultural communities. It was noted that more than 125,000 Māori and 40,000 Samoans now live in Australia.

Calls for all children to learn te reo Māori at school

Alongside the release of the Waitangi Tribunal report, there have been increasing calls for te reo Māori to become a core subject in the New Zealand curriculum. One organisation that supports this position is the New Zealand Educational Institute (NZEI), the primary and early childhood teachers' union. Its Māori Manager, Laures Park, said the Ministry of Education had never tried to tackle the shortage of te reo teachers relative to the demand. This issue needed to be addressed if compulsory te reo classes were to be achieved.

In September, Te Ataarangi teaching group chair Rahera Shortland, a veteran teacher of te reo Māori, said the time was right for the change, and developments such as Māori Language Week had paved the way for wider acceptance.

A survey of 500 people by Research New Zealand, published in August, found that 38 per cent of New Zealanders supported the idea of te reo Māori teaching becoming compulsory in schools. This view is highest among the 15–34 year age group at 50 per cent, and lowest among the 55 years and over group, at 24 per cent.

More females than males support the idea (42 per cent against 35 per cent). Only four per cent of respondents answered 'don't know'.

Support for compulsory teaching of te reo Māori in schools was highest among Māori and Pacific people at 71 per cent, compared with 32 per cent for New Zealand Europeans.



Room 3, Lyttelton Main School – Māori Language Week

Auckland private school King's College introduced Māori as a core subject for all Year 9 students in 2010, although only eight per cent of students are of Māori or Polynesian descent. At the end of the year, headmaster Bradley Fenner said the response to the programme from students and parents was positive.

As an official language of New Zealand (along with New Zealand Sign Language and English), te reo Māori can currently be studied as a first or additional language. It may also be the medium of instruction across all learning areas. To help support teachers, there are Curriculum Guidelines for Teaching and Learning Te Reo Māori in English-medium Schools: Years 1–13: Te Aho Arataki Marau mō te Ako Te Reo Māori – Kura Auraki

The New Zealand Curriculum (2007) sets the direction for student learning in English-medium schools and provides guidance to self-managing schools as they design and review their curriculum. It is a framework that allows schools to design their own curriculum to best fit the needs of their students, including the teaching of te reo Māori.

Te Marautanga o Aotearoa (2009) sets the direction for student learning in kura and is taught in te reo Māori. Te Marautanga o Aotearoa and the New Zealand Curriculum together comprise the national curriculum.

Local government moves

When the website for the new amalgamated Auckland Council went public in July, the Race Relations Commissioner expressed his disappointment that it was totally monolingual and failed to reflect the cultural and linguistic diversity of the Auckland region. This was particularly significant as the constituency of the new council was the most diverse in New Zealand: 45 per cent Māori, Pacific, Asian and other non-European ethnicity, and 37 per cent born overseas. He urged the new council to ensure that its services both reflected and were accessible to its diverse peoples, which should include the use of te reo Māori and other languages spoken by major population groups. The Auckland Transition Agency (ATA) responded by saying that it had moved to incorporate a number of ethnic greetings and te reo. It noted: “Over time the new council may well include translation of key information and documents, but that is a policy decision for that organisation, not the Transition Agency.”

In contrast, Environment Canterbury commissioners formally endorsed the dual use of Māori place names with their European equivalents in August. Commissioner Donald Couch said: “The use of Māori names enables Environment Canterbury to meet its requirements as agreed in the Ngāi Tahu Deed of Settlement 1997 and the Ngāi Tahu Claims Settlement Act 1998 and recognises the value of Environment Canterbury’s relationship with Ngāi Tahu as tangata whenua.

“These Māori place names are a symbol of Ngāi Tahu relationship with the landscape. It serves as a daily reminder of our history in Te Wai Pounamu (the South Island) as tangata whenua.”

The Kāpiti Coast District Council decided to add macrons to some of its place names. Council chief executive Pat Dougherty said that, after a meeting in 2009 with the council’s iwi partner, Te Whakaminenga o Kāpiti, the council decided that macrons would be added to Ōtaki, Paekākāriki and Kāpiti, to aid pronunciation. Macrons would be added to council signs, buildings, cars and documents over time. It would happen “very, very slowly” and there would be no cost to ratepayers.

Many councils had extensive programmes for Māori Language Week. Auckland Museum, Wellington City

Council, the former Auckland City Council and Dunedin Public Libraries were finalists in the Māori Language Awards, with Auckland City Council taking out the prize.

Christchurch City Council launched its revised ‘New to Christchurch’ guide for migrants on Race Relations Day in March. It was published in Thai and Nepali editions for the first time – in recognition of the number of new residents from Thailand, Bhutan and Nepal coming to Christchurch – as well as in Arabic, Chinese, English, Japanese and Korean.

The former North Shore City Council published a trilingual booklet, *Improving Your Property*, in Korean, Chinese and English, explaining the legal requirements and rules for building and developing properties.

Pacific Island languages

Samoan Language Week uses social media

The innovative use of social media was a feature of the highly successful Samoan Language Week in May. A Facebook page, which by year’s end had attracted more than 4000 fans in New Zealand, Australia, the United States and elsewhere, was one of the highlights of the week, and provided frequent updates and reactions to events and issues. It also prompted participation from Samoan groups in Sydney and Brisbane and support from the Australian Human Rights Commission, the Australian National Football League (AFL) and the Australian National Rugby League (NRL). Samoan AFL and NRL players were among those who contributed shout-outs on YouTube to encourage young people to participate.

Principal partners in Samoan Language Week were the New Zealand Association of Samoan Language Teachers, the Human Rights Commission and the New Zealand National Commission for UNESCO. Other participants included Samoan community organisations, media, education providers, libraries, churches and government departments. Parliament expressed its support for the week on the motion of Samoan MP Su’a William Sio.

A competition sponsored by Air New Zealand for the best activity posted on Facebook attracted many entries. It was won by Woodstock School in Hamilton – the entire school participated in the week even though it has only a small number of Samoan students.

Five people who pioneered the teaching and promotion of the Samoan language in New Zealand over the past four decades were honoured as the inaugural 'Samoan Language Champions: Tautai o le gagana Samoa'. The focus was on those who worked in education. Champions from early childhood, primary, secondary, tertiary and community education were selected. They were:

- Early childhood: Fereni Pepe Ete (Wellington)
- Primary: Janice Taouma (Auckland)
- Secondary: Toesulu Brown ONZM (Auckland)
- Tertiary: Galumalemana Alfred Hunkin (Wellington)
- Community: Tofaeono Tanuvasa Tavale (Auckland).

The awards were announced at the 21st anniversary celebrations for Samoan Studies at Victoria University.

English Language Partners New Zealand

(formerly ESOL Home Tutors)

Formerly ESOL Home Tutors, English Language Partners' vision is that migrants and refugees have the opportunity to learn English, to pursue aspirations for themselves and their families, and to participate in all aspects of life in Aotearoa New Zealand. The national association is not-for-profit and works with migrants and refugees in 23 locations throughout the country. In 2010, English Language Partners' work included running English language groups, ESOL-literacy training, English for Employees and one-to-one ESOL home tutoring to newcomers. These four national programmes delivered services to over 8000 learners (including 1700 ineligible for government funding) through 3000 volunteers and 250 professional teachers. The organisation built networks with other non-government organisations to work on improving settlement of newcomers. They also produced resources valuing community languages and worked in collaboration with government agencies to develop resources encouraging participation in Census 2011 and Election 2011. In 2010 English Language Partners voiced concern about the need to provide sufficient places for refugee English students

Study highlights importance of language for Pacific heritage arts

The importance of language and the integrated nature of language and culture were key themes in a Creative New Zealand study on the health of Pacific heritage arts, published in June.

The study found that "language was clearly an issue of concern" among the seven Pacific communities involved. The report said: "Virtually all of the key informants/focus groups expressed a belief that Pacific heritage arts practices cannot be engaged or taught in isolation from the language and culture of the people. The groups all emphasised that Pacific heritage arts are expressed and engaged primarily in a cultural context in which language provides layers of meaning through the art form. The heritage arts – whether dance, music, weaving, food or sport – were vehicles that helped to express a range of Pacific Island values,



Claire Szabó, English Language Partners

in study programmes, and access for refugees to student loans. They would like to see official acknowledgment that monitoring the adequacy of English language tuition for refugees entering the country forms part of New Zealand's international obligations and humanitarian commitment.

English Language Partners' Chief Executive Claire Szabó was named the 2010 Young Executive of the Year by the New Zealand Institute of Management.

perspectives and cultural attitudes by way of the nuance of language.”

The seven Pacific Island groups that participated in the research were Tuvalu, Fiji, Samoa, Tonga, Cook Islands, Tokelau and Niue.

Cuts to Pacific educational resources

The Ministry of Education announced in September that it was going to “pause” the production of the Tupu Pacific languages series and *Fōlauga*, the Samoan school journal, from the end of 2010. The Tupu series were published in Samoan, Tokelauan, Tongan, Niuean and Cook Islands Māori. One book per language was published per year and was supported by teacher support materials. The brief for the series was to support achievement in a Pacific language and help teachers support students in learning languages.

The Ministry of Education is reviewing the effectiveness of Tupu and *Fōlauga* in supporting English-medium schools to raise the literacy of their Pacific students. Once the review is complete, the ministry intends to resume producing some form of support materials.

The pause was widely condemned by Pacific communities. A petition was organised urging the Government to “introduce and fully fund Pacific languages literacy and English literacy development through bilingual education programmes for Pacific students”. The Human Rights Commission received a number of complaints that the decision was discriminatory, and initiated a process of mediation between the complainants and the ministry.

Trilingual kindergarten opens in Porirua

Toru Fetū, the first purpose-built Pacific Island kindergarten in New Zealand, was opened in June. It was born out of the common goals of three existing playgroups based in Porirua East: Niue Aoga Tama Ikiiki, Te Punanga Reo Kuki Airani Porirua and Akoga Tuvalu. The name ‘Toru Fetū’ means ‘three stars’ and represents the three groups: Tuvalu, Niue and the Cook Islands.

The vision for the new centre is to provide quality early-childhood education for the local community based on nurturing and promoting the Niue, Cook Island and Tuvalu languages and cultures. The aim is to increase the number of children from Pacific backgrounds participating in high-quality early-childhood education. Each group has its own cultural space, with an emphasis on coming together for shared play and meal times.



Toru Fetu trilingual kindergarten, Porirua

Other developments

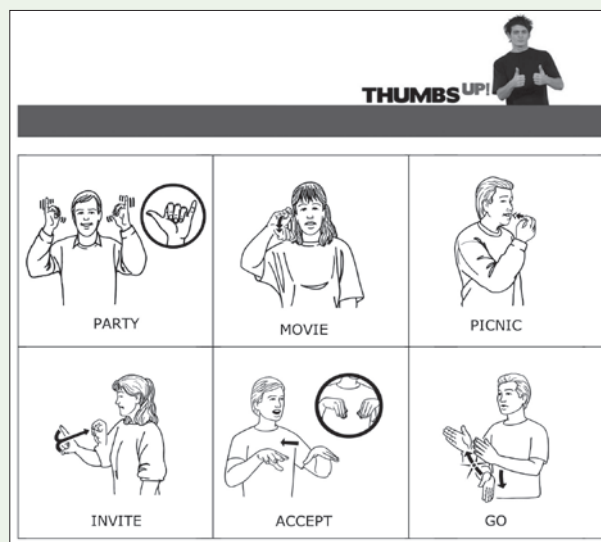
Language Line extends its reach

The Government's telephone interpreting service was made available to emergency phone lines in Christchurch following September's earthquake in the city. Other new partners in 2010 were the Plunket Society, which supports parents of newborn children; St John's Emergency Communications Limited (StJCEL); and Central Emergency Communications Ltd (CECL). Together, StJCEL and CECL provide ambulance communication and co-ordination services throughout New Zealand. The Office of Ethnic Affairs is broadening Language Line's reach through the various state-owned enterprises (SOEs). Genesis Energy signed up in October 2010 – the first SOE to do so. In December 2010, Filipino was added to the existing 40 languages provided by Language Line.

New Zealand Sign Language

Deaf Aotearoa's *Deaf Way* report, published in February, highlighted the variable and poor communication access available to the 4000 or so Deaf New Zealanders. The report found a huge unmet need, not only for specific Deaf groups (such as migrants, elderly, children, deafblind) but for the whole Deaf population in terms of communication and social support. Specifically, it found a lack of regulation of interpreter services and use of unqualified interpreters among government agencies.

The Commission received six complaints and enquiries relating to New Zealand Sign Language (NZSL) in 2010. This is fewer than in the previous two years, with 11 approaches in 2009 and eight in 2008. But it is in line with the average number of approaches on NZSL between 2002 and 2010 of six per year. Three of the approaches related to access to NZSL interpreters in a variety of contexts, and the other two to access to NZSL in schools.



Thumbs up! is an online learning tool developed by the Ministry of Education. It is for Year 7 and 8 students in English-medium schools working at curriculum levels 1 and 2. It is part of the Learning Languages Series for teachers and students who are new to language learning.

Visit www.nzsl.tki.org.nz.

The website contains information about Deaf culture, NZSL units, video clips and a series of worksheets for students.

Human Rights Review: areas for action

Human Rights in New Zealand 2010 – Ngā Tika Tangata O Aotearoa identified the following areas for action on languages:

Languages

Developing and implementing a national languages policy and dedicated strategies for Māori, Pacific and community languages and interpreting and translation services.

New Zealand Sign Language

Developing a mechanism to promote the maintenance and development of NZSL, including competency standards for interpreters and educators and promoting respect for NZSL to all New Zealanders.

9 Pāpāho Media

What happened in 2010?

- TVNZ *Breakfast* host Paul Henry resigned and Radio Live talkback host Michael Laws apologised after an unprecedented level of public complaints about comments they had made about the Governor-General.
- Rebecca Todd, of *The Press*, received the 2010 Excellence in Reporting Diversity award
- The Broadcasting Standards Authority considered seven race-related complaints – none was upheld.
- The New Zealand Press Council considered two race-related complaints – neither was upheld.
- The Advertising Standards Authority considered six race-related complaints – none was upheld.

Paul Henry, Michael Laws and the Governor-General

Television New Zealand's *Breakfast* co-host Paul Henry received the People's Choice Award for the most popular person on television in the Qantas Film and Television Awards in September. Just over two weeks later he was suspended from his position by TVNZ, and six days after that he resigned. The reversal of fortune was prompted by an interview with the Prime Minister in which he asked whether the next Governor-General would "look and sound like a New Zealander" and "be more like a New Zealander", in contrast to the current Governor-General who, although born in New Zealand, is of Fiji-Indian descent.

The comments provoked a public outcry, but the initial response from a TVNZ spokesperson was that "the audience tells us over and over again that one of the things they love about Paul Henry is that he's prepared to say the things we quietly think but are scared to say out loud. The question of John Key is the same; we want the answer but are too scared to ask."

Paul Henry apologised for the remarks, in a media release that afternoon and again on air the following morning, and then a chastened TVNZ suspended him for two weeks without pay. Public attention turned to a video clip on TVNZ's website, in which Henry made highly derogatory remarks about the Chief Minister of Delhi, Sheila Dikshit, in the run-up to the Commonwealth Games in Delhi. In the ensuing days, TVNZ received more than 1600 complaints, major advertisers threatened to withdraw



The Governor-General, Rt Hon Sir Anand Satyanand

from the programme, and the New Zealand Ambassador to India responded with an apology to a complaint from the Indian Government. Five days after his suspension, Paul Henry resigned. Television New Zealand responded to the record number of complainants accepting that Paul Henry had breached broadcasting standards. TVNZ executives also apologised in person to the Governor-General on his return from the games.

Meanwhile, radio talkback host Michael Laws also made derogatory remarks about the Governor-General on *Radio Live*, describing him as "a very large fat man", which was incongruous for an Indian because although "we don't all expect Indians to be begging on the streets of New Delhi, it's like Anand discovered the buffet table at, like, 20 and he's never really left it". A spokesperson for *Radio Live* initially defended the remarks, saying: "Michael Laws made some personal observations about his [the Governor-General's] size which were not racist. And having listened to the audio, I am comfortable from the tone of the comments that they were not intended to be offensive." Laws initially rejected calls for an apology, telling the Prime Minister to "stop being so PC" and describing the Race Relations Commissioner as being "out of touch with mainstream New Zealand". However, after discussions with his employer, Mediaworks, he made this statement: "I apologise to the Governor-General for comments which were, upon reflection, uncharitable and inappropriate. I also apologise to MediaWorks for any embarrassment that may have been subsequently caused."

Whakatāne Beacon says candidate 'too Māori'

Three days before voting closed in the Whakatāne District Council elections, the *Whakatāne Beacon* prominently featured its assessment of the six mayoral candidates, who included Ngāti Awa Deputy Chairman Pouroto Ngaropo. Ngaropo was assessed as a “splendid orator” and “comfortable with Māori and pakeha”, but “too Māori, too moko-ed” and “politically naive”. Among those who protested at the racial prejudice of the assessment was Maanu Paul, executive member of the New Zealand Māori Council and Chairman of the Mataatua District Māori Council. Paul called for the dismissal of the editor, Mark Dawson.

Dawson published an apology on the front page of the *Beacon* in the next edition two days later. He said: “This was our opinion of why people may or may not support a candidate, and our view that some people would not vote for Mr Ngaropo because he is Māori and some would similarly be put off by a facial tattoo. The *Beacon* does not endorse or encourage such prejudice but simply recognises that, unfortunately, it exists. New Zealand still has some way to go before race and ethnicity no longer cause division. We apologise to Mr Ngaropo and to all others who were offended. The article was presented without malice or favouritism and was an assessment prepared with input from experienced staff who have seen the candidates in action.”

The lead story on the same page reported a poll conducted by the newspaper, which placed Ngaropo last of the six mayoral candidates, a long way behind the leaders. In the end, he came fourth with 2029 votes, behind Tony Bonne (2884), Judy Turner (2271) and Julie Jukes (2261), but was elected to the council in the predominantly Māori Galatea-Murupara ward.

The editor was subjected to a disciplinary procedure by management following publication of the article, and Maanu Paul referred his complaint to the NZ Press Council.



Joanna Davies, The Aucklander receives Media Diversity reporting prize runner up 2010 from Joris de Bres, Race Relations Commissioner

Awards

Rebecca Todd of *The Press* received the 2010 Excellence in Reporting Diversity Award for a series of features following the journey of a Bhutanese refugee family from a Himalayan refugee camp to inner-city Christchurch. The competition this year was to recognise and reward the work of young New Zealand journalists focussing on Asian-related topics. The award – in its third year – is supported by Whitireia Journalism School, the Asia:NZ Foundation (Asia:NZ) and the Human Rights Commission. The prize of a \$4000 grant from Asia:NZ will support Todd's travel to an Asian news outlet to further her knowledge and experience. Joint runners-up were Joanna Davies of *The Aucklander* and John Hartevelt from Fairfax's political bureau.

Samoan journalist and *New Zealand Herald* reporter Vaimoana Tapaleao won Junior Reporter of the Year in the Qantas Media Awards. Tapaleao, 23, graduated from AUT University in 2008 and joined the *NZ Herald* team soon after as a South Auckland reporter. During her last year at university she was an intern at *Spasifik* magazine, and later won the Māori Television prize as well as the Storyboard Award for Excellence in Diversity Journalism. Her Qantas

portfolio included an extensive series of news stories on the tsunami in Samoa, and reports about the individuals who had lost their lives in the sinking of the ferry MV Princess Ashika in Tonga.

Community-access radio station Plains FM 96.9 received a New Zealand Diversity Award from the Human Rights Commission. The station is owned by the Canterbury Communications Trust. Since 1988 it has provided training and facilities for local community groups, schools, organisations and individuals to make and broadcast their own radio programmes. Currently it airs 70 locally made programmes in 15 different languages, on such diverse subjects as the arts, local politics, the environment, specialist music, pipe bands and Muslim youth. Listeners can access programmes online through podcasts and a live stream.

The *Gisborne Herald* took out the print category of the Māori Language Week Awards for the fourth year running. Other winners were Television New Zealand (Broadcasting Mainstream), Turanga FM Gisborne (Broadcasting – Māori Media), and Awahenua Ltd, Rotorua (IT and Telecommunications).

Corazon Miller, a young Filipina-Kiwi, was awarded the first Asia New Zealand Foundation Kiwi-Asian Journalism Scholarship. The scholarship is designed to attract more young Kiwi-Asians into journalism study and encourage increased representation of Asian communities in mainstream journalism. Miller will get \$5000 of her course paid when she completes her postgraduate journalism study at AUT University.

Complaints about the media

Broadcasting

The Broadcasting Standards Authority considered seven race-related complaints in 2010. None was upheld.

A presenter on TV3's *Sports Tonight* referred to the English netball team as "poms". The authority found that the term was affectionate slang rather than abusive and did not carry the level of invective necessary to encourage denigration or discrimination.

The host on the Radio Sport *Farming Show* referred to a man as a "pommy git". The authority found that the word 'pommy' was unlikely to offend, insult or intimidate and that the expression 'pommy git' was not derogatory.

On Radio Live's 'Talkback with Michael Laws', the host made comments that communities in the Far North of New Zealand were an "underclass" whose children would be "feral", and that they should be given welfare benefits to stop having children. The authority considered that talkback radio is a robust environment. It found that the host's comments were extreme but encouraged discussion of a legitimate issue and did not encourage discrimination against or denigration of Māori in the Far North.

The host on UPFM's *The Toast Breakfast Show* commented on Telecom's outsourcing of call-centre work overseas and made reference to "stupid Filipino operators". The host later apologised on air for the reference to ethnicity. The authority found that the host's remark lacked the necessary invective to reach the threshold for encouraging discrimination or denigration and that it was an expression of frustration with Telecom and a throw-away line.

TVNZ's *Sunday* programme broadcast an item investigating forced child marriages in New Zealand. The item contained interviews with a girl who said she was forced to marry a man who had raped her, a representative from an organisation that provides refuge for migrant women, and the president of the Federation of Islamic Associations of New Zealand. The authority found that comments made by interviewees were opinion and exempt from the accuracy standard under guideline 5a. The item made it clear that the problem of forced child marriages was a cultural issue and viewers had not been misled. Individuals and organisations taking part and referred to were treated fairly. The item did not encourage denigration of or discrimination against Muslims.

A host on TVNZ's *Breakfast* programme made a comment about Asian drivers slowing down. The authority found that the comments were provocative and borderline but the threshold for restriction on freedom of expression was not reached because of contextual factors.

A Ministry of Agriculture and Forestry official on TVNZ's Border Patrol, while examining an undeclared meat package from France intercepted at Auckland International Mail Centre, commented that people eat horse in France. The official then discussed the dangers of raw meat and its potential to carry diseases. The authority found that the comment about diseases was not directed at French people and did not encourage discrimination or denigration.

What constitutes discrimination and denigration?

In commenting on the complaint by Amanda Lee against UPFM in relation to the term “stupid Filipino operators”, the authority noted:

For many years, the authority has defined the term ‘discrimination’ as encouraging the different treatment of members of a particular group, to their detriment (see Teoh and TVNZ). The term ‘denigration’ has consistently been defined as the blackening of the reputation of a class of people (see Petros and The Radio Network Ltd). It is also well established that, in light of the requirements of the Bill of Rights Act 1990, a high level of invective is necessary for the authority to conclude that a broadcast encourages discrimination or denigration in contravention of the standard (see McCartain and Angus and The Radio Network Ltd).

We understand Ms Lee’s concern at the host’s reference to the ethnicity of the call-centre workers. We agree that broadcasters should take care when highlighting ethnicity or unnecessarily referencing ethnic minority groups in a negative context. However, while we find that the comment was thoughtless and unnecessary, we note that the context for the remark was a discussion about Telecom’s decision to outsource its 018 service, which had led to complaints about overseas operators and their lack of local knowledge. In our view, the host’s remark “stupid Filipino operators” was an expression of his frustration with overseas operators, rather than a comment on Filipino people. It was clearly not intended to denigrate Filipino people on the basis of their ethnicity or some other perceived group characteristic. Nor could it be said to have encouraged the different treatment of Filipino people to their detriment.

We note that, even though the broadcaster declined to uphold the complaint as a breach of broadcasting standards, it nevertheless ordered the host to make an on-air apology and gave both *breakfast* show hosts a verbal warning. In our view, the broadcaster handled Ms Lee’s complaint in a professional and appropriate manner.

Print

The New Zealand Press Council considered two race-related complaints in 2010. Neither was upheld.

A column written by a local Māori leader, Peter Moeahau, was published in the *Taranaki Daily News* in June. A complainant considered it to be blatant Māori racism and worded to incite racial disharmony. The editor responded that the columnist had aimed to stimulate debate and present a view – a Māori view – that was likely to be different from that of many readers. He admitted that the column was “strident” and demonstrated hostility towards the State, particularly over the “racist perspective” of the seabed and foreshore legislation, but he believed a regional newspaper should publish commentary that pushed the debate and boundaries and raised readers’ understanding on major issues such as race. The complainant disagreed with the newspaper’s view that the column provided an insight into the other side of the race debate: “I didn’t realise that this country was having or indeed required any such debate.”

The Press Council found that the *Taranaki Daily News* had made it plain that Mr Moeahu’s views were his alone and not those of the newspaper. It regularly published counter-views through its ‘Letters’ forum. The column appeared in a page labelled ‘Opinion’. Though some might find Mr Moeahu’s views not to their taste or indeed offensive, he was expressing them as a columnist in what was clearly an opinion piece. Columnists were encouraged and entitled to express their views in a forthright and provocative way. Columns aimed to stimulate debate and often walked a fine line in terms of offending sensibilities. The column complied with the Press Council’s principle 4 on comment and fact.

In May a Korean mother and her two daughters died in tragic circumstances in Christchurch. The father also died tragically on his return to New Zealand. Regional newspaper *The Press* published photos of the two girls and the father on its website and later in the paper. A complainant said it was considered disrespectful in Korean culture to publish photographs of the deceased in the media, especially as the man had requested privacy before he died. The editor said he had been aware of the sensitivities in the Korean community and had been in almost daily contact with a community spokesman. He had tried to find a balance

between what is acceptable in New Zealand and not offensive in Korean culture.

The Press Council said it had no doubt the publication of the photograph had caused widespread concern among Christchurch's Korean community. But it was not as clear that the case involved a particular cultural taboo. The general principles the council had applied called for publications to give "special consideration" to those suffering grief or trauma. *The Press* did that in this case, removing the offending photos from its website while the relatives of the deceased were in its circulation area. The question for the council was whether it should have removed the photos permanently out of cultural respect, and whether newspapers should not publish pictures of the deceased when Korean deaths were newsworthy. Such a finding would be a serious infringement of press freedom. Pictures of the deceased were an important element of reporting a tragedy. The council was reluctant to discourage newspapers from carrying compelling pictures of Koreans. It found that *The Press* had treated this case with due sensitivity to the deceased's relatives.

Advertising

The Advertising Standards Authority considered six race-related complaints in 2010, and none was upheld.

An advertisement for a Māori Television programme had contained a table full of medical wristbands representing the 75 New Zealand babies who had died of 'accidental injuries' or child abuse in 2008. All of the bands contained 'baby' followed by last name. The heading of the advertisement said: "If only we'd broadcast Tamariki Ora years ago." A complainant felt the advertisement was offensive as there were only Caucasian names shown on the bands. The authority's chairperson ruled that there were no grounds to proceed as only a small number of the bands shown were in focus enough for the babies' names to be read and the bands were only a representation. Several of the last names could belong to any ethnicity and it was impossible to conclude that they belonged only to Caucasian families.

A television advertisement for Meadow Fresh Yoghurt featured a train pulling in and two men handing out the product as they left the train and walked through the station. The ad included an Indian man in a turban moving

his head from side to side with a puzzled expression on his face. A complainant thought it was inappropriate and unnecessary to include an "Indian man leaving the train station as well, and as he passes by the people enjoying their yoghurt he looks at them disapprovingly by shaking his head and turning away from them". The authority chairperson ruled that there were no grounds to proceed. The complainant had taken an extreme interpretation of a fleeting image of an Indian man among people from a cross-section of society.

A billboard placed by the Coastal Coalition in Auckland and Wellington provided allegedly contrasting views of beaches by "iwi" and "Kiwi". A complainant considered the advertisement to be racist, saying: "It marginalises minorities. It inflames right-wing elements". The authority chairperson ruled there were no grounds to proceed. ASA rule 11 provided for the expression of opinion in advocacy advertising as an essential and desirable part of a functioning democratic society and said such opinions may be robust. The chairperson noted that ownership of New Zealand's coastline was a contentious and current political issue for New Zealanders. As such, the advertisement was not inflammatory but provocative, providing an opportunity for people to engage in discussion on the issue.

A television advertisement for Lotto showed a dog travelling the world to find his owner after accidentally falling off the yacht they were on, after trying to retrieve a winning Lotto ticket. A complainant found the scene where the little dog has his jacket taken off him by children in India as "racist and a gross generalisation of Indian society". The chairperson ruled that there were no grounds to proceed. People of other races or ethnicities, such as Indian, Asian and Māori, were used as a device to signal to the viewer that the dog had made it to another country in his quest to return home. The chairperson noted the many scenes depicting the dog interacting with people from different races and ethnicities – some had helped him and some had hindered his progress. She said another interpretation of the contentious scene was that the children were helping the dog cool down in the heat by taking off his jacket. She believed the complainant had taken an extreme interpretation of the scene.

In a television advertisement, the presenter and his assistant "Mario", both in Mexican dress, were showing how to

make fajitas using “tortilla” from Bazaar Breads of the World. A complainant “found the use of Kiwis pretending to be Mexican offensive and ridiculing”, according to the authority. The chairperson ruled that there were no grounds to proceed because the Mexican-themed ad, which presented a Mexican style of bread, was light-hearted in tone.

A Tui billboard stated: “That call-centre person was really easy to understand. Yeah right.” A complainant felt the message, which they recognised as being a reference to a call centre located outside of New Zealand, contained a “racist slur” which would “resonate painfully with many people for whom English is not their first language”, particularly those living in New Zealand. The chairperson ruled that there were no grounds to proceed because consumers would recognise the format of a Tui “Yeah Right” billboard. And in that context, the intended humour in the satirical comment on the reported challenges people meet in dealing with call centres in other countries, although offensive to the complainant, were not likely to cause serious or widespread offence in the light of generally prevailing community standards.

Other developments

Workshops

Three New Zealand journalists were among a group of 56 from across East Asia and Australasia attending an East Asia Regional Media Programme in Jakarta, Indonesia in March. The theme was ‘Journalism at the intersection of politics, culture and religion’. It was the second such conference run by the New Zealand Government, with co-sponsorship from the European Union and support from the Indonesian Government and Indonesian Press Council. The focus was particularly on the challenges of reporting on security issues surrounding religion, ethnic and cultural identity, and politics – especially in situations involving terrorism or insurgency. New Zealand journalists Graeme Acton (Radio New Zealand), Edward Gay (*NZ Herald Online*) and Julie Middleton (freelancer) attended the conference. Two New Zealand senior journalism educators, Dr David Robie from AUT University and Alan Samson from Massey University, were among the presenters from across Asia and Australasia.

The Office of Ethnic Affairs ran a workshop for journalists working in ethnic media. It featured Jim Tucker, head of journalism at Whitireia Journalism School; Bernadette Courtney, editor of the *The Dominion Post*; Yu Qiu Wang,

journalist for *Home Voice*, a Wellington Chinese newspaper; Trevor Henry, senior communications advisor for the Department of Internal Affairs; and Charles Mabbett, media advisor for Asia:NZ.

The annual media and diversity segment of the New Zealand Diversity Forum in August featured presentations by religious studies professor Paul Morris, from Victoria University, and journalism lecturer Jim Tully, from the University of Canterbury, on a proposed ‘statement on religion and the media’. A panel of religious representatives discussed the topic, and it was agreed that a working group would prepare a draft statement for further discussion.

Also at the diversity forum, keynote speaker Mia Northrop, a digital specialist from Melbourne, spoke of how she had organised ‘Vindaloo against Violence’, a peaceful protest against racism through social media. This involved 17,000 people at more than 400 restaurants, workplaces, schools and universities across Australia and the world. She led a workshop on social media and social change, introducing participants to social media sites and tools that can be used to engage new audiences about diversity and human rights.

Māori broadcasting summit

A Māori broadcasting summit was hosted by Te Māngai Pāho in Rotorua in October, to inform its contribution to the Government’s Māori Language Strategy and Sector Review and help devise strategies for developing Māori broadcasting. Te Māngai Pāho chief executive John Bishara challenged those attending to reimagine Māori broadcasting as if they were starting again, but with the benefit of collective experience. Participants were asked to consider how they might design structures and processes for broadcasting, to better achieve the outcomes for Māori language and culture through better targeting of the available funding.

A number of issues were canvassed, including the sector’s need to improve its engagement with community (hapū and iwi), particularly about television, and for Māori broadcasting to embrace new technology. Participants generally agreed on the need to develop a national co-ordinated approach to Māori broadcasting and revitalisation of te reo Māori in a way that:

- has a community focus and conscience (tikanga)
- values and reflects dialects (reo a iwi)

- identifies key boundaries and roles (tikanga)
- fosters a collective Māori voice across future platforms (tikanga)
- has a plan for self-sufficiency and self-sustainability
- has a succession plan to encourage new people to the industry.

Te Māngai Pāho is a Crown entity established to make funding available to the national network of 33 Māori radio stations and for producing Māori language television programmes, radio programmes and music CDs. For this purpose, it receives \$53.8 million each year from the Government.

Māori Television breaks the two million mark

More than two million people tuned in to Māori Television in April. This was the best rating for the channel since it first went to air in April 2004, when it attracted a cumulative audience of 300,000 in its first month. According to AGB Nielsen Media Research, Māori Television had a cumulative audience of 2,013,600 unique viewers during April. Half of all New Zealanders aged five-plus and almost two thirds of all Māori aged five-plus tuned in to the channel. Māori Television chief executive Jim Mather attributed some of the growth to major TV events that had attracted new audiences, such as the David Tua fight in March and the annual all-day ANZAC Day broadcast. Other popular programmes attracting wider audiences included the family drama *Kaitangata Twitch*, the Māori rugby documentary series *Beneath the Māori Moon*, the Māori karaoke show *Homai te Pakipaki* and Willie Jackson's *Newsbites*.

New research about mainstream Māori television

New research into mainstream Māori television programmes released in December showed that those about and by Māori for a broad audience can have a positive impact. The research, conducted by Hinewehi Mohi, Stacey Morrison and Scott Morrison, working with Tim Thorpe, was commissioned by NZ On Air to contribute to the broadcast funding agency's policy-making. Mainstream Māori Programming discusses the history and current output of Māori programming on mainstream channels.

NZ On Air chief executive Jane Wrightson says the research will result in new initiatives for mainstream Māori TV programming. "NZ On Air currently funds some Māori programming, mainly in English, for a general audience that includes Māori. This helps ensure that Māori points of view and perspectives are included on programmes for TV One, TV2 and TV3, forming part of the general television diet."

Researcher Hinewehi Mohi says the study found challenges for television schedulers and Māori programme-makers alike in creating mainstream Māori programmes. "But we also found that it's possible to create powerful programmes that suit commercial broadcast imperatives without compromising cultural integrity. Of course there are professional differences between mainstream broadcasters and Māori programme-makers. It takes work on both sides to understand these differences, but it's worth the effort," she says.

Call for a Pacific TV channel

The Pacific Islands Media Association (PIMA) established a new 'Pasifika film and television' working group at its annual conference in August. PIMA's chair, Iulia Leilua, said then that the idea of a Pacific Islands TV channel had been around since the 1980s. Initial lobbying had resulted in the five-minute show *See Here*, which was replaced by *Tagata Pasifika* in 1987. "But ever since then people have been lobbying for an entire channel."

Though serious proposals for a Pacific Islands channel had been put forward in recent years, the recession had put the idea on the back-burner. However Ms Leilua believes the concept is more viable than ever. "Technology is more affordable, there's more equipment that is available and there's more content that can be sourced from television channels throughout the Pacific region."

Māori Television provided an ideal business template. "We'd need to be self-sustaining." Just as Māori Television had a major role promoting and revitalising the Māori language, a Pacific television channel would promote and revitalise Pacific languages, she said.

TV3 news in Mandarin

TV3 launched an innovative news service in April aimed at New Zealand's Chinese community. A daily selection of stories on the network's website is translated into Mandarin and reposted on the *3 News* website. Translations are done by a volunteer

group of IT students from China, who were introduced to the network by an Auckland education provider (Regent International Education Group). The students generally decide which stories from the 3 News bulletin they want to translate.

Chinese media

A new free Chinese-language paper, *The United Chinese Press*, or Lianhe Bao, was launched in February, publishing in Auckland three times a week. The same publishers followed up with an English-language weekly, featuring news, current affairs, business, travel and entertainment, with a focus mainly on China–New Zealand relations and New Zealand’s multicultural society.

The People’s Daily, China’s leading newspaper, struck a deal with New Zealand’s longest running Chinese newspaper, the *Mandarin Pages*, to publish its stories in New Zealand. The first issue with stories from *The People’s Daily* ran on March 1. *Mandarin Pages* is published every day except Sunday, and is distributed free through Chinese grocery shops, eateries and ethnic food halls.

A new Chinese television station began trial broadcasting on a freeview digital free-to-air channel in May. Channel 33 is the brainchild of Stephen Wong, former owner of the *Chinese Herald*, a publication he sold four years ago. Wong hopes to showcase Chinese programmes produced here and overseas, along with a range of movies and serial dramas. Ultimately he would like to include locally made news, and current affairs programmes with an emphasis on Chinese topics and perspectives.

One of his more immediate plans is to broadcast locally made television productions, but with Chinese subtitles. “There is a lack of good entertainment in New Zealand television for Chinese people living here and we hope to improve on that,” he says. “New Zealand programmes, with subtitles will bring a better understanding between mainstream New Zealanders and Chinese, and also give Chinese people a better understanding of New Zealand.”

10 Rerekētanga whakapono

Religious diversity

What happened in 2010?

- The Human Rights Commission reviewed freedom of religion and belief in New Zealand.
- Guidelines were progressed on religion in the workplace.
- A review began on provisions for religious workers.
- The Holidays Act 2003 was amended to allow workers and employers to agree on the transfer of public holidays.
- Exemptions relating to the religious practice of shechita were reinstated.
- The National Interfaith Forum was held in Christchurch.
- A wide range of local interfaith activities took place and several instances of religious discrimination and harassment were recorded.

Human rights and religion

Review of human rights: freedom of religion and belief

One chapter of *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa* summarised the right to religion and belief:

New Zealand has no State religion, and church and State institutions are separate. In legislation and policy, the State respects freedom of thought, conscience and religion. There are few constraints on the freedom to manifest one's religion or beliefs.

The right to freedom of religion and belief is incorporated in New Zealand law, and New Zealand generally complies with and exceeds international standards. Some challenges remain in relation to accommodation of differences in religion and belief in practice, particularly in balancing the right to freedom of expression with the right to freedom of religion and belief, as reflected in a number of high-profile incidents. Maintaining respect for all religions and beliefs and all rights-holders requires continual work, particularly in developing relationships of mutual respect and recognising that there is equal right to religion and to ethical belief.

The report identified a number of areas for action, which appear at the end of this chapter.

National religious diversity network

The Human Rights Commission continued to facilitate a national religious diversity network, Te Korowai Whakapono, as part of the New Zealand Diversity Action Programme. The Commission produced a monthly electronic newsletter on religious diversity and encouraged faith communities and other organisations to undertake religious diversity projects. The network's annual forum was held as part of the New Zealand Diversity Forum in Christchurch in August.

Religion in the workplace

The Commission worked with the Victoria University Religious Studies Programme to develop guidelines on religion in the workplace, arising from discussion on the topic at the 2009 religious diversity forum. A working group was established with representatives from the Department of Labour, Business NZ, the AUT School of Business, the NZ Council of Trade Unions, and the Human Rights Commission. They were helped by a reference group of members of diverse religious and belief groups. The guidelines are expected to be published in early 2011.

Religious diversity forum

Around 100 people attended the network's annual religious diversity forum in Christchurch in August, on the topic of 'religion and the media'. An overview was given by the head of Victoria University's religious studies programme, Professor Paul Morris, and Professor Jim Tully of Canterbury University's journalism school. This was followed by a panel discussion of representatives of media and faith communities. After the forum, a working group will be established in 2011 to develop a statement on religion and the media.

Teaching diversity

The New Zealand National Commission for the UN Educational Scientific and Cultural Organisation (UNESCO) held two workshops on teaching diversity, one in Wellington in May and the other at the New Zealand Diversity Forum in August. The workshops considered the educational resources currently available on religious and cultural diversity and identified the gaps. The focus was on competencies required to teach diversity in schools and the need to 'teach the teachers'. Outcomes of the workshops included:

- support for workshops on diversity education for principals and school trustees
- a call for professional development and resources for intermediate and secondary teachers involved in religious and cultural diversity education
- agreement to develop a network to share resources, best practice and information, which the Faculty of Education at Victoria University will host.

Government and religion

Religious workers

Immigration Minister Jonathan Coleman agreed to review existing immigration rules for religious workers (such as ministers of religion). This came after extensive lobbying from religious communities about the difficulty for religious workers of gaining permanent residency in New Zealand. Under existing rules, religious workers are evaluated against general-skills categories to qualify for permanent residence. Religious workers have struggled to fulfil requirements set for skilled employment and employment experience, remuneration, qualifications, English language and age. Religious workers from Asia have been particularly disadvantaged. The alternative to permanent residence is a three-year work permit. But many religious organisations see this as unsuitable, as they want to keep their religious workers in the long term. Immigration New Zealand has been tasked with the review and a final decision is expected by mid-2011. Currently, about 300 religious workers are granted work permits out of 177,361 temporary work permits issued annually.

Swapping public holidays

The Holidays Amendment Act 2010, passed in November, enabled workers and employers to agree to transfer public holiday entitlements from the standard statutory date (e.g. Christmas Day or Good Friday) to another working day – for example, to observe a day of greater religious or cultural significance to them.

Row over shechita

In June, the Ministry for Agriculture and Forestry issued a new commercial animal-slaughter code, making it compulsory for abattoirs to stun all animals before slaughter. In effect, the new code banned 'shechita', the

kosher slaughter of animals. Shechita calls for the blood to be drained from the animal before it is killed, in a way intended to be painless. Also the animal must not be harmed in any way, such as being stunned before the blood is drained. The practice is a religious tenet and dietary requirement for the preparation of kosher meat. Previously, the commercial animal-slaughter code had exempted shechita.

Members of the Jewish community filed legal proceedings against the ban. The Crown Law Office negotiated on behalf of the Minister for Agriculture and Forestry, and the parties agreed to allow shechita in the interim before the case was decided in the High Court.

Court proceedings were set to begin in November, but the case was adjourned when the Government agreed to allow the shechita of poultry. Negotiations were ongoing in relation to lamb. The interim orders granted when the lawsuit was first filed, enabling the shechita of lamb, will continue until the court hearing resumes and makes a ruling.

Building Bridges

The Office of Ethnic Affairs (OEA) and the Federation of Islamic Associations (FIANZ) have worked together on the Building Bridges programme since 2005. The programme aims to build respect, inclusion, empowerment and participation between Muslim communities and other communities in New Zealand. As part of the programme, the OEA held a second 'Muslims and the Media' forum in Auckland in April. Its aims were to build the relationship between the media and Muslim community, provide information about how the media works, and create a mechanism to identify and address stereotyping of Muslims in the media.

The Building Bridges programme expanded to the South Island for the first time in 2010. A diverse group of Muslim community members began collaborating on projects with the OEA.

The OEA also facilitated a visit by Farah Anwar Pandith, the US Special Representative to Muslim Communities, in December. While in New Zealand, Mr Pandith chaired forums on Muslim engagement in the 21st century.

Faith in Parliament

In July, the NZ Buddhist Council presented Parliament with a special edition of the Dhammapada – a versified Buddhist scripture traditionally ascribed to the Buddha. The NZ Buddhist Council compiled the special edition specifically for this occasion. It included a transcription of the original Pali text, a Chinese translation to represent the first Buddhists to arrive in New Zealand, and an English version translated by a New Zealand-born monk, Venerable Ajahn Munindo, abbot of Amaravati Monastery in England. The Dhammapada is bound in rimu wood, representing the heart of the forest.

Parliament continued the practice of marking major religious festivals. In October, Parliament hosted an Eid celebration as well as a Diwali event.

Alliance of Civilizations

The third forum of the Alliance of Civilizations (AOC) was held in May in Rio de Janeiro. New Zealand was represented by officials from the Ministry of Foreign Affairs and Trade and the Office of Ethnic Affairs. The forum, attended by more than 3000 participants from government agencies, civil society, international organisations, business and academia, enabled New Zealand to reaffirm its commitment to the AOC objectives and showcase some of its work relevant to the AOC framework.

The AOC was launched by Turkey and Spain in 2005 in response to concerns that a rise of religious extremism and incidents of global terrorism were causing a growing rift between people of different cultures and faiths. The AOC works to support interfaith and intercultural initiatives aimed at building cooperation and respect for other cultures and faiths. It also aims to help counter the forces that fuel polarisation and extremism.

National interfaith activities

National Interfaith Forum

The annual National Interfaith Forum was hosted by the Christchurch Interfaith Council for the first time in February; on the theme of 'Keeping faith in the modern world'. More than 150 people attended the event and the associated forums for women and youth. The programme included the official inauguration of the 'UNESCO Chair of Interreligious

and Intercultural Relations for New Zealand and the Pacific', held by Victoria University's Professor Morris.

A notable feature of the forum was the reports from delegates who attended the Asia-Pacific Regional Dialogue on Interfaith in Perth. There was also an update on the New Zealand National Commission for UNESCO's initiative to promote the teaching of religious diversity in schools.

The forum established a committee to develop a constitution for a national interfaith council for further discussion.

An informal network of youth interfaith leaders was strengthened at the National Interfaith Youth Forum. The group aims to promote robust discussions around:

- the practical importance of the interfaith movement
- whether a national network would hinder the natural establishment of local youth multi-faith groups
- the best approaches for reaching out to young people
- developing leaders
- establishing an interactive website or some form of publication
- deciding on a name, mission and future direction.

Catholic bishops establish interfaith committee

The New Zealand Catholic bishops established a Committee for Interfaith Relations. Its functions include building relationships with people of other faiths in New Zealand, networking with other interfaith groups, and educating Catholics on the church's stance on interfaith relations. The committee encourages people to be involved however it suits them, such as working on community building projects or extending hospitality to new arrivals in New Zealand.

Local interfaith activities

The Auckland Interfaith Council organised a series of public lectures on 'Journeys of faith'.

The Rasheed Memorial Dawah Trust organised workshops for service providers to Muslim clients.

In February, the Hindu Council of New Zealand continued its engagement with Māori and people of other faiths by celebrating the Holi Festival at Te Papaouru Marae in Ohinemutu Village, Rotorua.

Holi festival, Rotorua. Credit: Richard Photography



Over Easter weekend in April, Hibiscus Coast Hospice organised a three-day, 40km trail from Riverhead to Puhoi, visiting Hare Krishna, Buddhist and Christian landmarks.

In July–August, the Mercy Spirituality Centre held a series of six interfaith talks, with speakers from various religions.

In July, the Christchurch Interfaith Council's annual Rafea Antoun Memorial Lecture was given by Hassan Haji Ibrahim, on 'Building bridges between Muslim and non-Muslim communities in New Zealand'.

In August, the Federation of Islamic Associations organised Islam Awareness Week, including mosque open days in various centres.

In October, a number of faith communities observed the interfaith Week of Prayer for World Peace.

The Islamic Resource Centre at Auckland University hosted a symposium on Christian, Jewish and Muslim perspectives on the Holocaust.

In November, the Auckland Interfaith Council hosted a

celebration on the theme of gratitude, featuring sacred words and music. More than 200 people attended.

Ahmadiyya Muslim Jama'at held an interfaith symposium. This supported their founder's call for a new "conference of religions". The first of these conferences was first held in India in 1896.

A digital story-telling project in Auckland, on women and faith, culminated in the production of films about eight women of diverse faiths and ethnicities. The project was a collaboration between the former Auckland City Council and production company MICToi Rerehiko.

The Ministry of Social Development's 'Settling In Project' and the Bridge Builders' Trust ran a workshop on 'Muslim women and New Zealand women'.

The Dunedin Abrahamic Interfaith Group and the Otago University Centre for Theology and Public Issues jointly hosted a lecture by a former British MP, Rt Hon John Battle, on 'From fear to respect: Why building healthy interfaith relationships matters'.



Credo and Quest exhibition, Whangarei

Credo and Quest in Whangarei

An exhibition of New Zealand art on the theme of religion and spirituality, *Credo and Quest*, opened at the Whangarei Art Museum in November. Drawing on works by major New Zealand artists from galleries throughout the country, the exhibition traversed Greek mythology, traditional Christian imagery, Māori spirituality, Buddhism, Baha'i and Hinduism. The artists were described as reflecting "a new Aotearoa emerging from the monoculture of early missionary values towards a new inclusive Christianity and a nation of many religions".

The exhibition included works by Tony Fomison, Colin McCahon, Philip Clairmont, Michael Illingworth, Robert

Ellis, Robin White, Ralph Hotere, Darcy Nicholas, LJ Steele, Charles F Goldie, Edward Bullmore, Kura Te Waru Rewiri, Sandy Adsett, Alexis Hunter, Julia Morrison, Anna Starr, Mathew Couper, Prakash Patel, Anne Nobel, Shigeyuki Kihara, Margaret Thompson, May Smith, Jeffrey Harris, Nigel Brown, Tony Lane, Garth Tapper, David Sarich, Shahriar Asdollahzadeh, John Reynolds, Janet Green, Grant Bareon, Heather Straka, Jim Allen, Louis White, Laurence Aberhart, Adele Younghusband, Scott McFarlane, Ellen Smith, Buck Nin and Jin Ling. It included photography, ceramics, painting, installation and moving image, sculpture, lightbox works and printmaking.

In December, the Wellington Interfaith Council held a multi-faith celebration of unity through music, song and poetry at St Andrews on the Terrace.

Discrimination and harassment

Turban apology

A Sikh businessman who was refused service at a golf-club bar because he was wearing a turban received a written apology. Supermarket owner Kharag Singh, 45, was refused service at the Aviation Country Golf Club bar in Manukau City. After an exchange of emails, Aviation Manager Peter

Walsh wrote to Mr Singh apologising for any embarrassment caused, saying: "This will never happen here again."

It's just not cricket

New Zealanders were urged to learn more about the Muslim faith after New Zealand Cricket had to apologise for providing scones containing pork at the Under-19 World Cup Cricket Tournament, attended by a team from Afghanistan. Anwar Ghani, president of the Federation of Islamic Associations, said he expected greater awareness in a country that sold halal products to the world.

Cossie Club says 'no' to turbans

The Manurewa Cosmopolitan Club voted to maintain its policy forbidding the wearing of headwear on its premises. At the club's annual meeting, a majority of members voted to maintain the ban, which includes turbans. The vote was prompted by an incident in 2009 when Age Concern volunteer Karnail Singh was refused entry to the club, to receive an award for his community work, because he was wearing a turban. The Human Rights Commission mediated between the complainant and the club, and the club agreed to raise the issue with members at its annual meeting.

After the decision to maintain the ban, several faith and interfaith groups, including the New Zealand Catholic Bishops Committee and the Waikato Interfaith Council, expressed their support for the Sikh community by writing to the club. The Sikh Council decided to take their unresolved complaint to the Human Rights Review Tribunal.

Armed Offenders Squad call-out for praying Israeli

When an Israeli tourist on the inter-island ferry performed a Jewish prayer ritual in December involving tying two small leather prayer boxes ('tefillin') to the bicep and forehead, the ferry crew mistook him and his companion for terrorists. The captain called the police, and the armed Police Special Tactics Group was mobilised. No one had asked the men for an explanation, and for the remaining three hours of the voyage the crew simply observed them. On arrival in Picton, they were forced to the ground by armed police and searched before being taken away for questioning. They were later released without charge. The Race Relations Commissioner described the response as an unfortunate overreaction prompted by an exaggerated fear of terrorism.

Lutheran church vandalised in Feilding

A neo-Nazi and his accomplice smashed nine windows of a Feilding church on Easter Sunday in what was described as a rage of hatred towards Christianity. The two men, who claimed to hate Jesus, the Church and Easter, smashed nearly \$4000 worth of windows of the Lutheran Church on King St in the early hours of 4 April.

Objection to workplace karakia

The Human Rights Commission mediated between an employee and his employers over karakia in the workplace. The employee worked for a company that held pōwhiri to welcome newcomers to the organisation. An aspect of each pōwhiri was the karakia – a prayer or blessing. The employee objected to having to be present for a ceremony that involved religion, and felt religion had no place in the organisation.

Through mediation it was agreed that the employee could opt out of attending any events that included religious content. The organisation said it did not promote the Christian religion but intended to continue with pōwhiri as a useful process in itself and an acknowledgment of the culture of most of its staff and the community where the company was located.

Complaints to the Human Rights Commission

The Commission received 71 discrimination complaints in 2010 on the grounds of religious or ethical belief. This was slightly up from 67 in 2009, 57 in 2008 and 69 in 2007.

Forty-four of the complaints were about discrimination against someone of a specific religion, spirituality or belief system. Most commonly cited were Islam (18 complaints), Christianity (nine) and atheism (five). Other religions had three or fewer complaints.

Appearance

As in previous years, a prominent theme of complaint by or about Muslims related to appearance issues. The Commission received six complaints about Muslim dress or facial hair. It also received four other beliefs-related complaints about headwear and four about jewellery (including taonga).

Corrections

Most complaints (eight) about corrections facilities concerned Muslim inmates. Issues cited included double-bunking and strip-searching, which conflicts with Muslim belief.

Employment

The most common area of complaint (19) was employment. No particular denomination predominated, but various Christian beliefs were the most common. Fourteen complaints related to discrimination based on religious or ethical belief, and five were about being subjected to the beliefs of others in the workplace.

Human rights review: areas for action

The Commission's five-yearly review of human rights identified the following areas for action on religion and belief:

Guidelines

Developing guidelines for respecting diversity of religion and belief in domains such as the workplace, media, universities, health services and the criminal justice system.

Teacher training and support

Providing training and support for teachers; further educational resources about religion and belief to support the school curriculum; and information to aid public understanding.

Immigration policy

Amending immigration policy so leaders of religious groups in New Zealand can take up or retain their positions in their communities.

Lines of communication

Establishing clear lines of communication, both nationally and locally, between the Government and communities of religious and ethical belief, as well as structures to support them.

11 Te rangahau whānui o te rerenga kētanga

Diversity research

Contributed by the Centre for Applied Cross-cultural Research (CACR), Victoria University of Wellington

Continuity and change

While the following list of 2010 projects is not exhaustive, it does illustrate trends that reflect both continuity and change in diversity research and related activities over time. As in previous years, health, employment and well-being across New Zealand's diverse ethnic populations are common research themes. Whānau/families appear to be a more common focus of research, while noticeably absent from this year's overview are studies on international students. In addition, we see minimal research with refugees, although the Department of Labour's Quota Refugees +10 project goes some way to addressing this imbalance.

Applied research has continued to attract attention, even if few projects can be seen to deliver immediate outcomes. One exception is the outstanding programme of research and intervention by the Victoria University School of Linguistics and Applied Language Studies' 'Language in the Workplace' project and partnership with the Workplace Communication for Skilled Migrants Course.

As expected, 2010 diversity research has focussed on issues pertaining to Māori, Pacific and Asian peoples. Less apparent have been studies of New Zealand's multi-faith communities, although the Centre for Applied Cross-cultural Research has begun work in the Muslim community as part of its 'Youth Voices, Youth Choices' project.

Academic-government partnerships, particularly for the dissemination of research findings, continue to make major contributions to expanding our knowledge base. These include both new alliances, such as the CACR Office of Ethnic Affairs Emerging Researcher Seminar Series, and more established collaborations, such as the annual Pathways, Circuits and Crossroads conference, hosted by the Integration of Immigrants Programme (Massey University and the University of Waikato) and the Department of Labour.

Despite the impressive array of research, little has been done to address the challenges identified in the 2009 research overview. The most serious issues are:

1. the development of multi-ethnic perspectives in diversity research and the need to understand the relationship between biculturalism and multiculturalism in Aotearoa/New Zealand
2. the implementation of strategies for greater power-sharing in research activities
3. movement beyond a deficit approach to diversity
4. the difficulties in ensuring timely research
5. the lack of sufficient research funding.

These require immediate attention if New Zealand is to have cutting-edge diversity research.

Colleen Ward, Director, CACR

James Liu, Deputy Director, CACR

Compiled by Celine Wills, School of Psychology, Victoria University of Wellington

Overview of Diversity Research

University Research Units

Centre for Applied Cross-cultural Research (CACR), Victoria University of Wellington

FRST project: Youth voices, youth choices: Identity, integration and social cohesion in culturally diverse Aotearoa/New Zealand

The CACR completed a three-year FRST-funded project, examining how much youth from different ethnic backgrounds engage with New Zealand society; their aspirations for social integration; and their indicators of success. The project brought together staff from Victoria University's School of Psychology and Va'aomanu Pasifika to engage youth from Pacific, Chinese and Muslim communities.

It included quantitative research comparing New Zealand ethno-cultural youth with 12 other nations on such factors as ethnic and national identity, family values, language use, peer contacts and acculturation/adaptation outcomes. It also encompassed in-depth qualitative research with Chinese, Pacific and Muslim youth through such channels as leadership-development conferences, school clubs, non-government organisations and hip-hop dance events.

The quantitative data suggested that migrant youth adapt as well as, or better than, Māori and Pākehā youth in terms of

life satisfaction, psychological and behavioural symptoms, and school adjustment. However, New Zealand youth in general do not fare as well as those of other countries. Muslim youth reported being buffered from discrimination by their strong sense of Muslim identity and engagement in Muslim practices.

The in-depth qualitative studies found that ethno-cultural communities engage in various practices to promote ethnic engagement and competence, often connected to wider New Zealand society.

Contact: Professor Colleen Ward

Human Rights Commission report: Proud, confident, equal? A discussion paper on the barriers Asians face to equality in New Zealand

This review of current research on discrimination against Asians in New Zealand, presented at the Commission's 2010 Diversity Forum, paints a less sanguine picture. Though New Zealand is progressive in its policies and attitudes toward immigrants in general, more Asian migrants than those of any other ethnic group, including Māori and Pacific, have reported experiencing discrimination in recent years. The report identified situations and locations where migrants are likely to experience discrimination and identified unequal access to employment as a key factor for Asian migrants. Despite their difficulties entering the workplace, they reported high levels of life satisfaction in New Zealand, as they used various secondary control strategies to manage discrimination. They did not find it easy to integrate socially or develop close friendships with locals.

Report available on: <http://issues.co.nz/diversityissues/>

Contact: Professor James Liu

Cultural diversity in organisations

A series of interlinking studies, funded by the European Research Commission as a Marie-Curie Fellowship, sought to identify national, organisational and personal issues of cultural diversity. The studies focussed on people with different cultural backgrounds and positions, and different types of organisation in New Zealand, the Netherlands and Austria. These three countries face similar issues on population demographics, economic needs and labour-market participation rates. New Zealand has a high 'diversity-policy index' and a strong need to reduce skills shortages. Another study, of 1865 organisations from 10

countries, identified what drives action programmes for ethnic minorities, on both organisational and national levels.

Related research examined organisational and personal impacts on managing diversity in New Zealand organisations.

Two further studies examined culture-specific ideas of diversity and diversity management, and individualism and collectivism among different ethnic groups in New Zealand.

Contact: Dr Astrid Podsiadowski

Survey of diversity issues in New Zealand organisations

An annual survey involving 834 employees from 34 organisations in the wider Wellington region was conducted to find out about the perceptions of diversity and economic issues of New Zealand-born and overseas-born employees. A key finding was that overseas-born employees were much more satisfied and committed to their organisation than New Zealand-born ones. The overseas-born employees also reported better mental health and less stress.

Although levels of perceived discrimination within organisations were low overall, overseas-born employees felt that non-New Zealanders and minorities attracted far more discrimination. But they also perceived enough support for diversity and reported higher levels of perceived justice than the New Zealand-born employees did.

Contact: Dr Ronald Fischer

School of Linguistics and Applied Language Studies, Victoria University of Wellington

Language in the Workplace

In 2010, the Language in the Workplace (LWP) project team continued their research into effective workplace communication. The current research looks at the workplace communication of skilled migrants. It brings together rich case studies of 12 professional migrants, including recordings of naturally occurring workplace talk, interviews with mentors and colleagues, and ways to assess socio-pragmatic proficiency (creating meaning in talk). The participants are all members of Victoria University's 'Workplace Communication for Skilled Migrants' course.

A key output for 2010 is a new textbook, *Workplace Talk in Action – An ESOL Resource*, which makes use of naturally

occurring interactions between native speakers from the wider LWP corpus for teaching and learning. The course is now being replicated at UNITEC in Auckland.

Contact: Language in the Workplace Director Janet Holmes, or visit the website: <http://www.victoria.ac.nz/lals/lwp/>

Roy McKenzie Centre for the Study of Families, Victoria University of Wellington

Getting involved, doing well, feeling connected: Participation in community among young European/Pākehā, Māori and dual-heritage New Zealanders

This study, for an MSc thesis, analyses longitudinal data from the Youth Connectedness Project (led by Associate Professor Jan Pryor and Associate Professor Paul Jose). It investigates whether participation in community-based extracurricular activities leads to well-being and connectedness in young New Zealanders of European/Pākehā, Māori and dual-heritage (mixed) ethnic backgrounds.

The results suggest that activity participants do better psychologically and feel more connected to their schools than non-participants do. Some groups of participants also became more connected to their communities. Some key findings:

- Youth who benefit most from activity participation are those involved in sports; males participating in arts or community activities; and Māori and dual-heritage youth participating in a combination of arts or community activities.
- Many more young men participate in sports, and more young women participate in arts or community activities.
- Youth from higher-decile schools participate more in a range of community-based activities than those from lower-decile schools do.

Contact Paul Jose or Seini O'Connor at the Centre for Applied Cross-cultural Research

Integration of Immigrants Programme, Massey University and Waikato University

The Integration of Immigrants Programme, funded by the Foundation for Research, Science and Technology and led by Jacques Poot (Waikato), develops a model of immigrant economic integration based on both supply and demand.

This work draws on data from the 1996, 2001 and 2006 Censuses, as well as the Longitudinal Immigration Survey: New Zealand (LisNZ).

The programme's 2010 research looked at how immigrants' language skills affect their integration. Preliminary results were presented at the Pathways, Circuits and Crossroads Conference held in Wellington, in December.

Other research looked at how much immigrants are over-educated or under-educated in their jobs in New Zealand. The preliminary findings were published recently. This research was also presented at the NZAE Conference and was awarded the Statistics New Zealand Prize for the best conference paper using official statistics.

The second objective, led by Paul Spoonley (Massey), provides evidence of migrants' pathways to economic incorporation in both formal and informal settings, using census and LisNZ data as well as new information from specialist surveys and case studies. In 2010, fieldwork was completed on three distinct ethnic precincts (areas of immigrant business concentration) that have developed across Auckland during the past 20 years: Dominion Road, Meadowlands and Northcote. Preliminary results were presented at the Pathways Conference and will form the basis of a number of reports.

The New Settlers programme, now called the Integration of Immigrants Programme, produces a digest that summarises recent developments and trends in immigration policy. Also, members of the team have written a number of book chapters, journal articles and research reports. See these on: <http://integrationofimmigrants.massey.ac.nz/>

Contact: Dr Carina Meares, Research Manager

Centre for Asian Health Research and Evaluation (CAHRE), University of Auckland

The centre organised the Fourth International Asian Health and Wellbeing Conference. It was held on 5–6 July at the School of Population Health. The biennial conference brings together national and international experts to respond to the challenges of providing healthcare for diverse Asian immigrants. The 2010 theme was 'An holistic approach to Asian health'. Speakers lectured on a range of topics relevant to mental health, physical health, and social and community health and well-being. Conference proceedings are published on the CAHRE website.

Ongoing CAHRE projects in 2010 include:

- Building evidence for better practice in support of Asian mental well-being: an exploratory study (funded by Te Pou)
- Healthy eating healthy action project (funded by the Auckland District Health Board)
- The impact of gambling and problem gambling on Asian families and communities in New Zealand (funded by the Ministry of Health)
- a project looking at self-harm among Asians.

Contact: Sun Kim, centre co-ordinator

Centre for Asian and Migrant Health Research, Auckland University of Technology (AUT)

The centre brings together research that advances understanding of public health issues for improving access to healthcare and promoting good health among New Zealand's Asian and other migrant populations. The research emphasises public health, community health and development. The centre has been forging links with other academic institutions, government agencies, non-government organisations, and Asian and migrant communities. All its information and research findings are widely disseminated to inform policy development, healthcare providers, health professionals, students, policy-makers and the public.

Projects for 2010 include:

Refugee women as sole supporters of families: hopes, experiences and possibilities

This was a collaborative research partnership involving Refugee Services, AUT University Centre for Asian and Migrant Health Research, Auckland Refugee Community Coalition, Change Makers Refugee Forum and the Christchurch Refugee Council. The project is interested in the settlement experiences and special needs of women who enter New Zealand as, or are identified as, quota refugees under the 'women at risk' category. It aims to enhance Refugee Services' help for refugee communities and develop a best-practice model of refugee-centred research.

Expert advisory group for clinical guidelines for weight management in New Zealand adults, children and young people – implementation phase

Ruth DeSouza was a member of the Guidelines Technical Advisory Group, set up to provide a South Asian perspective on managing overweight and obese adults, children and young people – particularly among Māori, Pacific and South Asian populations. The group is providing evidence-based guidelines for use in primary care and community-based initiatives.

Monthly seminar series and visiting scholars

The centre's Migration, Settlement Research Group, established in 2007 as a Diversity Action Programme project, has promoted national inter-disciplinary research perspectives on Asian, migrant and refugee research through a monthly research seminar series. Speakers come from AUT, other universities and non-government organisations.

The centre has promoted international research perspectives through visiting scholars and health experts. In 2010, it hosted seminars by Dr Sujit Brahmochary of the Institute for Indian Mother and Child; and Wendy Irwin, Head of Diversity and Equality at the Royal College of Nursing of the United Kingdom (RCN).

Contact: Ruth DeSouza

Māori and Psychology Research Unit, University of Waikato

The Māori and Psychology Research Unit (MPRU) was established in 1997 and has rapidly built an international reputation for excellence in conducting indigenous research on community, heritage and health. Central to the unit's research are the psychological health, socio-cultural needs, aspirations and priorities of Māori people. The unit has gradually broadened its scope to issues of diversity and Asian and Pacific communities. It also provides invaluable practical experience to both Māori and non-Māori students through involvement in Māori-focussed research, planning and management, as well as professional development activities.

This year, the MPRU produced 97 research outputs. It had four major research projects running: 'Tangihanga Research Programme', 'Medications in Everyday Life: Understandings and social practice', 'More than Bricks and Mortar: Homelessness' and 'Looking ahead to the Intimate Partner Violence Project'.

For more information, see the MPRU's 2010 annual report at: <http://www.waikato.ac.nz/wfass/subjects/psychology/mpru/>

Contact: Linda Nikora

Government Agencies

Department of Labour: International Migration, Settlement and Employment Dynamics (IMSED) research

IMSED research has the lead role within New Zealand government for research and evaluation regarding International Migration, Settlement, and Employment Dynamics. In 2010 these programmes included:

Longitudinal immigration survey: New Zealand (LisNZ)

This was a partnership with Statistics New Zealand. A series of 'Fast facts', compared settlement outcomes of migrants six months after they took up permanent residence in New Zealand with 18 months after was also published. A 'Hot off the press' media release on the migrants 36 months after their settlement experiences.

Quota refugees 10 years on: Perspectives on integration, community and identity

This is a three-year study exploring the experiences and perspectives of people who arrived in New Zealand through the refugee quota category 10 or more years ago. The study authors surveyed more than 500 former refugees in 2010 and are now analysing the results.

Immigration survey monitoring programme

This encompasses new migrants to New Zealand (temporary and permanent), employers, and the New Zealand public. Its purpose is to build evidence-based information about migrants' settlement and labour-market outcomes; employers' experiences with migrants; and community attitudes towards immigration and migrant integration. Findings will be used for the development of both immigration policy and migrant settlement services.

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

Families Commission

Changing roles: The pleasures and pressures of being a grandparent in New Zealand

The report, published in 2010, shows the diversity of grandparents' roles today and their changing needs. The growing numbers of grandparents raising grandchildren face additional pressures and may need more support. The research included focus groups with Māori, Pacific and Korean grandparents.

Being a single mum: Pacific Island mothers' positive experiences of parenting

This report looks beyond classic stereotypes of single mothers and explores positive parenting experiences of Pacific single mothers, particularly the influence of culture. The research was a small, exploratory pilot study in Palmerston North and the wider Manawatu region. It uses in-depth interviews with Pacific mothers and key informants, and draws on relevant literature.

Family resilience: The settlement experience for Asian immigrant families in New Zealand

This Families Commission report, published in April 2010, looked at the quality of settlement experiences for Asian migrant families in New Zealand. Key factors, it found, were employment and education; language and communication; how families accessed support, the attitudes and culture of the host and immigrant communities; and how families dealt with stress.

Families Commission Te Kōmihana ā Whānau – Kaupapa Māori research

In April 2010, the Hon Tariana Turia, Minister of Whānau Ora, launched the 'Whānau strategic framework 2009–2012'. This was developed for the consideration of Māori and whānau within Aotearoa/New Zealand. The framework supports the Families Commission in its role as an advocate for families, as both tangata whenua and individuals. It is based on the principle that the well-being of individual Māori and the collective well-being of whānau are linked.

Māori-focussed research undertaken in 2010 includes:

- 'Definitions of whānau: A review of selected literature'
- 'Whānau taketake Māori'

- 'Matemateone: Whānau yesterday, today, tomorrow'.

Contact: David Stuart and Margaret Retter

Te Kete Hauora, Ministry of Health

Te toi hauora-nui

This study looks at Māori health-providers. It defines and describes integrated services, using examples, and analyses different approaches to service delivery. Two reports from this study were published in 2010.

Classification and output of multiple ethnicities: Issues for monitoring Māori health

This discussion paper investigates issues with ethnicity data in New Zealand and how these affect the Māori health and disability sector. It broadly classifies multiple ethnic affiliations in New Zealand, and outlines the different methods for collecting, classifying, analysing and outputting data on multiple ethnicities. Its aim was to identify practical and theoretical issues in the monitoring of Māori health and ethnic inequalities.

Improving and maintaining quality in ethnicity data collections in the health and disability sector

This discussion paper looks at current knowledge about ethnicity data across the health and disability sector. It also describes key activities for improving and maintaining ethnicity data in New Zealand's health system, and barriers and aids in the collection of such data.

Ethnicity, national identity and 'New Zealanders': considerations for monitoring Māori health and ethnic inequalities

This discussion paper on ethnicity data discusses how the 'New Zealander' category in the Census affects the measurement and monitoring of Māori health and ethnic inequalities.

All Māori health publications can be found at:
<http://www.Māorihealth.govt.nz/moh.nsf/indexma/publications>

New Zealand Police

Building diversity: Understanding the factors that influence Māori to join the police

This research looks at barriers to recruiting Māori, Pacific,

other ethnic groups and women into the police. It also considers how New Zealand can enhance the diversity of our police force so it better reflects the overall population.

The full report is available at:

<http://www.police.govt.nz/resources/index.html>

Ministry of Pacific Island Affairs

Pacific pathways to the prevention of sexual violence

This multi-ethnic qualitative research was commissioned by the Ministry of Pacific Island Affairs, prepared as part of the work programme of the Taskforce for Action on Sexual Violence, and undertaken by UniServices and Pacific Health from the University of Auckland.

Key findings:

- Sexual violence is clearly unacceptable in all Pacific cultures and contravenes Pacific values and beliefs.
- Within each ethnic Pacific culture, there are messages to help prevent sexual violence.
- Within each ethnic Pacific culture, a number of pan Pacific concepts, traditional practices and contemporary practices exist that can help prevent sexual violence.

The findings can help service providers develop prevention messages that will resonate with Pacific communities. They can also contribute to efforts by the Government and Pacific churches to help Pacific communities prevent sexual violence.

The full report, an overview summary and seven ethnic-specific summary reports (Samoa, Cook Islands, Tonga, Niue, Fiji, Tokelau and Tuvalu) are available at:

www.mpia.govt.nz

Contact: Dr Lana Perese

A qualitative investigation into Pacific communities' and organisations' social and economic contributions to Pacific migrant settlement outcomes in New Zealand

This research explores the interactions between Pacific migrants and host communities. The Family Centre, Anglican Social Services was commissioned by the Ministry of Pacific Island Affairs through the Migrant Levy Fund to undertake this project. It was completed in 2010 and will be released in 2011. The project examines the appropriateness and responsiveness of support services for Pacific migrants.

It also considers how much the host Pacific communities contribute, socially and economically, to migrant settlement in New Zealand, and how this support helps shape New Zealand cultural identity.

Contact: Dr Lana Perese

Mobilising Pacific wealth

The ministry is leading and completing this research project alongside the Department of Labour, the Ministry of Social Development, the Tertiary Education Commission, the Ministry of Economic Development, and the Families Commission. The research aims to:

- develop better understanding of Pacific community wealth across the diverse, migrant groups in New Zealand
- identify how community wealth can be mobilised to improve individual and family wealth
- broaden the knowledge base on collective Pacific wealth
- support the work of government agencies in developing evidence-based policy options.

Contact: Dr Charis Brown

Early adolescent Pacific career pathways: Influences and motivations

This longitudinal project began in 2010 and is funded by the Ministry of Pacific Island Affairs, the Ministry of Education, the Education Review Office and Career Services. Its aims are to:

- broaden the knowledge base on the early career development for Pacific secondary-school students
- improve understanding of what influences Pacific students' career aspirations and subject choices
- provide an evidence base for government agencies to develop effective policy and interventions targeting students, parents, and teachers
- improve Pacific educational outcomes and career pathways.

The research follows the career pathways of a group of Pacific students from year 9 through to year 11, and assesses whether their needs are being met. It incorporates in-depth interviews, video diaries and on-line social networking.

Contact: Roannie Ng Shiu

Office of Ethnic Affairs

Riding the wave

In December, the Office of Ethnic Affairs published an employers' guide, *Riding the Wave*, based on literature reviews on diversity management, and case studies on employers and organisations that have employed an ethnically diverse workforce. This guide recommends ways that organisations can manage diversity in the workplace. The research concludes that an organisation can enhance its performance by embracing diversity, but only if they manage it effectively.

A statistical framework for assessing the wellbeing of ethnic communities

The Office of Ethnic Affairs is developing a statistical-indicators framework, to assess the social, health and economic wellbeing of New Zealand's ethnic communities. The framework consolidates information from a range of sources. Currently, the office is putting together the first report, as a baseline analysis. This work will inform policy development, service delivery and data collection for ethnic communities.

The office aims to publish a report of its findings in early May 2011.

Office of Ethnic Affairs–CACR Seminar Series

In 2010 the Office of Ethnic Affairs and CACR presented an emerging-researcher seminar series, including topics such as acculturation and social cohesion; stereotypes of Russian Immigrants; being Muslim in New Zealand; the experiences of British immigrants in New Zealand; and immigrant attraction and retention.

Non-government, independent and non-profit organisations

Asia New Zealand Foundation (Asia:NZ) Research

Asia:NZ continued in 2010 with its research on New Zealand's Asian populations and New Zealand's place in Asia. Key reports launched as part of the Outlook series were:

- Outlook 12 – Future potential and the invisible diaspora: New Zealand and South Asia diaspora (author: Robert Didham)

- Outlook 13 – Standing together, in single file: Australian views of New Zealand and Asia (author: Dr Malcolm Cook, East Asia Programme Director, Lowy Institute for International Policy)
- Outlook 14 – New Zealand's diaspora in China: Untapped resources (authors: Dr Elsie Ho, Professor Manying Ip and Joanna Lewin, University of Auckland)

As part of its education research, it published *Asia in Secondary Schools Report* (author: Colmar Brunton)

All Asia: NZ research can be found at:
www.asiannz.org.nz

Summaries of the Outlook papers can be found at:
<http://www.asianz.org.nz/our-work/knowledge-and-research/outlook-series>

Contact: Dr Andrew Butcher, Director, Policy and Research or Brittany Chellew, Project Officer, Research

Equal Employment Opportunities (EEO) Trust

Specifically Pacific

In 2010, the EEO Trust initiated a research project into the employee engagement of the growing young Pacific workforce, in collaboration with the Ministry of Pacific Island Affairs and the Department of Labour. The trust carried out a literature review of the key issues, and conducted qualitative interviews with young Pacific workers and their managers in six EEO Trust member organisations.

The project explored drivers for workforce participation; workers' aspirations, expectations and influences (especially family); and engagement (including barriers and enablers); the place of cultural values in the workplace; and the role of managers in young workers' engagement.

WorkLife

A new EEO Trust resource, *WorkLife*, was published in mid-2010. It includes a host of case studies on how businesses are making the most of New Zealand's diverse population. Featured among them is Auckland-based OMEGA, which matches skilled migrants with local mentors. OMEGA was a winner at the EEO Trust Work & Life Award 2010.

Contact: Jyoti Smith

Motu economic and public policy research

Motu's research explores the economic and social effects of migration, particularly on the housing market, the labour market, integration issues and post-arrival mobility. They are currently examining migrant selectivity and the impact of emigration on incomes and poverty in sending areas.

Motu researchers are also working with Jacques Poot (University of Waikato) on a project looking at under-skilling and over-skilling among migrants in New Zealand; and with Malathi Velamuri (Victoria University of Wellington) and Deborah Cobb-Clark (Australia National University) on 'self-selection among international and trans-Tasman migrants'.

Contacts: David Maré, Steven Stillman

