

Reference: 20200132

15 June 2020

s9(2)(a)

Thank you for your Official Information Act request, received on 26 March 2020. You requested the following:

We request the following:

(a) briefings, and any other advice (in any form including emails), to any Minister and Chief Executive from the Treasury (Te Tai Ōhanga) officials on:

(i) the Waitangi Tribunal's Wai 262 report after 29 August 2019;

(ii) the Te Pae Tawhiti whole-of-government approach to responding to Wai 262 after 29 August 2019;

(iii) a whole-of-government approach to responding to Wai 262 between 1 January 2018 - 29 August 2019;

(b) directions and instructions from Ministers to officials in relation to the Wai 262 report between 1 January 2018 – present day; and

(c) any documentation (including, but not limited to, emails) relating to Wai 262 after 29 August 2019 on the Te Pae Tawhiti whole-of-government approach.

Your request was extended by 30 working days in a letter sent to you on 28 April 2020. We also wrote to you on 9 June 2020 advising we would be releasing information to you but further work was required before releasing these to you.

I understand that you have also sent a similar request to Te Puni Kōkiri, who will provide you with a separate response.

Information being released

Please find enclosed the following documents:

Item	Date	Document Description	Decision
1.	1 August 2019	Vote Māori Development handover 2019 1	Released in part
2.	3 September 2019	Wai 262 - Summary	Released in part
3.	7 October 2019	Vicki's weekly email	Released in part
4.	8 October 2019	RE: Process for seeking Between Budget Contingencies	Released in part
5.	29 October 2019	RE: WAI262 Initiatives	Released in part
6.	28 November 2019	RE: Draft Cabinet paper (DCE comment by Wed 20 Nov midday) - Wai 262 - Te Pae Tawhiti Report back and next steps	Released in part
7.	5 December 2019	WAI262 Bid - Input from VA's of other agencies	Released in part
8.	6 January 2020	RE: Wai 262 Budget bid feedback	Released in part
9.	10 January 2020	RE: Wai 262 Bid Assessment	Released in part
10.	10 January 2020	Wai 262 Budget bid feedback	Released in part
11.	13 January 2020	New spending 'other' assessments	Released in part
12.	28 January 2020	Wai 262	Released in part
13.	21 February 2020	RE: A question around between budget contingency funding	Released in part
14.	18 March 2020	RE: Specific Fiscal Risks - unable to expire Wai 262 Risk in Vote Treaty Negotiations	Released in part
15.	21 April 2020	FW: WAI 262	Released in part

I have decided to release the documents listed above, subject to information being withheld under one or more of the following sections of the Official Information Act, as applicable:

- section 9(2)(g)(ii) – to maintain the effective conduct of public affairs through protecting Ministers, members of government organisations, officers and employees from improper pressure or harassment,
- section 9(2)(f)(iv) – to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials, and
- section 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions.

Information publicly available

The following information is also covered by your request and is (or will become) publicly available on the Te Puni Kōkiri's and the Treasury's website:

Item	Date	Document Description	Website Address
1.	14 May 2020	Wai 262 Specific Financial Risk	https://treasury.govt.nz/sites/default/files/2020-05/befu20_1.pdf
2.	6 April 2020	Cabinet minute of decision - Vote Māori Development	https://treasury.govt.nz/publications/information-release/budget-2020-information-release
3.	12 November 2019	Treasury Report - Bilateral with Minister Mahuta	https://treasury.govt.nz/publications/information-release/budget-2020-information-release
4.	28 November 2019	Wai 262 Budget bid template	https://www.tpk.govt.nz/en/amatou-mohiotanga/cabinet-papers
5.	30 September 2019	Wai 262 Cabinet paper	https://www.tpk.govt.nz/en/amatou-mohiotanga/cabinet-papers

Accordingly, I have refused your request for the documents listed in the above table under section 18(d) of the Official Information Act, that the information requested is or will soon be publicly available.

Please note that this letter (with your personal details removed) and enclosed documents may be published on the Treasury website.

This reply addresses the information you requested. You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely

Nicky Lynch
Manager, Education and Population Agencies

OIA 20200132

Table of Contents

1.	<u>1 August 2019 - Vote Maori Development handover 2019</u>	1
2.	<u>3 September 2019 - Wai 262 - Summary</u>	3
3.	<u>7 October 2019 - Vickis weekly email</u>	5
4.	<u>8 October 2019 - RE Process for seeking Between Budget Contingencies</u>	7
5.	<u>29 October 2019 - RE WAI262 Initiatives</u>	10
6.	<u>28 November 2019 - RE Draft Cabinet paper (DCE comment by Wed 20 Nov midday) - Wai 262 - Te Pae Tawhiti Report back and next steps</u>	12
7.	<u>5 December 2019 - WAI262 Bid - Input from VA's of other agencies</u>	17
8.	<u>6 January 2020 - RE Wai 262 Budget bid feedback</u>	19
9.	<u>10 January 2020 - RE Wai 262 Bid Assessment</u>	22
10.	<u>10 January 2020 - Wai 262 Budget bid feedback</u>	24
11.	<u>13 January 2020 - New spending 'other' assessments</u>	30
12.	<u>28 January 2020 - Wai 262</u>	32
13.	<u>21 February 2020 - RE A question around between budget contingency funding IN- CONFIDENCE</u>	35
14.	<u>18 March 2020 - RE Specific Fiscal Risks - unable to expire Wai 262 Risk in Vote Treaty Negotiations</u>	38
15.	<u>21 April 2020 - FW WAI 262</u>	40

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pages 1-22 deleted - out of scope

out of scope

WAI 262

Background

In April 2019, Cabinet agreed to develop an all of Government approach to Wai 262 issues. "Wai 262 issues" is shorthand for a complex set of issues identified by the 1991 Wai 262 claim and subsequent 2011 Waitangi Tribunal report Ko Aotearoa Tēnei. Wai 262 shared many characteristics with what are now called 'contemporary' claims. Ko Aotearoa Tēnei was the Waitangi Tribunal's first all of government inquiry.

Here's the Wai 262 report <https://www.waitangitribunal.govt.nz/news/ko-aotearoa-tenei-report-on-the-wai-262-claim-released/>

As part of its April decisions Cabinet agreed to establish a Ministerial Oversight Group and agreed in principle to establish three focus groups or kete to coordinate work within government. Cabinet also agreed to undertake engagement with specific Māori groups and individuals about these proposals for how the Crown organises itself, before making final decisions on this.

The results of this engagement will inform a report to Cabinet before the end of 2019 on any changes needed to the Ministerial Oversight Group and kete. This end of year report will also address next steps in developing a coordinated and consistent approach across

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Wai 262 issues, and next steps in furthering a partnership conversation between the Crown and Māori.

[Wai 262 - Summary \(Treasury:4166772v1\)](#) [Add to worklist](#)

Treasury involvement

I've have had very little involvement in this work. They seems to be aiming for a Cabinet paper is November. ^{s9(2)(g)(i)}

s9(2)(f)(iv)

Wai 262 was previously recorded as a Specific Financial Risk, although I advised that given the uncertain nature of any outcomes / financial cost, it should be removed.

[RE: Specific fiscal risks - Wai 262 \(Treasury:4166768v1\)](#) [Add to worklist](#)

Te Puni Kōkiri is proposing to establish a Wai 262 DCEs group. They have invited Trevor Moeke to this. I assume he'll attend – but you may want to confirm this with Jason. He's the invite. [FW: The Waitangi Tribunal's Wai 262 inquiry \(Treasury:4166773v1\)](#) [Add to worklist](#)

December 2019 update:

Minister Mahuta reported back in December 2019 with a proposed whole of government approach to progressing WAI 262. ^{s9(2)(f)(iv)}

out of scope

pages 25 - 26 deleted - out of scope

SUMMARY OF WAI 262 WORK FOR [SENIOR OFFICIALS]

- In April 2019, Cabinet agreed to develop an all of Government approach to Wai 262 issues. “Wai 262 issues” is shorthand for a complex set of issues identified by the 1991 Wai 262 claim and subsequent 2011 Waitangi Tribunal report *Ko Aotearoa Tēnei*. Wai 262 shared many characteristics with what are now called ‘contemporary’ claims. *Ko Aotearoa Tēnei* was the Waitangi Tribunal’s first all of government inquiry.
- A central theme linking Wai 262 issues is how our nation should make decisions – and who should participate in decisions – that affect taonga Māori. Wai 262 issues encompass the Crown’s laws, policies and practices relating to intellectual property, indigenous flora and fauna, resource management, conservation, the Māori language, arts and culture, heritage, science, education, health, and the making of international agreements.
- As part of its April decisions Cabinet agreed to establish a Ministerial Oversight Group and agreed in principle to establish three focus groups or kete to coordinate work within government. Cabinet also agreed to undertake engagement with specific Māori groups and individuals about these proposals for how the Crown organises itself, before making final decisions on this.
- Engagement is planned to begin on 28 August with the National Iwi Chairs Forum and run through September and October. The focus will be on:
 - Te Puni Kōkiri-led discussions with a number of national Māori organisations
 - Discussion, in partnership with relevant Government agencies, with sectoral Māori reference groups established by many agencies.
 - Discussion, through a series of hui, with Māori academics and technical experts.
- The results of this engagement will inform a report to Cabinet before the end of 2019 on any changes needed to the Ministerial Oversight Group and kete. This end of year report will also address next steps in developing a coordinated and consistent approach across Wai 262 issues, and next steps in furthering a partnership conversation between the Crown and Māori.

What is the Wai 262 claim?

- The Wai 262 claim was filed in the Waitangi Tribunal in 1991. The claimants sought to establish who, if anyone, owns or controls mātauranga Māori (Māori traditional knowledge), traditional artistic and cultural expressions, the unique characteristics of indigenous flora and fauna, and New Zealand’s natural environment more generally.
- In 2011, the Waitangi Tribunal released its report *Ko Aotearoa Tēnei* (“This is New Zealand”), which recommended changes to the Crown’s laws, policies and practices relating to intellectual property, indigenous flora and fauna, resource management, conservation, the Māori language, arts and culture, heritage, science, education, health, and the making of international treaties and other instruments.

- The Waitangi Tribunal said Wai 262 was “*fundamentally a claim about how the future should look*” and noted that addressing Wai 262 issues could help “...*shift our view of the Treaty from that of a breached contract, which can be repaired in the moment, to that of an exchange of solemn promises about our ongoing relationships*”.
- This forward-looking perspective places work on Wai 262 within the project of nation-building through strengthening the Māori-Crown partnership. *Ko Aotearoa Tēnei* notes that this work has the potential to fuel innovation, strengthen national identity, and enhance our international reputation, as well as deliver direct benefits to Māori.
- The Crown has not made any formal response to the Wai 262 report.

How is this Government approaching Wai 262 issues?

- Cabinet’s agreement to develop an all of government approach will enable a more consistent and considered approach to Wai 262 issues within existing and upcoming work programmes, and prepare for Crown-Māori dialogue on substantive and over-arching Wai 262 issues over the next few years.
- s9(2)(g)(i) [REDACTED]
As noted in the Cabinet paper supporting April decisions, this creates ongoing risks and means opportunities may be missed.
- A genuine partnership approach, underpinned by co-ordinated and consistent government action in response to Wai 262 issues, requires governance structures within the Crown. To help the Government do this, Cabinet agreed in April to establish the Ministerial Oversight Group to provide high level oversight and strategic direction, given the breadth and significance of the issues raised in the Wai 262 claim and *Ko Aotearoa Tēnei*.
- Cabinet also agreed in-principle to establish three Ministerial focus groups. Each consists of Ministers with strong portfolio links to one of the following three broad kete of issues:
 - a. Kete 1: Taonga works¹ me te mātauranga Māori
 - b. Kete 2: Taonga species² me te mātauranga Māori
 - c. Kete 3: Kawenata Aorere / Kaupapa Aorere (broadly, international issues).
- Agencies have already held a number of interagency hui under each kete. The approach appears promising and has already facilitated the identification of some common issues and possible future work on cross-cutting issues within the Kete.

¹ The Waitangi Tribunal defined ‘taonga works’ as tangible and intangible expressions of mātauranga Māori that relate to or invoke ancestral connections, contain or reflect traditional narratives or stories, possess mauri and have living kaitiaki in accordance with tikanga Māori.

² The Waitangi Tribunal defined ‘taonga species’ as the species over which whānau, hapū or iwi claim kaitiakitanga (guardianship) obligations, and whose basis, history and content are set out in mātauranga Māori.

Alex Colton [TSY]

From: Vicki Plater [TSY]
Sent: Monday, 7 October 2019 8:52 AM
To: @Growth And Public Services
Subject: Vicki's weekly email

[IN-CONFIDENCE]

Ata mārie

out of scope

- I attended a Wai262 meeting – an issue new to me but fascinating. Wai 262 considered who is entitled to make or participate in decisions affecting indigenous flora and fauna, the environment, Māori culture and taonga associated with of Māori culture, so it affects IP as well as international agreements. If you're interested in a wider take on the Māori economy and the Government's aspirations have a look at this recent [speech](#) from Minister Mahuta to the Federation of Māori Authorities (FOMA).

out of scope

Ngā mihi
Vicki



Vicki Plater | Director Growth and Public Services | Te Tai Ōhanga – The Treasury

s9(2)(g)(ii)

| Email/IM: Vicki.Plater@treasury.govt.nz

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Alex Colton [TSY]

From: Natasha Close <closn@tpk.govt.nz>
Sent: Tuesday, 8 October 2019 5:30 PM
To: Hanna Alder Ovenden [TSY]
Cc: Jemma Jackson [TSY]
Subject: RE: Process for seeking Between Budget Contingencies

Thanks Hanna

That is really useful information.

We'll be in touch.

Ngā mihi
 Natasha

Natasha Close
 Senior Advisor
 Te Puni Kōkiri, National Office

Tauwāea DDI : s9(2)(g)(ii)
Wāea Whakaahua F : 0800 875 329 | *Paetukutuku* W : www.tpk.govt.nz
 Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand
 PO Box 3943, Wellington 6140, New Zealand

From: Hanna Alder Ovenden [TSY] <Hanna.Alder@treasury.govt.nz>
Sent: Tuesday, 8 October 2019 3:29 p.m.
To: Natasha Close <closn@tpk.govt.nz>
Cc: Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>
Subject: RE: Process for seeking Between Budget Contingencies

Hi Natasha,

I've clarified the process for seeking Between Budget Contingency. In terms of the process itself, you would need to seek agreement in a Cabinet Paper using an 'agree' recommendation. As this would be a financial recommendation then clear clarification of where the money would be going would be needed.

Beyond the process itself, I have to warn you that the threshold for securing BBC at this point in the year is very high given how little remains available. As you know, the Minister of Finance wrote to Minister Mahuta earlier in the year regarding expectations for funding requests from the Between-Budget Contingency (see attached). We have just last week been asked by our Minister to reiterate these expectations. So, any requests need to meet a high threshold based on the following three criteria:

- Proposals must not have been previously considered and declined by Cabinet
- There must be no options to fund the proposals through baseline funding, including through the reprioritisation of lower value activities; and
- The proposals must be urgent and unable to be deferred to the following Budget.

The paper needs to demonstrate clearly that all opportunities to fund the proposal through baselines have been exhausted and that there is a strong case that the proposal cannot wait until Budget. Funding that is met outside of the Budget process also needs to be accompanied with the same level of supporting information as for a budget proposal (including cost-benefit analysis as necessary) - see the Cabinet Office Circular CO(18)2.

This is not to necessarily deter you from going through the process, but I thought it worth giving you that context before decided whether to embark on what would be quite an involved process with a high bar to reach.

Let me know if you would like to talk more about this or have any additional questions.

Thanks,

Hanna

From: Hanna Alder Ovenden [TSY]

Sent: Thursday, 3 October 2019 12:23 PM

To: 'Natasha Close' <closn@tpk.govt.nz>; Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>

Subject: RE: Process for seeking Between Budget Contingencies

[IN-CONFIDENCE]

Hi Natasha,

Just a quick email to say I've read your request and am looking into options now. I just need to consult with our budget team on the process and will get back to you early next week, if that's ok?

Cheers

Ngā mihi

Hanna

From: Natasha Close <closn@tpk.govt.nz>

Sent: Tuesday, 1 October 2019 4:39 PM

To: Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>; Hanna Alder Ovenden [TSY] <Hanna.Alder@treasury.govt.nz>

Subject: Process for seeking Between Budget Contingencies

Kia ora

Further to the conversation you had with Nadia the other week about the Wai 262 work and the potential need to seek Between Budget Contingency funding, it looks like we may need to go through a similar process to that for the launch of the Maihi Karauna Strategy last year.

In that case, there was a paper to Cabinet on the strategy late in the calendar year, with announcements made at Waitangi with some initial "early win" initiatives funded through Between Budget Contingency. The remainder of the funding was sought through Budget 2019.

s9(2)(f)(iv)

That would mean we would need some interim funding to support initial engagement with the Wai262 stakeholders and iwi more broadly ahead of any funding to come through Budget 2020.

I've been asked to find out from you what the process is for seeking Between Budget Contingency (I think we requested draw down for that as part of the Cabinet paper last year but I wasn't closely involved). However, alongside initial advice, I think it would be good to get you together with Tamati and Nadia to walk through the process and anything you will need from us so everyone is on the same page.

Keen to get your thoughts on how best to manage this.

Ngā mihi
Natasha

Natasha Close
Senior Advisor
National Office



Tauwaea DDI s9(2)(g)(ii)
Waea Whakaahua F : 0800 875 329

Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand
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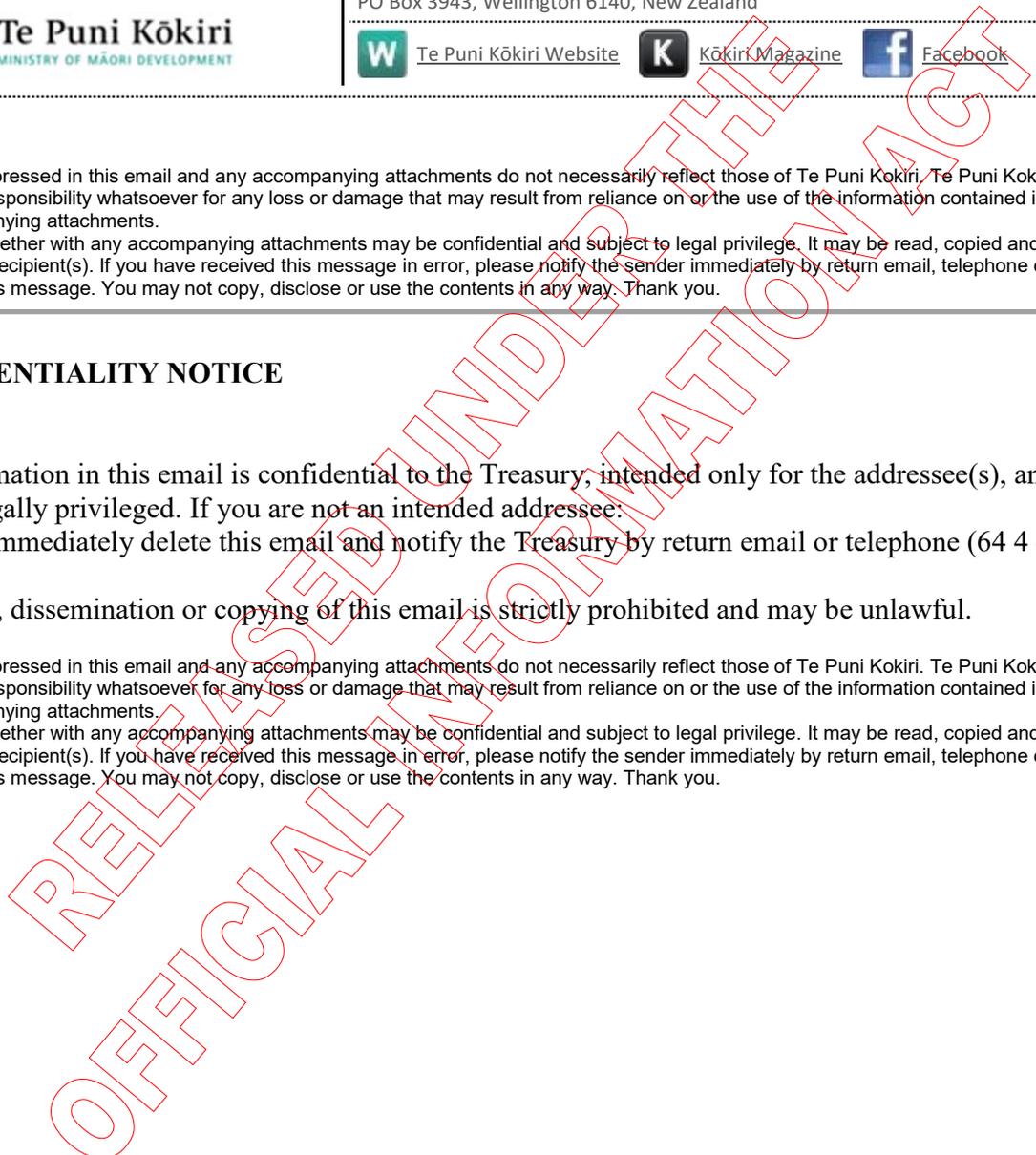
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Alex Colton [TSY]

From: Nadia Ward <wardn@tpk.govt.nz>
Sent: Tuesday, 29 October 2019 4:53 PM
To: Jemma Jackson [TSY]
Cc: Natasha Close; Hanna Alder Ovenden [TSY]; Jason Clarke [TSY]; Anaru Rewi
Subject: RE: WAI262 Initiatives

Kia ora Jemma

s9(2)(g)(i)

I will get back to you by phone tomorrow to discuss a way forward as time is running out.

Nadia

Nadia Ward
 Principal Policy Analyst
 Te Puni Kōkiri, National Office

Tauwāea DDI : s9(2)(g)(ii)
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 Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand
 PO Box 3943, Wellington 6140, New Zealand

From: Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>
Sent: Rātū, 29 Whiringa-ā-nuku, 2019 2:56 p.m.
To: Nadia Ward <wardn@tpk.govt.nz>
Cc: Natasha Close <closh@tpk.govt.nz>; Hanna Alder Ovenden [TSY] <Hanna.Alder@treasury.govt.nz>; Jason Clarke [TSY] <Jason.Clarke@treasury.govt.nz>
Subject: WAI262 Initiatives

[IN-CONFIDENCE]

Kia ora Nadia,

s9(2)(f)(iv)

Ngā mihi,

Jemma



Jemma Jackson | Education and Population Agencies | Te Tai Ōhanga – The Treasury

s9(2)(g)(ii) | Email/IM: jemma.jackson@treasury.govt.nz

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Alex Colton [TSY]

From: Hanna Alder Ovenden [TSY]
Sent: Thursday, 28 November 2019 2:25 PM
To: Jemma Jackson [TSY]; Jason Clarke [TSY]
Cc: Nicky Lynch [TSY]
Subject: RE: Draft Cabinet paper (DCE comment by Wed 20 Nov, midday) - Wai 262 - Te Pae Tawhiti Report back and next steps

s9(2)(f)(iv)

Deleted - Not Relevant to Request

In which case, I wonder if we should provide a short comment as follows:

s9(2)(f)(iv)

Treasury supports the proposed approach in principle, but notes that a new spending bid is planned for submission for Budget 2020 to support the proposed work programme in 2020 and that the bid will therefore be subject to the same assessment process as other bids.

Let me know your thoughts and feel free to edit. [Nicky](#) – copying you in here to bring you into the loop and get your advice.

Cheers

Hanna

From: Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>
Sent: Thursday, 28 November 2019 2:08 PM
To: Jason Clarke [TSY] <Jason.Clarke@treasury.govt.nz>; Hanna Alder Ovenden [TSY] <Hanna.Alder@treasury.govt.nz>
Subject: RE: Draft Cabinet paper (DCE comment by Wed 20 Nov, midday) - Wai 262 - Te Pae Tawhiti Report back and next steps

I reckon we don't need to provide any comment s9(2)(f)(iv)

Ngā mihi,

Jemma

Jemma Jackson | Education and Population Agencies | Te Tai Ōhanga – The Treasury

s9(2)(g)(ii) | Email/IM: jemma.jackson@treasury.govt.nz

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From: Jason Clarke [TSY] <Jason.Clarke@treasury.govt.nz>
Sent: Thursday, 28 November 2019 2:02 PM
To: Hanna Alder Ovenden [TSY] <Hanna.Alder@treasury.govt.nz>; Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>
Subject: RE: Draft Cabinet paper (DCE comment by Wed 20 Nov, midday) - Wai 262 - Te Pae Tawhiti Report back and next steps

Hi Hanna

I'd assume that as well but I haven't heard anything.

Sorry I couldn't be more helpful!
Jason

From: Hanna Alder Ovenden [TSY] <Hanna.Alder@treasury.govt.nz>
Sent: Thursday, 28 November 2019 1:54 PM
To: Jason Clarke [TSY] <Jason.Clarke@treasury.govt.nz>; Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>
Subject: RE: Draft Cabinet paper (DCE comment by Wed 20 Nov, midday) - Wai 262 - Te Pae Tawhiti Report back and next steps

Hi Jason,

I've heard from Sarah that s9(2)(f)(iv)
s9(2)(f)(iv)

Cheers

Hanna

From: Jason Clarke [TSY] <Jason.Clarke@treasury.govt.nz>
Sent: Wednesday, 20 November 2019 10:41 AM
To: Hanna Alder Ovenden [TSY] <Hanna.Alder@treasury.govt.nz>; Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>
Subject: RE: Draft Cabinet paper (DCE comment by Wed 20 Nov, midday) - Wai 262 - Te Pae Tawhiti Report back and next steps

Perfectly reasonable Hanna!

From: Hanna Alder Ovenden [TSY] <Hanna.Alder@treasury.govt.nz>
Sent: Wednesday, 20 November 2019 10:35 AM
To: Jason Clarke [TSY] <Jason.Clarke@treasury.govt.nz>; Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>
Subject: RE: Draft Cabinet paper (DCE comment by Wed 20 Nov, midday) - Wai 262 - Te Pae Tawhiti Report back and next steps

[IN-CONFIDENCE]

Hi Jason,

I've had a quick read through. The recs are very long! In terms of financial implications, they are obviously intending to submit a bid in support of the proposed approach for work from June 2020 onwards. s9(2)(f)(iv)

s9(2)(f)(iv) I don't think we will need to feedback to TPK but in terms of our advice to the MoF, I guess we just need to flag the link between this s9(2)(f)(iv) and Budget 2020 process, perhaps recommending that he just flag to TPK that any bid in support of this work is subject to the same process as other bids going through Budget 2020 and is not guaranteed to be funded.

Does that seem reasonable to you?

Cheers

Hanna

From: Jason Clarke [TSY] <Jason.Clarke@treasury.govt.nz>

Sent: Wednesday, 20 November 2019 8:34 AM

To: Hanna Alder Ovenden [TSY] <Hanna.Alder@treasury.govt.nz>; Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>

Subject: FW: Draft Cabinet paper (DCE comment by Wed 20 Nov, midday) - Wai 262 - Te Pae Tawhiti Report back and next steps

Hi

FYI. Annoying that they haven't added you guys to the distribution list after saying they would!

As discussed Hanna, I had a quick look through ^{s9(2)(f)(iv)} and I don't have any comments on it from a policy perspective.

Have you guys seen the bid? If we haven't I'm not sure we'd have much to say, if anything?

Thanks
Jason

From: Erin Keenan <keene@tpk.govt.nz>

Sent: Tuesday, 19 November 2019 6:56 PM

To: lorena.stephen@epa.govt.nz; jonathan.easthope@mch.govt.nz; Trevor Moeke [TSY] <Trevor.Moeke@treasury.govt.nz>; john_whaanga@moh.govt.nz; ruth.fairhall@mpi.govt.nz; peter.murray@dia.govt.nz; amanda.moran@mfe.govt.nz; rachael.milicich@stats.govt.nz; mihippolite@doc.govt.nz; heather.baggott@ssc.govt.nz; Peter Douglas [DPMC] <Peter.Douglas@dpmc.govt.nz>; chris.bunny@mbie.govt.nz; victoria.hallum@mfat.govt.nz; Warren.Fraser@tearawhiti.govt.nz; penny.nelson@mpi.govt.nz; colin.holden@mch.govt.nz; Karl.leguesne@dia.govt.nz; anne.haira@mfe.govt.nz; rhonda.paku@stats.govt.nz; Vicki Plater [TSY] <Vicki.Plater@treasury.govt.nz>; John.Whaanga@health.govt.nz; RATA, Patrick (DS MLG Office) <Patrick.Rata@mfat.govt.nz>; Tia Greenaway [TSY] <tia.greenaway@treasury.govt.nz>; Māhina Melbourne <Mahina.Melbourne@education.govt.nz>; marian.smith@tearawhiti.govt.nz; Marama Findlay <Marama.Findlay@mpi.govt.nz>; Crete Haami Jones <haamc@tpk.govt.nz>; Taylor, Benedict <Benedict.Taylor@tearawhiti.govt.nz>; Jason Clarke [TSY] <Jason.Clarke@treasury.govt.nz>; Doug Jones <Doug.Jones@epa.govt.nz>; Julie Black <Julie.Black@dia.govt.nz>; Roisin Donnelly <Roisin.Donnelly@mfe.govt.nz>; Lorena Stephen <Lorena.Stephen@mfe.govt.nz>

Cc: Rahera Ohia <ohia@tpk.govt.nz>; Tamati Olsen <olset@tpk.govt.nz>; Nadia Ward <wardn@tpk.govt.nz>; Roland Sapsford <sapsr@tpk.govt.nz>; Dominic Kebbell <kebbd@tpk.govt.nz>; Briane Smith <smitb@tpk.govt.nz>

Subject: RE: Draft Cabinet paper (DCE comment by Wed 20 Nov, midday) - Wai 262 - Te Pae Tawhiti Report back and next steps

Tēnā anō tātou

Last week, I sent you the ^{s9(2)(f)(iv)}

^{s9(2)(f)(iv)} My apologies that in error, I wrote Wednesday 22 November. For clarification, we are seeking your feedback by **Wednesday 20 November, midday**. Thanks to those who have provided comments so far.

I also gave the undertaking that a draft Budget bid would be circulated to you on Monday 18 November 2019. As you know, the development of Bids is an evolving process. We have sent the current iteration to your officials for comment, and will provide a summary of the Bid to you this Friday 22 November for feedback by COP Monday 25 November 2019. If you have any queries, please do not hesitate to contact me.

Ngā mihi, nā
Erin

Erin Keenan (she/her)
Policy Manager (Acting)
Te Puni Kōkiri, National Office

Tauwaea DDI : s9(2)(g)(ii)
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PO Box 3943, Wellington 6140, New Zealand

From: Erin Keenan

Sent: Friday, 15 November 2019 3:57 PM

To: lorena.stephen@epa.govt.nz; jonathan.easthope@mch.govt.nz; trevor.moeko@treasury.govt.nz; john_whaanga@moh.govt.nz; ruth.fairhall@mpi.govt.nz; peter.murray@dia.govt.nz; amanda.moran@mfe.govt.nz; rachael.milicich@stats.govt.nz; mihippolite@doc.govt.nz; heather.baggott@ssc.govt.nz; peter.douglas@dpmc.govt.nz; chris.bunny@mbie.govt.nz; victoria.hallum@mfat.govt.nz; Warren.Fraser@tearawhiti.govt.nz; penny.nelson@mpi.govt.nz; colin.holden@mch.govt.nz; Karl.lequesne@dia.govt.nz; anne.haira@mfe.govt.nz; rhonda.paku@stats.govt.nz; Vicki Plater [TSY] <Vicki.Plater@treasury.govt.nz>; John.Whaanga@health.govt.nz; RATA, Patrick (DS MLG Office) <Patrick.Rata@mfat.govt.nz>; Tia Greenaway [TSY] <tia.greenaway@treasury.govt.nz>; Māhina Melbourne <Mahina.Melbourne@education.govt.nz>; marian.smith@tearawhiti.govt.nz; Marama Findlay <Marama.Findlay@mpi.govt.nz>; Crete Haami Jones <haamc@tpk.govt.nz>; Taylor, Benedict <Benedict.Taylor@tearawhiti.govt.nz>; Jason Clarke [TSY] <Jason.Clarke@treasury.govt.nz>; Doug Jones <Doug.Jones@epa.govt.nz>; Julie Black <Julie.Black@dia.govt.nz>; Roisin Donnelly <Roisin.Donnelly@mfe.govt.nz>; Lorena Stephen <Lorena.Stephen@mfe.govt.nz>

Cc: Rahera Ohia <ohiar@tpk.govt.nz>; Tamati Olsen <olset@tpk.govt.nz>; Nadia Ward <wardn@tpk.govt.nz>; Roland Sapsford <sapsr@tpk.govt.nz>; Dominic Kebbell <kebbd@tpk.govt.nz>; Briane Smith <smitb@tpk.govt.nz>

Subject: Draft Cabinet paper (DCE comment by Wed 20 Nov, midday) - Wai 262 - Te Pae Tawhiti Report back and next steps

Tēnā anō tātou

On behalf of Rahera, thank you for your patience in receiving the attached s9(2)(f)(iv) and appendices for your comment. These documents have also been sent to your officials this afternoon.

Purpose of the s9(2)(f)(iv)

As mentioned by Rahera in her email earlier this week, s9(2)(f)(iv)

In terms of the strategic approach, s9(2)(f)(iv)

Comment and Timeframes

The following table sets out the s9(2)(f)(iv)

We invite your comments by **Wednesday 22 November, midday**, so that we can update our Minister on your comments before Ministerial consultation ends.

s9(2)(f)(iv)

s9(2)(f)(iv)

Draft Budget Bid

A draft Budget Bid will be circulated for comment on Monday for your feedback by Wednesday 20 November, midday. As you know, the final Bids will be uploaded to CFIS on Friday 29 November so this timeframe is to ensure that we meet our internal timeframes for sign-out. I and the team will keep you updated of any significant changes the Bid.

Next Meeting

The last meeting for the year has been scheduled for 11 December 2019. An agenda and minutes of the previous meeting will be sent next week. As mentioned in Rahera's previous email, this meeting will discuss the approach to the s9(2)(f)(iv) and how we might organise ourselves as DCE to progress the work going forward.

Thank you in advance for your input.

Ngā mihi
Erin

Erin Keenan (she/her)
Policy Manager (Acting)
National Office



Tauwaea DBI: s9(2)(g)(ii)
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Alex Colton [TSY]

From: Jemma Jackson [TSY]
Sent: Thursday, 5 December 2019 3:25 PM
To: @Vote Analysts [TSY]
Cc: Nicky Lynch [TSY]; Vicki Plater [TSY]; Hanna Alder Ovenden [TSY]; Trevor Moeke [TSY]; Jason Clarke [TSY]
Subject: WAI262 Bid - Input from VA's of other agencies

[SEEMAIL][SENSITIVE]

Please only take note if your portfolio is listed below!

Hi all

As some of you may know, TPK have submitted a new initiative, non-priority aligned bid on behalf of the agencies listed below ^{s9(2)(f)(iv)} is being sought to fund Māori and the Crown to work together to resolve the issues raised in the Wai 262 claim and the Waitangi Tribunal report Ko Aotearoa Tēnei.

I just wanted to flag that this initiative exists. I intend to do an initial assessment and then get in touch in the new year to get a sense of your agency's/votes' financial position, generally, and whether the proposed costs can potentially be absorbed within baselines.

Obviously you'll all be relatively busy in the run up to Christmas due to your own budget related work, but I would be grateful if you could please:

-Flag to me by COP Friday 6th December if you have any allergic reactions to what is being proposed or there is anything I should know more generally.

The following Ministers and agencies are involved in the whole-of-government response to Wai 262.

Rt Hon Jacinda Adern	Prime Minister
	Minister for Arts, Culture and Heritage
Rt Hon Winston Peters	Deputy Prime Minister
	Minister of Foreign Affairs
Hon Kelvin Davis	Minister for Māori Crown Relations: Te Arawhiti
	Associate Minister of Education (Māori Education)
Hon Grant Robinson	Associate Minister for Arts, Culture and Heritage
Hon Dr Megan Woods	Minister of Energy and Resources
	Minister of Research, Science and Innovation
Hon Chris Hipkins	Minister of State Services
Hon Andrew Little	Minister for Treaty of Waitangi Negotiations
Hon Carmel Sepuloni	Associate Minister for Arts, Culture and Heritage
Hon Dr David Clarke	Minister of Health
Hon David Parker	Attorney-General
	Minister for the Environment
	Minister for Trade and Export Growth
Hon Nanaia Mahuta	Minister for Māori Development
	Minister of Local Government
	Associate Minister for the Environment
Hon Damien O'Connor	Minister of Agriculture
	Minister for Biosecurity
	Minister for Food Safety
Hon Kris Faafoi	Minister of Commerce and Consumer Affairs
	Minister of Broadcasting, Communications and Digital Media

Hon Tracey Martin	Minister of Internal Affairs
Hon James Shaw	Minister of Statistics
	Minister for Climate Change
Hon Eugenie Sage	Minister for Conservation

Additionally I am on leave from Friday 6th December to Monday 6th January so if you will not be around in the new year (before these assessments are due) please have a look at the bid on CFIS and email through any comments or talk to Hanna Alder Ovenden (cc'd) who will be leading in this space while I'm gone.

Happy to discuss any of the above if you have any questions.

Ngā mihi,

Jemma



**TE TAI ŌHANGA
THE TREASURY**

Jemma Jackson | Education and Population Agencies | Te Tai Ōhanga – The Treasury

s9(2)(g)(ii) Email/IM: jemma.jackson@treasury.govt.nz

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Alex Colton [TSY]

From: Jemma Jackson [TSY]
Sent: Monday, 6 January 2020 3:59 PM
To: 'Anaru Rewi'; Kara Nepe-Apatu [TSY]; Hana Ihaka-McLeod [TSY]
Cc: Nadia Ward
Subject: RE: Wai 262 Budget bid feedback

Kia ora Andrew,

Thank you for getting back to us so promptly!

Kara, Hana and I are free to meet tomorrow afternoon between 2 and 3pm. I will send through a calendar invitation shortly.

Ngā mihi,

Jemma

Jemma Jackson | Education and Population Agencies | Te Tai Ōhanga – The Treasury

s9(2)(g)(ii) | Email/IM: jemma.jackson@treasury.govt.nz

Visit us online at <https://treasury.govt.nz/> and follow us on [Twitter](#), [LinkedIn](#) and [Instagram](#)

From: Anaru Rewi <rewia@tpk.govt.nz>
Sent: Monday, 6 January 2020 3:44 PM
To: Kara Nepe-Apatu [TSY] <Kara.Nepe-Apatu@treasury.govt.nz>; Hana Ihaka-McLeod [TSY] <Hana.Ihaka-McLeod@treasury.govt.nz>
Cc: Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>; Nadia Ward <wardn@tpk.govt.nz>
Subject: RE: Wai 262 Budget bid feedback

Kia ora kōrua

Are both or either of you available tomorrow (Tues 7 Jan) to discuss the Treasury feedback in Hanna's email below, the Wai 262 budget bid as it stands (How well do people understand the bid and the project behind it?) and specifically what changes are recommended.

I'm available all day tomorrow, and can come over to Treasury.

As you're aware, time is of the essence with revising this bid so your urgent help with this would be greatly appreciated.

Andrew

Andrew Rewi

Principal Policy Analyst | Kaitātari Tumuaki
 Kaupapa Here

Te Puni Kōkiri, National Office

Tauwaea DDI s9(2)(g)(ii)

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 PO Box 3943, Wellington 6140, New Zealand

From: Hanna Alder Ovenden [TSY] <Hanna.Alder@treasury.govt.nz>

Sent: Friday, 20 December 2019 3:16 pm

To: Nadia Ward <wardn@tpk.govt.nz>; Anaru Rewi <rewia@tpk.govt.nz>
Cc: Nicky Lynch [TSY] <Nicky.Lynch@treasury.govt.nz>; Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>;
Ian Moore [TSY] <ian.moore@treasury.govt.nz>
Subject: Wai 262 Budget bid feedback

[IN-CONFIDENCE]

Kia ora Nadia and Andrew,

I, and a few key people here at Treasury, have taken some time to read the Budget bid for Wai 262 in detail and wanted to provide some feedback at this stage, to give you a chance to consider it before our final assessment is due on 13th January 2020.

Firstly, I want to emphasise that we very much support advancing the work on Wai 262 in 2020. We recognise the importance of no further delays to this process, and acknowledge the complexity of the issues that underpin the claim. However, we do see some challenges with the Budget bid in its current form which we think would be worth addressing, if possible, before the final assessment takes place. My overarching observation at this stage is that the proposed work programme is very large and broad, and at the same time lacks some essential clarity in a number of areas that makes it very difficult to support in full.

As I understand it, a considerable amount of work has been done, at various times over the years, on engagement, particularly on the Crown side. This previous work is not mentioned anywhere in the bid and in our view it would be useful to understand what lessons have been learned from past work on this, what is new about the proposed approach (how will it set the Crown and Māori up for success?) and what will actually be delivered as a result, specifically during the 2020/21 and 2021/22 financial years. Also not mentioned is the stocktake of what agencies have done since the Tribunal report was released, which would be key for identifying further initiatives to test in this next phase.

Related to this point is that there is a need for more clarity on your intervention logic. There isn't enough information there to understand how this proposal aligns with key aspirations raised by Māori. What is current state, the future state, and clearly prioritised steps to get there? The existing information remains very high level and lacks specificity. For example, what does a *stronger* Māori Crown partnership or *increased* social and cultural development actually mean in practice?

While we recognise and support the need for Māori to engage with Māori, it isn't clear why the Crown needs additional funding to do this beyond existing baselines. More information is also needed on how co-design of agreed initiatives would work in practice within this timeframe, including with whom.

Specific mention is made of the necessity of a 'learning by doing' approach, making it impossible to specify outcomes at this stage. Because of this, it would be my recommendation that you consider resubmitting a more streamlined bid, covering the next two years, which seeks support for Māori to Māori engagement, some piloting of 1-2 initiatives aligned to issues of high interest to Māori (it is my understanding that recommendations for this have come from several government agencies), followed by a series of hui rangatira and planning for the next phase.

s9(2)(f)(iv)

I realise that with the Christmas holidays this does not give you much time to consider and respond. This is actually my final day before going on parental leave is tomorrow. Jemma Jackson is on annual leave now until 6th January, which means that there is (depending on your own leave plans) a week before assessments are due. If you would like to discuss any of this feedback in more detail, please get in touch with either Kara Nepe-Apatu, Principal Advisor - Kara.Nepe-Apatu@treasury.govt.nz or Hana Ihaka-McLeod - Hana.Ihaka-McLeod@treasury.govt.nz, who have recently the Treasury as Principal Advisors, and are both very familiar with the issues.

Ngā mihi,

Hanna



Hanna Alder Ovenden | Senior Analyst | Education & Population Agencies | **The Treasury** | **Te Tai Ōhanga – The Treasury**

Tel: s9(2)(g)(ii)

Email/IM: Hanna.Alder@treasury.govt.nz

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Alex Colton [TSY]

From: Kara Nepe-Apatu [TSY]
Sent: Friday, 10 January 2020 2:02 PM
To: Jemma Jackson [TSY]; Hana Ihaka-McLeod [TSY]
Cc: Nicky Lynch [TSY]; Ian Moore [TSY]
Subject: RE: Wai 262 Bid Assessment

Kia ora Jemma,

My apologies for the late response. I understand Hana met with you yesterday to give you our feedback on the assessment. Thank you for pulling this together so quickly.

The recent hui with Te Puni Kōkiri provided good insight into the status of the Wai262 'initiative'. It would be fair to say, as you have pointed out in the assessment below, that a lot of scoping work across Government and Māori engagement needs to be prioritised and completed in the first instance. The intent would be that the first phase (scoping/engagement) would generate a work programme/plan that could be submitted in future Budget Bids.

Happy to discuss.

Ngā mihi nui.

Kara

Kara Nepe-Apatu | Principal Advisor | Māori Capability Team | Te Tai Ōhanga – The Treasury

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**TE TAI ŌHANGA
THE TREASURY**

From: Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>
Sent: Wednesday, 8 January 2020 3:25 pm
To: Kara Nepe-Apatu [TSY] <Kara.Nepe-Apatu@treasury.govt.nz>; Hana Ihaka-McLeod [TSY] <Hana.Ihaka-McLeod@treasury.govt.nz>
Cc: Nicky Lynch [TSY] <Nicky.Lynch@treasury.govt.nz>; Ian Moore [TSY] <ian.moore@treasury.govt.nz>
Subject: Wai 262 Bid Assessment

[SEEMAIL][SENSITIVE]

Hi Kara and Hana,

Thanks again for your input on this tricky assessment ☺

Below is a draft of the information I intend to provide the Budget team next Monday. I welcome any feedback (particularly on the substance as the wording is rough) and would be happy to meet again before COP Thursday if it would be helpful to talk through things.

Support Scaled.

s9(2)(f)(iv)

Support scaled. This is a new spending 'other' initiative that is a Government priority and not aligned to specific Budget 2020 priorities. This initiative seeks funding for three components: resource to establish a whole-of-Government approach to address Wai262 issues and its operational costs, Māori organisation and to establish and resource^s work programmes. We support funding for the three components for two financial years from the 'minimum viable option' with the exception

Further funding to progress

should be sought through future budgets when there is greater detail regarding the work plan and expected outcomes and the significant stages, components and timeframes are developed through Māori Crown dialogue.

My thinking after the meeting with Andrew is that:

-Because all 3 components run in parallel and aren't progressed individually, it doesn't work not to fund some components (Andrew was adamant that the whole-of-government component needed funding). Therefore, funding all 3 parts at the 'minimum viable option' allow things to kick off but we need to see much greater detail to support any further funding.

-There is potential to shift funding forward from the 2020/21 financial year to the 2021/22 financial year in parts however this doesn't change the total funding supported. Additionally there is scope to further scale the TPK

s9(2)(f)(iv)

I am still waiting to receive further information from Andrew regarding timelines and when major Cabinet decisions take place.

Ngā mihi,

Jemma



TE TAI ŌHANGA
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Alex Colton [TSY]

From: Anaru Rewi <rewia@tpk.govt.nz>
Sent: Friday, 10 January 2020 9:26 AM
To: Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>
Cc: Nicky Lynch [TSY] <Nicky.Lynch@treasury.govt.nz>; Ian Moore [TSY] <ian.moore@treasury.govt.nz>; Nadia Ward <wardn@tpk.govt.nz>
Subject: FW: Wai 262 Budget bid feedback

Kia ora Jemma

Firstly thanks for the feedback below and the meeting on Tuesday. I understand the next step is you completing your assessment of the Wai 262 budget bid by Mon 13 Jan. This email provides additional context and information to support the questions you have raised below and that we discussed on Tuesday.

There is a lot of information in the bid, and I don't want to repeat it. The following covers the key points that seem to have been raised. If there are more, give me a ring and we can discuss them.

Key points**Partnership.**

As discussed Tuesday, and covered in the bid, establishing effective Māori Crown partnership is fundamental to resolving Wai 262 issues and therefore this initiative. It is the Tribunal's overarching and critical theme/advice in its report. Addressing the scope and complexity of issues, rights and interests in Wai 262 issues requires a heavy, upfront investment of time and \$\$ in partnership, in particular (1) the Crown organising itself in a whole of government approach and (2) supporting Māori to organise themselves on Wai 262 issues (ideally resulting in some form of mandated organisation that the Crown can work with as the "Māori partner"). Only then can the Crown and Māori work in partnership to agree a work programme and progress that to resolve Wai 262 issues.

This approach to addressing Wai 262 is not just about the specific recommendations. The nature and scale of the partnership approach underpinning this initiative is what is new about this approach. ^{s9(2)(f)(iv)}

What is new is the comprehensive nature, scope and scale of the intended partnership approach (reflecting the scope of Wai 262 issues, interests and rights), and the extensive whole of government approach and investment in supporting Māori organisation required to stand-up that approach and keep it going.

s9(2)(f)(iv)

Deleted - Not Relevant to Request

Timeline for the Wai 262 Initiative

- The broad timeline (ie, steps/input, financial periods, and funding sought) for the financial periods 2020-2024 is outlined in the “Funding Sought by Component” section of the bid, with explanations of the various components in the “Formulas and Assumptions” section.
- Our current draft timeline for the 2020 calendar year is set out on page 32 of the attached draft Cabinet paper.

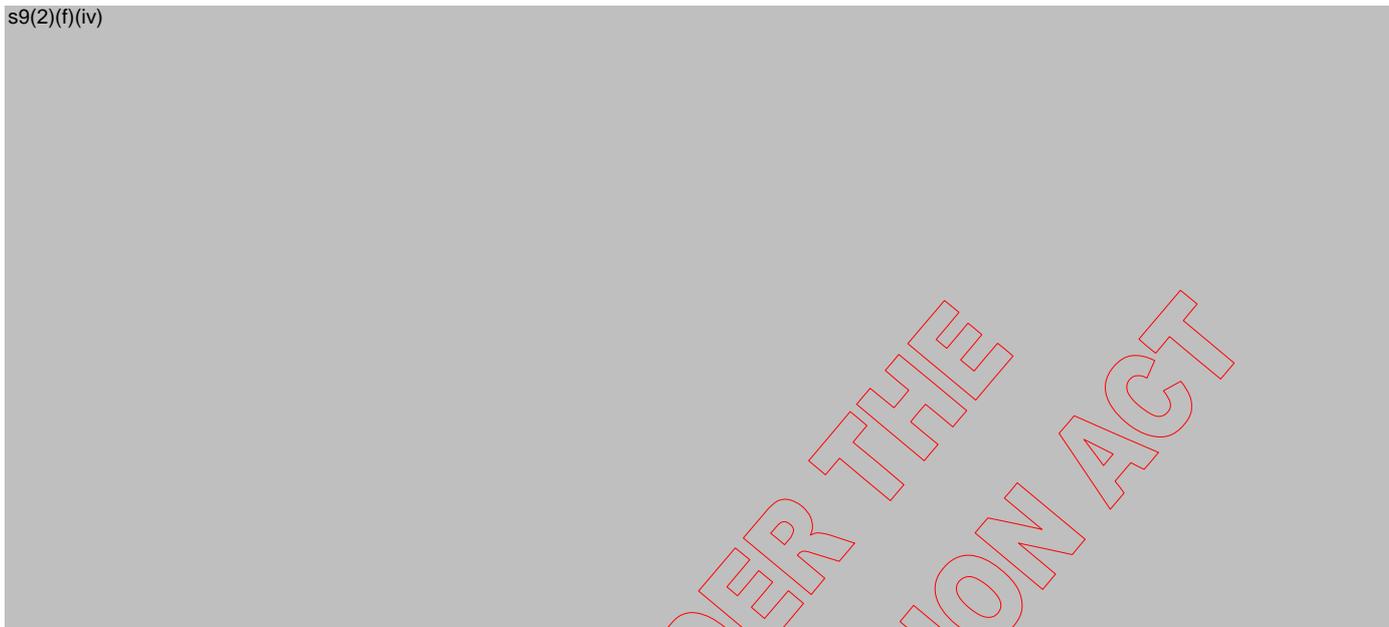
In addition, it is important to note:

Māori Working Group

- TPK will cover the costs (from baseline) until 30 June 2020 of establishing this small working group and its initial focus on developing proposals for a ^{s9(2)(f)(iv)} and identifying potential early initiatives and priorities for the full, ongoing work programme. Funding is sought through the Budget Bid for the costs of this Group in 2020/21, when it will undertake more substantial roles in finalising proposals (expected to run into 2020/21), engaging with Māori on those proposals and reporting the outcome of that engagement. The

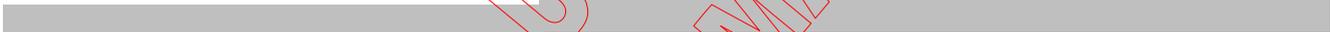
s9(2)(f)(iv)

s9(2)(f)(iv)



Work Programme

- *Early initiatives* – early work by Government agencies and the Māori Working Group (or other Māori participants identified by this Group) on progressing and scoping a number of initiatives is expected to start in early 2020 and continue into the 2020/21 financial year. s9(2)(f)(iv)



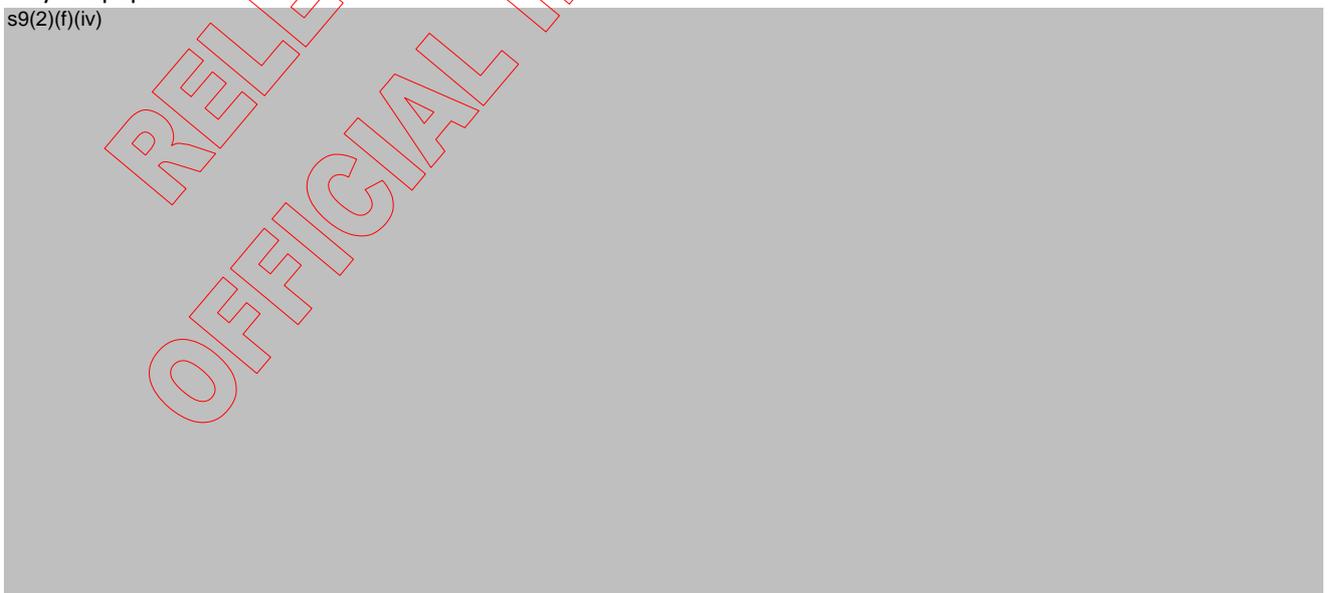
Agencies will cover their respective costs for this work to 30 June 2020 from within baselines, with TPK also covering any costs of Māori participation. s9(2)(f)(iv)



This early initiatives work is expected to transition into a full and mutually agreed Wai 262 work programme to start in 2021/22. The particular initiatives to be included in this early work from a Crown perspective will be determined through the process for developing a WOG Plan of Action. The Māori Working Group is also expected to identify a number of initiatives. s9(2)(f)(iv)

key kaupapa:

s9(2)(f)(iv)



Scaled option

As set out in the bid (page 20-21), there are options for a scaled version. It is important to note that a change of approach would be required to make best use of the reduced FTEs sought in a whole of government approach. This part of the bid sets out the related risks in doing this.

The scaled option sets out our best advice on what could be cut. As I explained on Tues the three core components of (1) a WOG approach, s9(2)(f)(iv) and (3) undertaking a mutually agreed

work programme are critical to this initiative and resolving Wai 262 issues. The first two are fundamental to establishing an effective partnership approach across the extensive scope of Wai 262 issues, and the third is that partnership in action.

s9(2)(f)(iv)

Specific feedback on your questions

- *Lack of mention of considerable engagement work by the Crown on Wai 262 issues to date.* Given the extensive scope of Wai 262 issues and the many disparate engagement approaches that have occurred to date, doing this discussion justice would require an extensive examination and book writing. In essence, the reason we are proposing this new approach is the lack of any real resolution of the vast majority of Wai 262 issues and the prospect of disjointed and disparate approaches to addressing these and working across government and with Māori in addressing these.
- *What is new about the proposed approach (how will it set the Crown and Māori up for success):* In essence it is the comprehensive nature, scope and scale of the partnership approach underpinning this initiative.
- *Stocktake of what agencies have done:* The only stocktake currently available is the 2018 Section 81 Report on progress in implementing Waitangi Tribunal recommendations, which includes an extensive Featured Report on Wai 262. I have attached a copy of this report.
- *More clarity on the intervention logic:* As advised in the bid and discussed on Tues this initiative is extensive and high level and therefore doesn't lend itself to a neat and specific intervention logic at this point. The logic map we included is as good as we can produce at this point given the high level framing of this initiative at this point. The later scoping and planning of specific initiatives in the early initiatives and later full work programme stages will include the development of more specific intervention logic for each initiative. Establishing the proposed partnership will in itself strengthen Māori Crown partnership, particularly given how extensive Wai 262 issues are, and working in partnership on a mutually agreed work programme would also strengthen that partnership (assuming all things going well of course). This initiative addresses two key aspirations of Māori, being partnership, and the resolution of longstanding Wai 262 issues.
- *Why does the Crown need extra funding beyond existing baselines to support the need for Māori to engage with Māori:* This is an integral part of the overall objective/need to establish some mechanism or structure representative of Māori and their rights and interests across the full scope of Wai 262 issues. This is not a small task and comes at a significant cost (including the Māori to Māori engagement) that has not been specifically factored into agencies funding or to other agencies priorities.
- *Co-design process in practice:* This is the subject of ongoing and further work, and will need to be subject to discussions with Māori.

Sorry for the delay in getting this through. This is a really complex bid, both in what it is trying to achieve and how the funding is proposed to be allocated (some baseline, some one-off contingencies and some multi-year contingencies). We are happy to meet again or to talk through any further questions you have or if anything in this email and the attached documents is unclear.

Andrew

Andrew Rewi

Principal Policy Analyst | Kaitātari Tumuaki
Kaupapa Here

Te Puni Kōkiri, National Office

Tauwaea DDI : s9(2)(g)(ii)

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Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand
PO Box 3943, Wellington 6140, New Zealand

From: Hanna Alder Ovenden [TSY] <Hanna.Alder@treasury.govt.nz>
Sent: Friday, 20 December 2019 3:16 pm
To: Nadia Ward <wardn@tpk.govt.nz>; Anaru Rewi <rewia@tpk.govt.nz>
Cc: Nicky Lynch [TSY] <Nicky.Lynch@treasury.govt.nz>; Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>; Ian Moore [TSY] <ian.moore@treasury.govt.nz>
Subject: Wai 262 Budget bid feedback

[IN-CONFIDENCE]

Kia ora Nadia and Andrew,

I, and a few key people here at Treasury, have taken some time to read the Budget bid for Wai 262 in detail and wanted to provide some feedback at this stage, to give you a chance to consider it before our final assessment is due on 13th January 2020.

Firstly, I want to emphasise that we very much support advancing the work on Wai 262 in 2020. We recognise the importance of no further delays to this process, and acknowledge the complexity of the issues that underpin the claim. However, we do see some challenges with the Budget bid in its current form which we think would be worth addressing, if possible, before the final assessment takes place. My overarching observation at this stage is that the proposed work programme is very large and broad, and at the same time lacks some essential clarity in a number of areas that makes it very difficult to support in full.

As I understand it, a considerable amount of work has been done, at various times over the years, on engagement, particularly on the Crown side. This previous work is not mentioned anywhere in the bid and in our view it would be useful to understand what lessons have been learned from past work on this, what is new about the proposed approach (how will it set the Crown and Māori up for success?) and what will actually be delivered as a result, specifically during the 2020/21 and 2021/22 financial years. Also not mentioned is the stocktake of what agencies have done since the Tribunal report was released, which would be key for identifying further initiatives to test in this next phase.

Related to this point is that there is a need for more clarity on your intervention logic. There isn't enough information there to understand how this proposal aligns with key aspirations raised by Māori. What is current state, the future state, and clearly prioritised steps to get there? The existing information remains very high level and lacks specificity. For example, what does a *stronger* Māori Crown partnership or *increased* social and cultural development actually mean in practice?

While we recognise and support the need for Māori to engage with Māori, it isn't clear why the Crown needs additional funding to do this beyond existing baselines. More information is also needed on how co-design of agreed initiatives would work in practice within this timeframe, including with whom.

Specific mention is made of the necessity of a 'learning by doing' approach, making it impossible to specify outcomes at this stage. Because of this, it would be my recommendation that you consider resubmitting a more streamlined bid, covering the next two years, which seeks support for Māori to Māori engagement, some piloting of 1-2 initiatives aligned to issues of high interest to Māori (it is my understanding that recommendations for this have come from several government agencies), followed by a series of hui rangatira and planning for the next phase. The next step would be to then submit a Budget bid in 2022 outlining a clear programme of work supported by the evidence generated in the previous two years, and a clear prioritisation of initiatives, deliverables and outcomes.

I realise that with the Christmas holidays this does not give you much time to consider and respond. This is actually my final day before going on parental leave is tomorrow. Jemma Jackson is on annual leave now until 6th January, which means that there is (depending on your own leave plans) a week before assessments are due. If you would like to discuss any of this feedback in more detail, please get in touch with either Kara Nepe-Apatu, Principal Advisor - Kara.Nepe-Apatu@treasury.govt.nz or Hana Ihaka-McLeod - Hana.Ihaka-McLeod@treasury.govt.nz, who have recently the Treasury as Principal Advisors, and are both very familiar with the issues.

Ngā mihi,

Hanna



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Hanna Alder Ovenden | Senior Analyst | Education & Population Agencies | **The Treasury** | **Te Tai Ōhanga – The Treasury**

s9(2)(g)(ii)

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Alex Colton [TSY]

From: Jemma Jackson [TSY]
Sent: Monday, 13 January 2020 10:41 AM
To: Nicky Lynch [TSY]
Cc: Ian Moore [TSY]
Subject: New spending 'other' assessments

[SEEMAIL][SENSITIVE]

Hi Nicky,

Below are my new spending 'other' budget bid assessments (the information I intend to provide to the Budget team today).

I have been working with Kara, Hana and Ian to land where I have. I haven't filled in the assessment template but will do this later in the week.

Let me know if you want to chat about this ☺

Wai 262 – Te Pae Tawhiti – Realising the benefits of partnership

Support scaled.

s9(2)(f)(iv)



Support scaled. This is a new spending 'other' initiative that is a Government priority and not aligned to specific Budget 2020 priorities. This initiative seeks funding for three components: resource to establish a whole-of-Government approach to address Wai262 issues and its operational costs, Māori organisation and to establish and resource [redacted] work programmes. We support partial funding for the three components for two financial years (20/21, 21/22) from the 'minimum viable option' but exclude funding for some elements: s9(2)(f)(iv)

progress [redacted] should be sought through future budgets when there is greater clarity regarding the work plan and expected outcomes and the significant stages, components and timeframes are developed through Māori Crown dialogue.

out of scope



out of scope



Ngā mihi,

Jemma



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Jemma Jackson | Education and Population Agencies | Te Tai Ōhanga – The Treasury

s9(2)(g)(ii)

| Email/IM: jemma.jackson@treasury.govt.nz

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Alex Colton [TSY]

From: Caitlin Daugherty-Kelly [TSY] <Caitlin.Daugherty-Kelly@treasury.govt.nz>
Sent: Tuesday, 28 January 2020 4:09 PM
To: Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>; Nicky Lynch [TSY] <Nicky.Lynch@treasury.govt.nz>; Allie Jarratt [TSY] <Allie.Jarratt@treasury.govt.nz>
Subject: RE: Wai 262

Awesome! Thanks all!

From: Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>
Sent: Tuesday, 28 January 2020 4:09 PM
To: Caitlin Daugherty-Kelly [TSY] <Caitlin.Daugherty-Kelly@treasury.govt.nz>; Nicky Lynch [TSY] <Nicky.Lynch@treasury.govt.nz>; Allie Jarratt [TSY] <Allie.Jarratt@treasury.govt.nz>
Subject: RE: Wai 262

Hi all,

Thanks for dealing with this while I was gone.

The latest numbers are all correct. And when working from the minimum viable option provided by TPK and removing the s9(2)(f)(iv) the numbers are:

Opex PA: 1.623
 Opex total: 6.494
 Capex total: 0.013

Which is what you have in the latest spreadsheet ☺

Ngā mihi,

Jemma

Jemma Jackson | Education and Population Agencies | Te Tai Ōhanga – The Treasury

s9(2)(g)(ii) | Email/IM: jemma.jackson@treasury.govt.nz

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From: Caitlin Daugherty-Kelly [TSY] <Caitlin.Daugherty-Kelly@treasury.govt.nz>
Sent: Friday, 24 January 2020 1:15 PM
To: Nicky Lynch [TSY] <Nicky.Lynch@treasury.govt.nz>; Allie Jarratt [TSY] <Allie.Jarratt@treasury.govt.nz>
Cc: Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>
Subject: RE: Wai 262

Duh! Why'd they put me in the Budget team? That's great – thank so much for all of your help

From: Nicky Lynch [TSY] <Nicky.Lynch@treasury.govt.nz>
Sent: Friday, 24 January 2020 1:14 PM

out of scope

From: Caitlin Daugherty-Kelly [TSY]
Sent: Friday, 24 January 2020 11:31 AM
To: Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>
Subject: Wai 262

[IN-CONFIDENCE]

Hey gal,

By **12:30** can you please check my below scaling and comment for the WAI bid?

C

Opex pa.a	Opex Total	Capex	VT Comment	Budget Comment
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<p>s9(2)(f)(iv)</p>	<p>This is a new spending 'other' initiative that is a Government priority and not aligned to B20 priorities. This initiative seeks funding for s9(2)(f)(iv) staffing resource for TPK s9(2)(f)(iv) to establish a whole-of-Government approach to develop work programme proposals and partnership models, resource to support Maori to engage in the process and identify priorities and to establish and resource s9(2)(f)(iv) work programmes. We support partial funding for all three components for two financial years only from TPK's 'minimum viable option' but exclude funding for some elements. Further funding should be sought through future budgets when there is greater clarity regarding the work plan, expected outcomes, significant stages and timeframes. Further scaling options possible.</p>	<p>This initiative relates to a Waitangi Tribunal ruling, made over 20 years ago, for which priorities within the scope of the claim are still being developed. The VT assessment provides 2 years of time-limited and scaled funding for: 3 dedicated FTE for TPK; s9(2)(f)(iv) the Māori Working Group, and funding to progress up to pilot initiatives. The s9(2)(f)(iv) There is a risk that without additional funding, s9(2)(f)(iv) and s9(2)(g)(f) We do acknowledge though, that in the absence of any further funding, TPK will struggle to progress the claim, which could increase Māori-Crown tensions, and pose reputational risks for the Crown.</p>
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Caitlin Daugherty-Kelly | Analyst | The Treasury / Te Tai Ōhanga
 s9(2)(f)(iv) | Caitlin.Daugherty-Kelly@treasury.govt.nz

Alex Colton [TSY]

From: Aidan Burch <Aidan.Burch@mbie.govt.nz>
Sent: Friday, 21 February 2020 9:22 AM
To: Jemma Jackson [TSY]
Cc: Scott Russell [TSY]; Nicky Lynch [TSY]
Subject: RE: A question around between budget contingency funding [IN-CONFIDENCE]

Hi Jemma – thanks very much for getting back to me so quick on this. I was pretty sure that would be the response, but in the interests of due diligence wanted to be able to say that we had considered all options and consulted TSY.

Cheers, Aidan

Aidan Burch

Senior policy advisor, Corporate Governance and Intellectual Property Policy
 Ministry of Business, Innovation and Employment | Building, Resources and Markets Group
 15 Stout Street | PO Box 1473 | Wellington 6140 | New Zealand | DX: SR57018

s9(2)(g)(ii)

Email: aidan.burch@mbie.govt.nz Web: www.mbie.govt.nz

NZBN 9429000106078

From: Jemma Jackson [TSY] [mailto:Jemma.Jackson@treasury.govt.nz]
Sent: Thursday, 20 February 2020 1:56 p.m.
To: Aidan Burch
Cc: Scott Russell [TSY]; Nicky Lynch [TSY]
Subject: RE: A question around between budget contingency funding [IN-CONFIDENCE]

[IN-CONFIDENCE]

Kia ora Aidan,

I have picked this up from Scott as I am the Vote Analyst for Te Puni Kokiri (TPK) and have been involved with some of the work on Wai 262.

From the Treasury's perspective, given the high threshold that needs to be reached, both in terms of justification and supporting information, we are not convinced that there is enough evidence of urgency for the Minister of Finance to agree to the request to access the BBC at this time of the year (see the Cabinet Office Circular CO(18)2).

Aside from not meeting BBC criteria, a Budget bid has been submitted to fund the Wai 262 work programme (of which funding is also sought to resource MBIE) in the new spending 'other' track for Budget 2020. Therefore all funding and policy decisions should be considered at the same time through the Budget process. If you are not close to the Wai 262 Budget bid I would suggest talking to TPK.

Additionally, it was of my understanding that the work programme was going to be agreed through Budget and Minister Mahuta has not yet confirmed that work on bioprospecting should commence.

Given the small amount of funding being sought compared to MBIE's baseline, I would suggest exploring options to absorb this within baselines if the work is a priority.

Please let me know if you have any questions or would like to discuss further.

Ngā mihi,

Jemma

Jemma Jackson | Education and Population Agencies | Te Tai Ōhanga – The Treasury

s9(2)(f)(iv)

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From: Aidan Burch <Aidan.Burch@mbie.govt.nz>**Sent:** Wednesday, 19 February 2020 3:05 PM**To:** Scott Russell [TSY] <Scott.Russell@treasury.govt.nz>**Subject:** A question around between budget contingency funding [IN-CONFIDENCE]

Hi Scott,

Wondered if our paths would cross again at some point! How are things going at TSY?

So, I have a question around seeking between budget contingency funding in 2019/20 to kickstart a piece of work in support of one Minister Mahuta's proposals for the Wai 262 response (Te Pae Tawhiti).

The very brief pitch is this s9(2)(f)(iv)

And yes, you are probably wondering why I am involved given this is not my area and you are not my Vote Analyst!! That's mainly an accident of history (and my own passion to get this important work kickstarted again), but I've chatted with Chris Bunny and Sarah Stevenson and it would be led out of Sarah's team. The issue, of course, is \$\$\$.

We think we only need around \$250-300k for this initial bit of work but we don't have it readily to hand and I need to flag that to Ministers in the briefing, along with options of where it might come from. For completeness, I need to explore this option too and am looking for a steer from you about what I could say.

Rather than make this email any longer than it already is, I'm happy to chat more (unless you can give me a couple of lines simply on the basis of this email) ... but time is against me as we need to get the briefing out asap!

Cheers, Aidan

Aidan Burch

Senior policy advisor, Corporate Governance and Intellectual Property Policy
Ministry of Business, Innovation and Employment | Building, Resources and Markets Group
15 Stout Street | PO Box 1473 | Wellington 6140 | New Zealand | DX: SR57018
Tel: s9(2)(g)(ii)

Email: aidan.burch@mbie.govt.nz Web: www.mbie.govt.nz

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Alex Colton [TSY]

From: Jess Jenkins [TSY]
Sent: Wednesday, 18 March 2020 3:23 PM
To: Sarah Bradley [TSY]
Cc: Jemma Jackson [TSY]
Subject: RE: Specific Fiscal Risks - unable to expire Wai 262 Risk in Vote Treaty Negotiations

Hi friend – sorted – Jem this has been added in to Maori Development. Please let your contacts know!

Jess



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THE TREASURY**

Jessica Jenkins (she/her) | Graduate Analyst, Budget Management | Te Tai Ōhanga – The Treasury

s9(2)(g)(ii) Email/IM: jess.jenkins@treasury.govt.nz

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Curious about why I share my pronouns on my email signature? [This article](#) explains.

From: Sarah Bradley [TSY] <Sarah.Bradley@treasury.govt.nz>
Sent: Wednesday, 18 March 2020 8:51 AM
To: McKay, Alida <Alida.McKay@justice.govt.nz>; CFISnet Helpdesk [TSY] <CFISnet@treasury.govt.nz>
Cc: Jess Jenkins [TSY] <Jess.Jenkins@treasury.govt.nz>
Subject: RE: Specific Fiscal Risks - unable to expire Wai 262 Risk in Vote Treaty Negotiations

[IN-CONFIDENCE]

Kia ora Alida

For several SFR rounds now, this risk has been sitting with Vote Māori Development. I've flagged this internally each time, but maybe the change has been reflected just in the SFR documents and not on CFISnet.

I don't know too much about the intricacies of this process, or what a Cabinet reference is required for, but see for example MCR-19-MIN-0008, which is a paper in the Māori Development portfolio about developing a Whole-of-Government Strategy for WAI 262.

I hope this helps. I have also CC'd Jess, who co-ordinates the SFR process, and might be able to provide more insight.

Thanks
Sarah

From: McKay, Alida <Alida.McKay@justice.govt.nz>
Sent: Tuesday, 17 March 2020 6:40 PM
To: CFISnet Helpdesk [TSY] <CFISnet@treasury.govt.nz>
Cc: Sarah Bradley [TSY] <Sarah.Bradley@treasury.govt.nz>
Subject: RE: Specific Fiscal Risks - unable to expire Wai 262 Risk in Vote Treaty Negotiations

I have had to put in a fictitious Cab reference for this to work.

Sarah are you aware of this transfer of responsibility for this Specific Fiscal Risk? I am not aware of a Cabinet reference for this, or even if it is relevant when an item is transferring. Would you have any more info on this?

Please let me know how you would like this item entered.

Thanks
Alida

From: McKay, Alida
Sent: Tuesday, 17 March 2020 6:28 PM
To: CFISnet Helpdesk [TSY] <CFISnet@treasury.govt.nz>
Subject: Specific Fiscal Risks - unable to expire Wai 262 Risk in Vote Treaty Negotiations

I understand that Vote Māori Development will be recognising this risk from now on. When I tried to expire this item it does not let me save it. The button is there, but nothing happens. My only option is to go back to the List. Do I need to do something else to expire this?

Thanks
Alida

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Thank you.

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Alex Colton [TSY]

From: Hana Ihaka-McLeod [TSY]
Sent: Tuesday, 21 April 2020 5:32 PM
To: Jemma Jackson [TSY]
Subject: FW: WAI 262

Kia ora Jemma

This is the only email I can find on WAI262, I'll take a closer look tomorrow, about to jump into another hui

Ngā mihi

Hana Ihaka-McLeod | Principal Advisor, Māori Capability Team | Te Tai Ōhanga – The Treasury

s9(2)(g)(ii)

| Email: hana.ihaka-mcleod@treasury.govt.nz

From: Hana Ihaka-McLeod [TSY]
Sent: Wednesday, 18 December 2019 8:16 am
To: Kara Nepe-Apatu [TSY] <Kara.Nepe-Apatu@treasury.govt.nz>
Cc: Hanna Alder Ovenden [TSY] <Hanna.Alder@treasury.govt.nz>
Subject: RE: WAI 262

Kia ora e hoa

I absolutely agree that WAI 262 is crucial work. s9(2)(g)(i)

My feedback is as follows after a very quick scan:

- Lack of problem definition, or information about how this is indeed a “new” approach which has learned from past failures, and sets the Crown and Māori up for success. Also no information about how this proposal aligns with key aspirations raised by Māori. I’m looking for clear intervention logic – what is current state, future state, and clearly prioritised steps to get there. I couldn’t see their intervention logic map on page 12?
- Whole of government approach – lacks detail and logic about why more money is required for the Crown to address WAI262 issues in an integrated way, and why they cannot do this work within existing baselines.
- Māori organisation – absolutely support this component of the bid. Māori have raised for years that it is against natural justice for them to pay for often significant costs to engage with the Crown.
- Work programme – lacking detail about what will be delivered, and appears to be another year of the Crown still organising itself. Many government agencies recommended one or two pilots over the next 12 months that aligned to issues of high interest to Māori, which is loosely reflected in “early initiatives” on page 9. More information needed, including why the Crown needs additional funding to do this beyond baseline. How co-design on agreed initiatives will work in practice is not clear within this timeframe.
- Regarding the stocktake – this has already been done.
- s9(2)(f)(iv) and s9(2)(g)(i)

- Monitoring and reporting – looking for something much more robust than this, with clear measures of success, clear accountabilities.

In terms of options, I too would lean more towards the minimum viable option. The priority from my point of view is getting the Māori engagement funding up and running. s9(2)(g)(i)

I've booked some time in for us to discuss this at 10 ☺

Ngā mihi

Hana Ihaka-McLeod | Principal Advisor, Māori Capability Team | Te Tai Ōhanga – The Treasury

s9(2)(g)(ii)

| Email: hana.ihaka-mcleod@treasury.govt.nz

From: Kara Nepe-Apatu [TSY] <Kara.Nepe-Apatu@treasury.govt.nz>

Sent: Tuesday, 17 December 2019 10:29 pm

To: Hana Ihaka-McLeod [TSY] <Hana.Ihaka-McLeod@treasury.govt.nz>

Cc: Hanna Alder Ovenden [TSY] <Hanna.Alder@treasury.govt.nz>

Subject: FW: WAI 262

Kia ora e hoa,

Hanna has kindly shared the Wai262 Budget bid with us for comment. Hanna is about to go on parental leave but any comments we can share with her before the end of the week would be appreciated. Although I know our time is quite stretched at the moment with the likes of the LTFs.

I did a quick scan tonight and I have so many questions for TPK. In short, my view is that there isn't enough *detail* to support the proposal, particularly the rationale for funding. I get the point that a response to Wai262 is needed. What I don't see in the bid is a clear problem definition, explanation for the long delay, the level of prioritisation across what is needed or a clear timeline, whether baseline funding can be sourced and a stocktake of what agencies have done since the Tribunal report was released (this may be detailed in the August 2019 report. I have not yet read it). For example, the education chapter of the Wai262 report focused on the very first Ka Hikitia – Māori education strategy, we are now on to the third edition. We might find that a number of the recommendations of the report have been responded to or out of date. Māori and Iwi needs, views and innovation have also shifted since then. To me, it's obvious that engagement needs to occur first to ensure we identify the current state, the ideal state and prioritise the steps/deliverables to get there, which may generate the content for a work programme/plan.

I lean more towards the minimum viable option of undertaking the engagement phase s9(2)(f)(iv) completing a stocktake exercise across agencies (if they haven't already), scoping the work programme and potentially testing 1-2 initiatives. This would roughly take two years and recommend TPK come back with a stronger budget bid in 20/21 or 21/22 with a developed work programme that has clear prioritisation of initiatives, deliverables and outcomes.

These are just my initial thoughts. Hana, your insights on this would be good given your experience on the Wai262 is more recent than mine.

It would be great to meet and discuss, if possible.

Ngā mihi

Kara

Kara Nepe-Apatu | Principal Advisor | Māori Capability Team | Te Tai Ōhanga – The Treasury

s9(2)(g)(ii)

Email: Kara.Nepe-Apatu@treasury.govt.nzVisit us online at <https://treasury.govt.nz/> and follow us on [Twitter](#), [LinkedIn](#) and [Instagram](#)**TE TAI ŌHANGA
THE TREASURY****From:** Hanna Alder Ovenden [TSY] <Hanna.Alder@treasury.govt.nz>**Sent:** Tuesday, 17 December 2019 4:09 pm**To:** Kara Nepe-Apatu [TSY] <Kara.Nepe-Apatu@treasury.govt.nz>**Cc:** Jemma Jackson [TSY] <Jemma.Jackson@treasury.govt.nz>**Subject:** WAI 262

[IN-CONFIDENCE]

Kia ora Kara,

Thanks so much for your time just now – great to meet you and talk.

As discussed, see attached a soft copy of the WAI 262 Budget 2020 bid. Thank you for agreeing to take a look at this with Hana, really appreciate your insights into this one.

Let me know if you have time to meet again before I leave on Friday to download any thoughts you might have. In the New Year, the person to connect with on this will be Jemma Jackson (who is currently on leave and cc'd here).

Ngā mihi

Hanna

**TE TAI ŌHANGA
THE TREASURY****Hanna Alder Ovenden** | Senior Analyst | Education & Population Agencies | **The Treasury** | **Te Tai Ōhanga – The Treasury**

s9(2)(g)(ii)

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