

Māori engagement across the infrastructure system

Te whakapāpā a ngāi Māori huri noa i te pūnaha tūāhanga

State of Play



He kai kei aku ringa

There is food at the end of my hands



New Zealand Infrastructure Commission | Te Waihanga

New Zealand's infrastructure is the roads we use to get to work or move goods to market, the power connections that heat our homes, the schools where our children learn, the hospitals that heal us. It's a system, supporting almost everything we do, and this means the decisions we make about it affect us all. Because of the long life and size of our infrastructure, these decisions can also have an impact for decades, even centuries and involve millions or billions of dollars.

The New Zealand Infrastructure Commission | Te Waihanga (Te Waihanga) helps government and others to shape this system, to grow wellbeing and drive a strong economy. We look to the long term, identifying issues and the actions New Zealand can take to improve. We developed New Zealand's first Infrastructure Strategy, using research, evidence and the views of New Zealanders to set out the issues we face, and the changes needed over the next thirty years to build a better New Zealand. Following its release, we're working to help track progress against this Strategy and be a catalyst for its success. We continue to share critical insights into issues that impact our infrastructure, carrying out our own investigations and engagement, shining a light on further opportunities for change.

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He whakarāpopototanga o ngā kitenga

Ko te tūtohunga 1(a) o te Rautaki Hanganga o Aotearoa e whai ake nei:

Ki te tiro whānui “Ki ngā whakahaerenga” o ngā mahi whakapāpā Māori ināia tonu nei, e pā ana ki ngā tūāhanga, hei whakamōhio, hei whakamātau hoki i ngā kaipānui he pēhea te whakapāpā me te mahi tahi o ngā kaiwhakarato tūāhanga i te taha o ngāi Māori, e mahi pai ai mō ngāi Māori me ngā kaiwhakarato tūāhanga.

E rua ngā āhuatanga whakapāpā e kawea ana i tēnei mahi – (1) Ko te whakapāpā o ngāi Māori i runga o ngā tūtohi e tīmatahia ana e ētahi atu, (2) ko te whai wāhi whānui a ngāi Māori ki ngā tūāhanga(hei tauira, hei rangatira, hei kaihaumi rānei i roto i ngā tūāhangame te whakaurunga o ngā pakihi Māori me ngā tāngata e mahi ana mā te tūāhanga). E titiro ana tēnei ripoata ki te āhuatanga tuarua o tēnei whakapāpā’

Ko Ngā Rōpū Mana Whenua Hei Kaihaumi

I runga i tā mātou whai wāhi atu ki te rangahau a Te Waihanga ki te whakapāpā o ngāi Māori i te rāngai tūāhanga, nā mātou i:

- arotake ngā ripoata ā-tau e wātea māraakerake ana ki te katoa, ngā rautaki me ētahi atu tuhinga hinonga e whakahaere ana, e haumi ana i ngā rawa a ngā iwi, a ngā hapū rānei. (Ngā Tuhinga Pūtea Mana Whenua)
- tā moko te tikanga rangahau tātaritanga inekounga, hanga huinga raraunga e pā ana ki ā rātou huinga rawa, rautaki mahi haumi me ngā haumi o nāianei me ērā kei te haere tonu mai e pā ana ki ngā haumi tūāhanga.

I titiro hoki mātou ki ngā raraunga a Tatauranga Aotearoa e whakaatu ana he pēhea te haupū moni a ngā hinonga mana whenua ki ngā mahi haumi.

Mai i tā mātou arotake i aua raraunga ka kitea e mātou ki te haumi tētahi rōpū Mana Whenua ki tētahi mahi haumi ka taka iho ki te whakaaro mehemea mā te mahi haumi nei te huinga haumitanga matua ka:

- whiwhi i te kapewhiti e hiahia ana (kia taea ai e te rōpū te mahi i ana mahi, ki te toha pūtea hoki ki ana mema) me te whakarato hoki i te tipuranga ā mua o te rironga matua a te rōpū
- whakaaro hoki mehemea he kanorau ā rātou rawa kia iti ai te ngaronga pūtea i roto i tētahi karangatanga rawa, momo haumi, ahumahi, rāngai, rohe matawhenua rānei.

Ka whakaaro anō hoki ētahi rōpū mana whenua mehemea ka tutuki i te haumi ēnei āhuatanga:

- ka noho haepapa ki te taiao
- ka waihangatia he āheinga mahi
- ka hāngai ki ngā tikanga (arā, te hātepe tika, te ritenga, te kawa), ki te tirohanga ā-ao, ki ngā uara rānei o te rōpū

Titiro ai ngā rōpū Mana Whenua mehemea ka taea e rātou te haumi i tētahi kaupapa e kore ai rātou e:

- kawea nama nunui e nama ana ki ngā kaituku nama rāwaho
- tuku pānga nui whakaharahar0061 e pā ana ki te rangatiratanga o tētahi rawa ki ngā kaituku nama rāwaho

Ki te haumi ngā rōpū mana whenua ki tētahi kaupapa ka taka iho ki tō rātou tere mōhio ki te āheinga ki te haumi ki taua kaupapa ā, e hiahia ana ngā hoa pātuinga haumi pitomata ki te whakauru atu i ā rātou.

Ko tētahi huarahi e whāia ana e ētahi rōpū mana whenua e hāngai ana ki ētahi o ngā take nei, ko te whai wāhi atu ki ngā pūtea haumi kua hoahoatia kia āhei ai ngā rōpū mana whenua taurea ki te whakakotahi i ā rātou pūrawa haumi.

Te haumi ā-rōpū a ngāi Māori ki te tūāhanga i te wā nei

Mai i tā mātou arotake i nga Tuhinga Pūtea Mana Whenua i kitea e mātou (me ētahi rerekētanga whaitikanga i roto i te ngako o tēnei rīpoata) ināia tonu nei ko ētahi rawa tūāhangaa ngāi Māori e whakahaeretia ana e ngāi Māori e hāngai atu ana ki ngā hapori, ā, e whakarato ana ki ngā hapori he nui noa te ōrau o ngāi Māori.

Ko ngā raraunga me ngā Tuhinga Pūtea Mana Whenua kua taea mai i te Tāhuhu o te Mātauranga, ngā Pirihimana o Aotearoa, me Te Manatū Ture e whakaatu ana hoki nō ngā mana whenua ngā whenua e kitea ai te huhua o ngā tūāhangapoutū kāwanatanga (ina koa, ngā kura, ngā whare kōti, ngā ratonga Pirihimana). Ko te nuinga o aua whenua i riro mai i raro i ngā whakaritenga whakataunga (Whakataunga) Tiriti o Waitangi mō te whakawhiti me te rīhi. Kua hangaia e ētahi rōpū Māori ngā ratonga tūāhangapoutū whaitake i runga i ngā whenua o ngā rōpū ka rīhi atu ki tētahi kaiwhakarato tūāhanga— haere te wā, ko te nuinga o ēnei he whare kōti me ngā ratonga pirihimana. Ko te rangatiratanga o ngā whenua kei runga ngā tūāhangapoutū kāwanatanga e tū ana, e whakawhiwhi kapewhiti (reti)ana, ā, e tautoko ana i te whanake wā roa o te rironga matua o te rōpū ina hoki ka nui ake te tūpono ka piki te uara o te whenua i roto i te wā waenga, wā roa rānei. I ētahi kēhi kua hinga atu te rironga matua o te rōpū ki tētahi āhuatanga kotahi (hei tauira: ngā pae kura) i ērā kēhi ka kitea ngā pae e marara ana i tētahi matawhenua nunui e whakaheketia ai te mōrearea ka heke te uara o ā rātou rawa. Kei ētahi kēhi anō kua kawea e tētahi rōpū mana whenua, he nama rāwaho hei whakamahi i ngā mōtika Whakataunga kia taea ai te hoko i ngā rawa nei. I te nuinga o ngā kēhi nei kua whakamahia e rātou ngā pūtea haumi huhua ā-rōpū mana whenua hei whakamāmā i te taumahatanga nama, me te whaihua o taua haumi.

I kitea e tā mātou arotake i ngā Tuhinga Pūtea Mana Whenua me ngā pātengi raraunga hāngai ko ētahi o ngā rōpū mana whenua nei e whai pānga iti ana i ngā kaiwhakarato tūāhanga, he pānga i ngā kaupapa hawai e mahi ana i ō rātou whenua, me ngā pānga i ētahi atu pūtea haumi e haumi ana ki ngā tūāhanga.

Ngā pakihi Māori hei kaiwhakarato i te rāngai tūāhanga

Ahakoa kua whakamana ināia tata nei Te Waihangā i te rangahau inerahi ko wai ngā kaimahi tūāhangao Aotearoa (titiro ki raro), i tēnei wā he iti noa ngā raraunga e whakaatu ana e hia, he aha rānei ngā pakihi Māori e mahi ana hei kaiwhakarato i te rāngai tūāhanga.

‘Mai i tā mātou arotake i ngā kitenga o ngā āhuatanga rangahau inerahi, inekounga hoki i ngā pakihi Māori, me ngā uiui i te hunga whai wāhi ki te rāngai tūāhanga, me ngā mātanga kaitaonga kua kitea e mātou e whai ake nei:

- Ko te nuinga o ngā pakihi Māori me ngā pakihi o Aotearoa katoa, he iti noa. I tēnei wā tonu kāore he pakihi Māori i Aotearoa nei e whai raukaha ana kia tohua hei kaiwhakahaere matua i runga i tētahi pūtere tūāhanga tino nunui. (i ētahi wā e mōhiotia ana he kaikirimana ‘Upāne 1’).
- Kei mua i te aroaro o ngā pakihi Māori iti, wawaenga hoki ngā ārai e pā ana ki te whiwhi kirimana ki te mahi i ngā pūtere, hōtaka tūāhangarānei. E tinga ana e pā kaha ana te nuinga o ēnei ārai ki ngā pakihi iti, wawaenga rānei o Aotearoa. Nā reira ko ngā whakatikatika tōtika ka hoahoatia hei rongoā i ēnei ārai, ka whaihua mō ngā pakihi iti, wawaenga hoki, Māori mai, Pākehā mai.
- I ētahi wā, he uaua ake ki ngā pakihi Māori te tono pūtea i ētahi atu pakihi. Ka pā kino pea tēnei ki tō rātou āhei ki te whakapiki ake, ki te hoko taputapu, utauta rānei, ki te whai i tētahi kirimana tūāhanga.

He huhua noa ngā whakaaro kua whakatakotoria mō te whakarahi ake i ngā āheinga mō ngā pakihi Māori ki te whai wāhi atu ki ngā kaupapa kāwanatanga, tūāhangarānei. E arotahi ana mātou ki ētahi whakaaro e rua i tēnei rīpoata:

- ngā hua ki te kiritaki ki te āhei atu ki tētahi kāhui kaiwhakarato whānui ake (arā, e pā ana ki te manawaroa, whakataetae, whakatipu i te kāhui pūkenga, tohungatanga hoki me te whai painga i ngā hononga ki te whānui o ngā tāngata).
- he rangahau inerahi e whakaatu ana, hui katoa he nui ake tā ngā pakihi Māori tuku mahi ki ngā kaimahi Māori, ā, ka nui ake tā rātou toha i ngā painga ki ā rātou kaimahi. Nā reira, e tinga ana ka puta he painga mō te whai mahi a ngāi Māori me te oranga o ngā whānau mā te whakarahi ake i ngā pakihi Māori e mahi ana i ngā kaupapa tūāhanga.

Ngā huarahi e rua e whakahaeretia ana ināiaei ki te whakapiki i te whai wāhi atu aa ngā pakihi Māori hei kaiwhakarato i e rāngai tūāhangako ēnei:

- ko te whātoro tika atu ki ngā pakihi Māori
- ko te whakatakoto whāinga, whakarite here rānei ki ngā kaikirimana matua kia rahi ake ai ngā āheinga mā ngā pakihi Māori.

Ko te otinga ake o ngā mātāpono me ngā paeuru i Ngā Ture Kaitaonga a te Kāwanatanga o Aotearoa ka whakawhātingia te kaha o ngā pūtahi ki te tohu tonu i ngā kaiwhakarato. Kei raro iho, ka pā rānei aua ture ki ngā pūtahi tonu anō. Heoi anō, kei ētahi wā ka tohu tōtika tonutia ngā pakihi Māori mō ētahi kirimana tūāhanga (rāwaho).

E tohu mai ana ā māua uiuinga e rua i te taha o ngā kaimahi rāngai tūāhangame ngā mātanga kaitaonga, me ētahi atu rangahau tūturu, he uauatanga ki te hoahoa me te whakatinana huarahi e aro ana ki te hanga āheinga mō ngā pakihi Māori ki te whai wāhi atu ki ngā mahi rāngai tūāhanga e pā ana ki:

- Te whakarite keonga e pā ana ki te tohu, ki te whakapau moni i te taha o ngā pakihi Māori
- Te whakarite i ngā kaikirimana matua hou ki te whakauru pārongo he pēhea tā rātou hanga āheinga mā ngā pakihi Māori.

Te whai wāhi a ngā Māori te ohumahi tūāhanga

Nā ngā rangahau inerahi o kō tonu ake nei, i tonoa e Te Waihanga, i kite he paku nei te teitei ake o te hautanga Māori kei roto i te ohumahi tūāhangao Aotearoa i tērā o ngā Māori i roto i te taupori pakeketanga mahi o Aotearoa. Heoi anō kei te tokoiti a ngāi Māori i ngā tūnga ngaio, me ngā tūnga whakahaere i te ohumahi tūāhangapēnei i ngā tūnga pūhanga ngaio me ngā tūnga pūhanga whakahaere.

E whakaatu ana ngā matapae popono ohumahi a Te Manatū Hikina Whakatutuki me Te Waihanga i 2022 me 2023 tērā te tūpono kia nui ake te whakamahia o ngā kaimahi Māori i te ohumahi tūāhanga whānui. He teitei noa ake i ērā o ngā ngā tatauranga kore mahi, iti noa rānei te whiwhi mahi o ngāi Māori i ērā o te taupori wātea ki te mahi o Aotearoa, ka mutu i ngā tau 2022, 2023 i matapaengia te piki o ngā kaimahi rāngai

tūāhangai te wā poto ā neke atu rānei (ina koa rā i ngā rohe pēnei i Te Tai Rāwhiti. He nui nei tōna taupori Māori kua wātea nei ki te mahi). Ko te matakite hanga whare, tūāhangahoki a MBIE mō te tau 2023, e karanga ana ka piki haere ngā mahinga tūāhangatae noa ki te tau 2026 me te whakatau anō i te wā o te tuhinga, kei te arotaketia e te rāngai tūmatanui ngā hoahoa mō ngā hōtaka mahi i te wā te heke iho nei.

Kua kitea i muri iho i tā mātou arotakenga i ngā Tuhinga Pūtea Mana Whenua me ā mātou uiuinga i te hunga whakauru me ngā mātanga kaitaonga tērā ngā kaupapa e hāngai ana ki te whakawhanake i te whakauru atu i a Ngai Māori ki roto i te rōpū mahi tūāhanga.

- Ko ētahi o ēnei kaupapa he hōtaka e hāngai ana ki te āwhina kaimahi Māori e timata ana i roto i ngā kaimahi tūāhanga.
- Ko ētahi ka whirinaki atu ki ngā kaitono matua hei whakarite tono me pēhea tā rātou whakawhiwhi mahi me te tautoko i ngā kaimahi Māori. Pērā anō me ētahi tono rite tonu e pā ana ki te akiaki i ngā kaitono matua ki te waihanga āheinga mō ngā pakihi Māori ki te whai wāhi atu ki te mahi tūāhanga: he tino wero whai kiko kei ēnei tono.

E tūtohu ana ngā tatauranga a te Tāhuhu o te Mātauranga puta noa i ngā mātāi ako, e kore e taea e ngā tauira ahumahi Māori me ngā tauira mahi Māori te whakatutuki i ā rātou tohu i roto i te rima tau pērā i ērā tauira ahumahi, tauira mahi hoki i Aotearoa. He maha ngā hinonga a ngā Rōpū Mana Whenua e (mahi ana ko rātou anake, i te taha rānei o ngā kamupene kirimana, i ngā wānanga,¹ i ngā hinonga kāwanatanga rānei) whakahaere hōtaka ana hei tautoko i ngā kaimahi me ngā tauira Māori i roto i ā rātou whakangungu mahi ā-rehe, akoranga mahi ā-rehe rānei.

Kei te whakahaere rangahau te Waihanga Ara Rau e arotahi ana ki ngā uiuinga me:

- ngā pakihi Māori me ngā kaihoko Māori anake e mahi ana i ngā mahi hanganui me ngā tūāhanga.
- ngā kaituku mahi e 75 ōrau ngā kaimahi Māori e mahi ana i ēnei rāngai.

ki te tautuhi i ngā wero, i ngā āheinga kei mua i ngā kaimahi Māori kāmura me te tūāhangatūāhanga ka whakawhanake i ētahi tūtohu ki Te Amorangi Mātauranga Matua.

Kua tirohia e mātou ngā tatauranga a Te Tāhuhu o te Mātauranga, a Hanga-Aro-Rau me ētahi atu rangahau e pā ana ki te pūhanga ki te kimi

¹ Arā ngā whare wānanga, ngā wānanga, Te Pūkenga me ngā pūtahi whakangungu tūmataiti

māramatanga he aha a ngāi Māori e kore nei e puta ki ngā tūnga mana whakahaere, pūhanga ngaio i roto i ngā kaimahi tūāhanga. Ko ngā āhuatanga e pā ana ki tēnei ko:

- Ngā wheako o mua te take i tōraro ai ngā whakaurunga pūhanga Māori
- Kāore e tutuki i ngā tauria Māori e tīmata ana i ngā Tohu Paetahi me ngā Tāhū Paetohu ki te ako i te pūhanga ngaio (me ngā hangarau ōrite)
- Ko ngā Māori e whiwhi ana i te tohu whakanao, hānga rānei e kore e (a) whaimahi, (b) e kore rānei e pupuri tonu i tō rātou tūnga e rima tau i muri o te whiwhinga i ō rātou tohu.

Kei te whakawhanake a Hanga-Aro-Rau i tētahi Rautaki Whakawhanaketanga Kaimahi Māori. Kua whakaritea e ngā kaiwhakarato Tūāhanga, ngā kamupene kirimana me ngā mātanga ngaio e kawea ana i ngā mahi rāngai tūāhanga, ā, kua whakaritea he kaupapa ki te whakapiki ake i te whai wāhi atu a ngā Māori i ngā tūnga ngaio me ngā tūnga kaiwhakahaere matua i roto i ō rātou whakahaere.

Ko ngā Māori hei kaiwhakamahi i ngā tūāhanga

I ngā tātaritanga otinga rangahau i whakamanatia e Te Waihanga ina tata tonu nei, i kitea puta noa i ngā rōpū e rua, kāore he rerekētanga o te utu tūāhangao ngā kāinga Māori ki ngā kāinga o tangata kē. He maha ngā take tūāhangaka pā, tērā pea rānei ka pā ki te maha o ngā poraka kaipupurirau Māori. He āhuatanga e wātea ana hei kimi, hei whakatika i ngā take whakapōrearea, ā, kei te haere tonu ngā rangahau e pā ana ki ētahi.

Heoi anō, he āputa tino tāpua kei ngā pārongo matawhenua e wātea ana e pā ana ki ngā whenua kaipupurirau Māori mehemea e whakakītia ana, ka taea te āwhina i ngā rōpū Māori, kāwanatanga ā-rohe ki te whakawhanake whakautu ki te whakatika i ngā kaupapa e patu

ana i te whenua. Ko ngā wāhi kua mōhiotia ngā āputa pārongo ko ēnei:

- ngā pārongo kei hea ngā papa kāinga (ngā kāinga, ngā tūmomo whanaketanga ā-ahurea i runga i ngā whenua tuku iho) me ngā tūāhanga o te wā neie hāpai ana i aua whanaketanga.
- ngā pārongo ā-rohe e taea ai te aromatawai i te hōhonu o te aronuku, te arowai, te auhekenga ētahi atu āhuatanga ōrite e pā ana ki ngā poraka whenua Māori e whakararuraru ana i te whakawātea i ngā wai tūpuhi me ngā wai para
- ngā pārongo e whakamōhio mai ana e hia ngā whenua kaipupurirau Māori kāore he āheitanga ki tētahi huarahi ture, kāore hoki he āheitanga mā tētahi atu tukanga pēnei i te ara tika, he kirimana āheitanga rānei kua rekoatatia e Te Kooti Whenua Māori.
- ngā pārongo e pā ana ki te hokaitanga o ngā whenua kaipupurirau Māori kei roto, kei te taha rānei i ngā whaitua tāone e whiwhi pūnaha tūnuku tūmatanui ana, āwhinatia ana e ngā pūnaha tūnuku tūmatanui.

Ko ngā mahi e kawea ana hei whakakīki i aua āputa e tika ana kia arotahi ki ngā kaupapa e pā ana ki te pūtea, mātau matihik tae atu ki te rangatiratanga, putunga me te whakamahinga hoki o te mātauranga Māori

He āheinga anō e pā ana ki te rangahau

I ngā kōrerorero e pā ana ki tēnei rīpoata kua kitea e mātou ētahi anō āheinga e pā ana ki te rangahau kāore nei e taea te whai atu i tēnei wā. Hui katoa ēnei ko:

- Te titiro hōhonu ki ngā rōpū mana whenua e whai pūtea ana hei haumi, hei hoa haere kōtui e pā ana ki ngā tūāhanga.
- Te wāhi o te whakangungu me te mātauranga ki te āwhina, ki te whakawhanake i te whai wāhi atu a ngāi Māori i tēnei rāngai
- Te wāhi o ngā rōpū mana whenua hei kiritaki i roto i te whanaketanga o ngā pūtere tūāhanga.
- Te pitomata ki te ine i te tāpaetanga kua mahia e ngā rōpū mana whenua ki te whakawhanaketanga tūāhanga.

Summary of findings

Recommendation 1(a) of Rautaki Hanganga o Aotearoa | the New Zealand Infrastructure Strategy (Strategy) is:

Undertake a 'State of Play' of current Māori engagement activity for infrastructure to help inform and educate readers on how infrastructure providers can engage and work with Māori in a way that works for Māori and infrastructure providers.

There are two aspects of 'engagement' as used in this work – (1) Māori engagement on infrastructure proposals initiated by others; and (2) wider involvement of Māori in infrastructure (for example as owners of or investors in infrastructure and direct participation by Māori businesses and individuals in the infrastructure workforce). This report relates to the second aspect of 'engagement'.

Mana Whenua Groups as investors

As part of the New Zealand Infrastructure Commission | Te Waihangā research into Māori engagement in infrastructure, we:

- reviewed the publicly available annual reports, strategies and other relevant documents of entities which manage and invest assets on behalf of 31 specific iwi or groups of hapū (Mana Whenua Financial Documents)
- applying the qualitative content analysis research method, created data sets regarding their net assets, investment strategies and current and planned investment in infrastructure.

We also looked at Stats NZ data regarding how mana whenua entities fund and finance investment.

From our review of that data we found that whether a mana whenua group invests in a particular initiative is likely to depend on whether, with that investment, their overall investment portfolio would:

- deliver the necessary cash flow (to enable the group organisation to function and distributions to be made to group members) while also providing for long-term growth in the group's asset base
- be sufficiently diversified to minimise the risk of large losses within one asset class, investment type, industry or sector, or geographic location.

A number of mana whenua groups are also likely to take into account whether an investment would:

- be environmentally responsible
- create employment opportunities
- align with tikanga (correct procedure, custom, or lore), or the groups' world view or values.

Mana whenua groups also tend to place weight on whether they can invest in an initiative without:

- taking on a significant amount of debt owed to external creditors
- granting external creditors a significant share in the ownership of a group asset or entity.

Whether a mana whenua group invests in initiative will also depend upon whether they find out about the opportunity to invest in that initiative and potential investment partners are willing to involve them.

An approach some mana whenua groups are adopting which addresses a number of these matters is participating in investment funds specifically designed to enable multiple mana whenua groups to combine their investment capital.

Current Māori group investment in infrastructure

From our review of Mana Whenua Financial Documents, we found that (with some notable exceptions discussed in the body of this report), currently infrastructure assets that are both owned and operated by Māori groups tend to be at community-scale and serve communities that include a high proportion of Māori.

The Mana Whenua Financial Documents and data obtained from the Ministry of Education, NZ Police and the Ministry of Justice also show that mana whenua groups own the land on which significant amounts of central government vertical infrastructure is located (particularly schools, courthouses and NZ Police facilities). The majority of that land was acquired under Treaty of Waitangi / Te Tiriti o Waitangi settlement (Settlement) transfer and lease-back provisions. Some Māori groups have developed purpose-built vertical infrastructure facilities on group-owned land which they lease to an infrastructure provider – to date these have primarily been courthouses, and NZ Police facilities. Ownership of sites on which central government vertical infrastructure is located both delivers cash flow (rent) and provides for long-term growth in a group's asset base as the value of the land is likely to increase over the medium- to long-term. While in some cases this has meant that a mana whenua group's asset base is heavily weighted to one type of property (for example school sites) in those cases the sites are located across a reasonably large geographic area which reduces the risk of them not holding their value. While in some cases a mana whenua group has taken on external debt to exercise Settlement rights to acquire these properties, in a number of cases they have used multiple mana whenua group investment funds to spread both the burden of that debt and the benefit of the investment.

Our review of Mana Whenua Financial Documents and relevant databases found that some mana whenua groups also own minority shareholdings in infrastructure providers, shares in irrigation schemes which serve land they own, and shares in other investment funds that invest in infrastructure.

Māori businesses as suppliers in the infrastructure sector

While Te Waihangā has recently commissioned quantitative research on who New Zealand infrastructure workers are (see below), there is currently a lack of data on how many, or what kind of, Māori businesses are working as suppliers in the infrastructure sector.

From our review of the findings of a range of recent quantitative and qualitative research into Māori businesses and interviews with infrastructure sector participants and procurement specialists we have found the following.

- Most Māori businesses, and most New Zealand businesses overall, are small. Currently there are no Māori businesses in New Zealand which have the capacity to be appointed as the head contractor on a large infrastructure project (sometimes called a 'Tier 1' contractor).
- Small to medium Māori businesses currently face barriers in obtaining contracts to work on infrastructure projects or programmes. Many of those barriers likely affect most small to medium New Zealand businesses. Therefore, appropriately designed interventions to address those barriers would be likely to benefit both Māori and non-Māori small to medium enterprises.
- Māori businesses can sometimes face greater difficulties in accessing capital than other businesses. This can affect their ability to scale up, or buy equipment or plant, to take on an infrastructure contract.

A wide range of reasons have been given for increasing opportunities for Māori businesses to participate in government or infrastructure initiatives. In this report we have focused on two:

- the benefits to a buyer of having a broader supplier pool (in terms of resilience, competition, growing the pool of skills and expertise, and leveraging connections to a wider range of people)
- quantitative research which shows that overall Māori businesses employ a greater proportion of Māori employees and share a greater proportion of their value add with their employees, so that increasing the proportion of Māori businesses involved in infrastructure

initiatives would likely have follow-on benefits for Māori employment and whānau (family group) wellbeing.

Two approaches currently being taken to increase the participation of Māori businesses as suppliers in the infrastructure sector are:

- directly sourcing Māori businesses
- setting targets for, or imposing obligations on, head contractors aimed at increasing opportunities for Māori businesses.

The principles and requirements in the New Zealand Government Procurement Rules mean there are limits to the extent to which agencies that are subject to, or apply, those Rules can directly appoint suppliers. However, in some circumstances Māori businesses are being directly sourced for infrastructure (sub)contracts.

Both our interviews with infrastructure sector participants and procurement specialists and other recent research indicate that there are real practical challenges in designing and implementing approaches aimed at creating more opportunities for Māori businesses to participate in government or infrastructure sector work which involve:

- setting targets around appointing, or spend with, Māori businesses
- requiring prospective head contractors to include information in their bids on how they will create opportunities for Māori businesses.

Involvement of Māori individuals in the infrastructure workforce

Recent quantitative research commissioned by Te Waihanga has found that the proportion of Māori in the overall New Zealand infrastructure workforce is slightly higher than the proportion of Māori in the New Zealand working age population. However, Māori are under-represented in professional and manager roles in the infrastructure workforce, such as professional engineering and engineering manager roles.

Ministry of Business, Innovation and Employment (MBIE) and Te Waihanga workforce demand projections from 2022 and 2023 indicated that there was also the potential for greater utilisation of Māori workers in the infrastructure workforce overall. Current unemployment and

underutilisation rates for Māori are significantly higher than they are for the New Zealand working age population as a whole and in 2022 and 2023 the demand for infrastructure sector workers was projected to increase in the short to medium term (particularly in some areas like Tairāwhiti (Gisborne) which have a high proportion of Māori in the working age population). MBIE's 2023 forecast of building and construction activity, published in February 2024, forecast infrastructure activity to increase steadily year on year to 2026 but noted that, at the time of writing, the public sector was reviewing plans for future work programmes.

Our review of Mana Whenua Financial Documents and interviews with infrastructure sector participants and procurement specialists have identified that there are a number of initiatives aimed at increasing Māori participation in the infrastructure workforce overall.

- Some of those initiatives are programmes aimed at supporting Māori workers starting out in the infrastructure workforce.
- Others require prospective head contractors to provide proposals in their bids regarding how they would employ and support Māori workers. As with similar approaches aimed at encouraging head contractors to create opportunities for Māori businesses to participate in infrastructure, there are real practical challenges with those approaches.

Ministry of Education statistics indicate that across all fields of study, Māori industry trainees and apprentices are less likely to complete their qualifications within five years than New Zealand industry trainees and apprentices overall. Several Mana Whenua Group-owned entities are (either by themselves or in partnership with contracting companies, tertiary education institutions (TEIs), or government entities) running programmes to support Māori workers or students through either pre-trades or trades training (including apprenticeships).

Waihanga Ara Rau (the Construction and Infrastructure Workforce Development Council) is undertaking research which focuses on interviews with:

- Māori-owned businesses and Māori sole traders working in construction and infrastructure
- employers with at least 75% Māori employees working in those sectors,

to identify challenges and opportunities facing the Māori construction and infrastructure workforce and develop recommendations to the Tertiary Education Commission.

We have looked at Ministry of Education statistics, and Hanga-Aro-Rau (the Manufacturing, Engineering and Logistics Workforce Development Council) and other research, in relation to engineering to obtain insights into why Māori are under-represented in managerial and professional engineering roles in the infrastructure workforce. Factors contributing to this include:

- Historic experience has led to a negative impact on Māori engineering enrolments.
- Māori students who start professional engineering (and related technologies) Bachelor's and Bachelor's with Honours degrees are less likely to complete them.
- Māori with manufacturing or engineering qualifications are less likely to either (a) enter employment; or (b) be in employment five years after completing their qualification.

Hanga-Aro-Rau is currently developing a Māori Workforce Development Strategy. Infrastructure providers, contracting firms and professional consultancies who undertake infrastructure sector work have adopted a range of initiatives to increase participation by Māori in professional and management roles in their organisations.

Māori as users of infrastructure

Recent analysis of survey results commissioned by Te Waihangā found that, across the two groups as a whole, there is no clear difference between what Māori households and non-Māori households pay for infrastructure.

There are a number of infrastructure issues that affect, or may affect, significant numbers of multiple-owned Māori land blocks. There are mechanisms in place to seek to partially address many of those issues, and further research is being undertaken in relation to some of them.

However, there are significant gaps in the geospatial information currently available in relation to multiple-owned Māori land which, if filled, could assist Māori groups, local or central government to develop responses to address infrastructure issues affecting that land. Areas where information gaps have been identified include:

- information on the location of papakāinga (housing or mixed used development of a communal nature on ancestral land owned by Māori) and the infrastructure currently serving those developments
- regional level information which enables assessment of the extent to which the geology, hydrogeology, slope, or other similar factors relating to Māori land blocks are creating issues for onsite stormwater and wastewater disposal
- information as to how much multiple-owned Māori land has neither direct access to a legal road nor access through another mechanism such as a right of way or an access agreement recorded by the Māori Land Court
- information on the extent to which multiple-owned Māori land located in or adjacent to urban areas that have public transport systems is served by public transport.

Work undertaken to fill those gaps would need to address issues around funding, digital literacy, and ownership, storage and use of mātauranga Māori (Māori knowledge).

Further opportunities for research

In discussions about this report, we have identified some further opportunities for research which we were unable to pursue at this time. These include:

- A more in depth look at mana whenua groups that have financial capacity to invest or partner in infrastructure.
- The role of training and education in helping increase Māori participation in the sector.
- The role of mana whenua groups as clients in the development of infrastructure projects.
- The potential to quantify the contribution that mana whenua groups have made to infrastructure development.

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The purpose of this work and this document

Te aronga o tēnei mahinga me tēnei tuhinga

1.1. The context and purpose of this work

One of the functions of the New Zealand Infrastructure Commission | Te Waihanga (Te Waihanga) is, at least every five years, to provide the Minister for Infrastructure with a strategy report which, among other things, identifies the priorities for infrastructure for the next 30 years (section 13(1)(b), New Zealand Infrastructure Commission/Te Waihanga Act).

The first of these strategy reports, Rautaki Hanganga o Aotearoa | the New Zealand Infrastructure Strategy 2022-2052 (New Zealand Infrastructure Commission Te Waihanga, 2022) (the Strategy) was released in 2022.

The Strategy recognizes the many roles Māori undertake in the New Zealand infrastructure system (New Zealand Infrastructure Commission

Te Waihanga, 2022, fig. 7). It also identifies several opportunities where infrastructure can have a role in improving Māori wellbeing, including (relevant to the matters discussed in this report) (2022, pp. 43–44):

- supporting iwi (extended kinship group or tribe) aspirations, plans, and goals
- using procurement as a mechanism to unlock opportunities for Māori
- promoting employment opportunities and improving diversity across the infrastructure workforce
- enhancing wellbeing through access to infrastructure services.

The Strategy acknowledges that to achieve a thriving New Zealand, and lift the performance of our infrastructure system, we need to:

- “strengthen partnerships with and unlock opportunities for Māori” (2022, p. 10)

- “recognise and respect Te Tiriti o Waitangi and look for opportunities to build strong, meaningful and enduring relationships with Māori” (2022, p. 13).

It prioritises three action areas in relation to these matters (2022, p. 42):

- “Creating stronger partnerships with Māori across infrastructure planning and delivery”
- “Unlocking opportunities for Māori across the infrastructure system”
- “Incorporating mātauranga Māori [Māori knowledge] into infrastructure design, planning and delivery”.

The Strategy contains three recommendations regarding how to achieve these things (each with sub-recommendations). The first sub-recommendation (1 a.) is:

“Undertake a ‘State of Play’ of current Māori engagement activity for infrastructure to help inform and educate readers on how infrastructure providers can engage and work with Māori in a way that works for Māori and infrastructure providers.”

In September 2022 the Government released its response to the Strategy (New Zealand Government, 2022a). In relation to the recommendations around strengthening partnerships with and opportunities for Māori, the Government (New Zealand Government, 2022a, pp. 9–11):

- supported the proposal to undertake the State of Play work
- noted that it supported other recommendations in principle and would consider implementing them (in several cases following the completion of the State of Play).

1.2. Two aspects of ‘engagement’ and two reports

There were two aspects to ‘engagement’ used in the Te Waihangā Māori engagement in infrastructure research:

- Māori engagement on infrastructure proposals initiated by infrastructure providers
- wider involvement of Māori in infrastructure.

The literature review we published in September 2023 (Literature Review) (New Zealand Infrastructure Commission Te Waihangā, 2023b) discussed published literature relating to both of these aspects of engagement. The ‘*Māori-infrastructure provider engagement*’ report we published in July 2024 discussed the findings from our research in relation to Māori engagement on infrastructure proposals initiated by infrastructure providers.

This report sets out the findings from our research into wider engagement of Māori across the infrastructure system, including:

- Māori as owners of, and investors in, infrastructure
- Māori businesses as suppliers in the infrastructure sector
- Māori in the infrastructure workforce
- Māori as users of infrastructure (including infrastructure issues relating to multiple-owned Māori land).

1.3. Terms used in this report

Mana Whenua Group – includes iwi, hapū (kinship groups/subtribes), and groups of hapū.

Mana Whenua Investment Entities – entities managing and investing assets on behalf of specific iwi, hapū or groups of hapū. The Mana Whenua Investment Entities we looked at also included a trust established by statute to receive assets transferred to it specifically to redress a Treaty of Waitangi / Te Tiriti o Waitangi (Treaty / Te Tiriti) breach and a trust which manages land reserved for the use of particular Mana Whenua Groups from a land sale that occurred in the nineteenth century.

Mana Whenua Financial Documents – annual reports, investment strategies and other documents containing information relating to ownership of or investment in infrastructure published on websites relating to Mana Whenua Investment Entities.

Infrastructure Staff – Staff at central government infrastructure providers who are involved in the planning and delivery of infrastructure who we conducted semi-structured interviews with as part of this research.

Contractor Staff – Staff at contractors involved in the construction of infrastructure projects we interviewed as part of this research.

Infrastructure Consultants – Staff at consultancies involved in the planning and delivery of infrastructure projects we interviewed as part of this research.

Supplier Diversity Specialists – owners of, or staff members at, organisations working on procurement initiatives aimed at increasing supplier diversity we interviewed as part of this research. ‘Supplier diversity’ is a strategy of incorporating businesses, suppliers and vendors with owners that are members of traditionally under-represented groups into an organisation’s supply chain and business practices.

Appendix A includes some English translations of te reo Māori (Māori language) terms. We acknowledge that:

- providing an English translation of a te reo Māori term cannot capture the full depth of meaning of that term
- different Māori groups may use some terms in different ways and there are differences in te reo Māori across different parts of New Zealand.

1.4. What this report does not cover

As noted in the Literature Review, indigenous peoples may view infrastructure holistically as including:

- both natural and built elements – a river into which stormwater flows being an integral part of a stormwater system (personal communication, 1 May 2023)
- ways of knowing aligned to local ecosystems (Morgan et al., 2022)
- relations between people and non-human things (Barney, 2021).

This report also discusses Mana Whenua Group’s aims when making investments including that a number of Mana Whenua Group’s stated investment aims include growing the wellbeing or inter-generational wealth of Mana Whenua Group members or seeking to increase the visibility or influence of the Mana Whenua Group.

However, this work does not explore te ao Māori perspectives on infrastructure more broadly.

If you are interested in learning about those perspectives, potentially useful places to start are Rout et al’s article on a Māori approach to environmental economics (2021) and a 2020 thesis by Te Whata (2020).

The work is also not kaupapa Māori research in the sense that it is not undertaken predominantly for the benefit of Māori and with Māori (Smith, 2015). However, it does acknowledge the existence and validity of Māori knowledge, language, and culture.

This work also does not address issues which, while encompassing infrastructure, have far broader scope and implications. This includes different Māori groups’ views on what genuinely exercising tino rangatiratanga (authority) and mana motuhake (self-determination) would entail. For example, members of Ngāi Tahu currently have a claim before the High Court in which they are arguing (among other things) that (*Tau & Ors v Attorney-General*, 2022, para. [12] to [14]):

- Ngāi Tahu rangatiratanga over wai māori (fresh water) includes the right to make, regulate, alter, and enforce decisions pertaining to how wai māori is allocated, used, managed, and traded, and by whom within its takiwā (area)
- the Crown is obligated to design and implement, in cooperation and partnership with Ngāi Tahu, a regime for the regulation, governance, and allocation of wai māori which recognises Ngāi Tahu entitlements.



2.

Mana Whenua Groups as investors

Ko Ngā Rōpū Mana Whenua Hei Kaihaumi

As part of this work, we reviewed the publicly available Mana Whenua Financial Documents of Mana Whenua Investment Entities which manage and invest assets on behalf of 31 specific iwi or groups of hapū and (applying the thematic analysis or qualitative content analysis research method) created data sets regarding their net assets, their investment strategies and current and planned investment in infrastructure. We also looked at Stats NZ data regarding how mana whenua entities fund and finance investment.

We found that whether a Mana Whenua Group invests in a particular initiative is likely to depend on whether, with that investment, their overall investment portfolio would:

- deliver the necessary cash flow (to enable the Group organisation to function and distributions to be made to Group members) while also providing for long-term growth in the Group's asset base
- be sufficiently diversified to minimise the risk of large losses within one asset class, investment type, industry or sector, or geographic location.

A number of Mana Whenua Groups are also likely to take into account whether an investment would:

- be environmentally responsible
- create employment opportunities
- align with tikanga (correct procedure, custom, or lore), or the Groups' world view or values.

Mana Whenua Groups also tend to place weight on whether they can invest in an initiative without:

- taking on a significant amount of debt owed to external creditors
- granting external creditors a significant share in the ownership of a Group asset or entity.

Whether a Mana Whenua Group invests in initiative will also depend upon whether they find out about the opportunity to invest in that initiative and potential investment partners are willing to involve them.

An approach some Mana Whenua Groups are adopting which addresses a number of these matters is participating in investment funds specifically designed to enable multiple Mana Whenua Groups to combine their investment capital.

2.1. The group of Mana Whenua Investment Entities we looked at

As discussed above, as part of this research, we reviewed the publicly available Mana Whenua Financial Documents of Mana Whenua Investment Entities which manage and invest assets on behalf of 31 specific iwi or groups of hapū.

Across the 31 iwi or hapū groups:

- 26 had received at least one substantive Treaty | Te Tiriti settlement (Settlement) (in addition to a share in the 1992 fisheries Settlement)
- two had not received a final Settlement (other than a share in the fisheries Settlement) but had received substantive Settlement payments on account
- three had not received a substantive Settlement (other than a share in the fisheries Settlement).

Some of the iwi or hapū groups we looked at had more than one Mana Whenua Investment Entity managing and investing assets on their behalf. Often this was because the iwi or hapū group had received more than one Settlement – for example a Crown forestry settlement and another settlement – resulting in different Mana Whenua Investment Entities managing the assets received in the different Settlements. In total we looked at the Mana Whenua Financial Documents of 35 Mana Whenua Investment Entities.

We wanted to ensure that our research covered those iwi and hapū groups most likely to have the asset base to invest in infrastructure. Therefore, the group of 31 iwi and hapū groups we looked at was weighted towards larger and post-Settlement iwi and hapū groups, although it also included some iwi and hapū groups that are smaller and/or pre-Settlement. The rohe or takiwā (territory/area) of the iwi and hapū whose Mana Whenua Investment Entities we looked at were located across the country.

The Mana Whenua Investment Entities we looked at also included a trust established by statute

to receive assets transferred to it specifically to redress a Treaty | Te Tiriti breach and a trust which manages land reserved for the use of particular Mana Whenua Groups from a land sale that occurred in the nineteenth century. However, in this part of the research we did not look at the assets or investment strategies of any other trusts managing assets for the beneficial owners of multiple-owned Māori land (such as other ahu whenua trusts⁴). Some other ahu whenua trusts manage and invest significant assets (see for example the case studies in sections 3.1 and 3.2.2 of this report).

2.2. The net assets of those Mana Whenua Investment Entities

To get an idea of the scale of the investments likely to be undertaken by the 35 Mana Whenua Investment Entities, we looked for the value of each of those entities' net assets at the end of the 2022/23 financial year (or in the one case of an entity which had a financial year ending in December its 2022 financial year).

Of the 35 Mana Whenua Investment Entities, 28 had publicly reported their financial statements for that financial year as of 30 January 2024. Other Mana Whenua Investment Entities either:

- were yet to publish the financial statements for their most recent financial year as of 30 January 2024
- in a couple of cases, stated on their website that they only make their financial statements available to registered Mana Whenua Group members.

As noted above, the Mana Whenua Investment Entities we looked at were weighted towards larger and post-Settlement Mana Whenua Groups. Therefore, while the figures cited below give an indication of the range in the value of the net assets of such entities, they do not provide a comprehensive picture of how the value of net assets owned is distributed across Mana Whenua Groups as a whole. Of the 28 Mana Whenua Investment Entities we looked at whose net asset figures for the relevant financial year were publicly available as of 30 January 2024:

- three managed net assets worth over \$1 billion
- 11 managed net assets worth between \$100 million and just over \$400 million
- nine managed net assets worth between \$50 million and \$99 million

The remaining five (of the 28) managed net assets worth between just under \$9.5 million and \$49 million. Financial documents from previous years indicated that at least a couple of the Mana Whenua Investment Entities whose 2022/23 financial information was not publicly available are likely to be managing net assets worth less than \$4 million.

The Mana Whenua Financial Documents of sixteen of the 35 Mana Whenua Investment Entities we looked at referred to investing with investment partners. At section 2.6, we discuss some current funds set up to enable investment by multiple Mana Whenua Groups.

2.3. The Mana Whenua Investment Entities' investment approaches/strategies

The Mana Whenua Financial Documents for 29 of the 35 Mana Whenua Investment Entities included statements regarding the relevant entity's investment approach or strategy.

Where investment risk: return appetite was discussed, the majority of those Mana Whenua Financial Documents indicated that the Mana Whenua Group was either currently taking, or planning to move to, a 'balanced' investment approach – one which delivers the necessary cash flow (to enable the Mana Whenua Group organisation to function and distributions to be made to group members) but also provides for long-term growth in the entity's asset base.

The most common statement regarding what a Mana Whenua Investment Entity was aiming to achieve by investing was to grow the wellbeing of the Mana Whenua Group(s) whose assets they managed. Other reasonably commonly stated aims were to grow the intergenerational wealth of those groups and to increase the visibility or influence of the groups.

Twelve of the Mana Whenua Investment Entities stated a preference for investment in physical assets or in the ownership of a whole of, or a controlling interest in, an enterprise. Nine referred to wanting to focus on what could be called 'high quality investments' (such as businesses that are well established with a good track record, or have a good asset backing, good quality management or a defensible market position).

The factors that are taken into account in choosing what to invest in referred to in the Mana Whenua Financial Documents of ten or more Mana Whenua Investment Entities were:

- whether an investment would diversify the entity's investment portfolio – to manage volatility across the portfolio including minimising the risk of large losses within one asset class, investment type, industry or sector, or geographic location
- whether an investment would be environmentally responsible
- whether an investment would create employment opportunities
- whether an investment would align with tikanga, or the Mana Whenua Group's world view or values.

2.4. A comparator – Tupu Tonu

In 2021 the Minister for Treaty Negotiations launched Ngāpuhi Investment Fund Limited, trading as Tupu Tonu. It is a Crown company that acquires and grows a portfolio of assets which could potentially be offered by the Crown in Settlement negotiations with ngā hapū o Ngāpuhi.⁵ We have looked at the Tupu Tonu investment strategy to see how it compares to the investment strategies adopted by Mana Whenua Investment Entities.

The investment strategy adopted by Tupu Tonu (as expressed in publicly available documents) includes (Tupu Tonu, n.d.-a) looking to acquire assets with a typical investment size of \$2-\$15 million with the investments:

- being commercial in nature
- not being unduly high-risk in nature
- achieving market returns
- being within Northland, with a specific focus on the Ngāpuhi rohe
- reflecting a responsible investing approach
- as a secondary aim, contributing to the regional economic growth of Te Tai Tokerau | Northland
- taking a 'whenua-based' approach to investment primarily looking at property, primary industries, and infrastructure and energy.

Other than a focus on investing locally (which only the Mana Whenua Financial Documents of six of the Mana Whenua Investment Entities we looked at referred to)⁶ and the secondary aim of contributing to regional growth, the Tupu Tonu investment strategy is very similar to that of many Mana Whenua Investment Entities.

In addition, Tupu Tonu is not permitted to invest outside of New Zealand, does not make venture capital investments or grants, and does not fund feasibility studies or research and development.

In addition to horticultural assets and a carbon farm forestry block, as of April 2024, Tupu Tonu:

- owned the Meridian Building in Kerikeri, the Maritime Building (a commercial building located on the Paihia wharf) and a stake in a social housing development in Kamo (with the units leased to the Ministry of Housing and Urban Development)
- had committed to invest in a community housing development in Kaikohe.

Tupu Tonu had also signed a binding letter of intent to purchase convertible notes in a water storage scheme located in Te Waimate Taiaimai (an area in Northland), with the option to acquire shares in a water storage scheme in Kaikohe (Tupu Tonu, 2023).

Tupu Tonu engages with ngā hapū o Ngāpuhi on its investment and disbursement objectives. The initial focus of its engagement has been on building relationships with Ngāpuhi groups. Over time, Tupu Tonu is seeking to understand hapū commercial aspirations to inform the company's investment approach (Tupu Tonu, 2023).

Tupu Tonu returns a proportion of its annual profits to ngā hapū o Ngāpuhi (Tupu Tonu, n.d.-b). In the 2022/23 financial year it disbursed \$485,000 (including GST) to 51 Ngāpuhi hapū, whānau (family groups) and affiliated organisations (Tupu Tonu, 2023).

Tupu Tonu had an initial capital of \$150 million. As of June 2023, it had committed \$60.6 million of that initial capital and had set a target to invest \$100-\$120 million by June 2024. As of 30 June 2023, it had net assets of \$155,842,000 (Tupu Tonu, 2023).

Observations from New Zealand Trade and Enterprise | Te Taupapa Tūhono regarding investment in infrastructure by Māori entities

New Zealand Trade and Enterprise | Te Taupapa Tūhono is a Government agency focused on helping New Zealand businesses grow internationally. It has a Māori investment team which supports Māori entities to prepare to undertake investment and connects them to potential investment partners both internationally and domestically.

A member of that team we spoke with made the following observations regarding investment in infrastructure by Māori entities.

- There is a lot of interest in investment in infrastructure generally among Māori entities but those organisations do not always find out about opportunities to invest in infrastructure or, where they are aware of them, are not always able to get involved in those opportunities.
- Where Māori entities are most likely to be successfully involved in an investment is where a Treaty | Te Tiriti Settlement right (such as a right of first refusal or deferred selection right) is triggered.
- People interested in involving Māori groups in an investment tend to reach out to one of a few larger iwi who are known to be undertaking significant developments. Partly as a consequence of this, iwi collaboration with other iwi in investment is increasing.

2.5. Who Mana Whenua Groups work with when investing

2.5.1. Stats NZ figures regarding how mana whenua entities fund and finance investment

Stats NZ has a regular information release (Tatauranga umanga Māori – Statistics on Māori businesses). The information release relates to 'Māori authorities' (businesses involved in the collective management of assets held by

Māori) and 'other Māori enterprises' that are economically significant. The information release draws on a number of sources, including Stats NZ's annual Enterprise Survey and annual Business Operations Survey.

Provisional findings from the Stats NZ annual Enterprise Survey for the 2022 financial year included that Māori authorities tend to rely more on shareholder equity to fund business growth compared with non-Māori businesses, which rely more on creditors. The debt-to-equity ratio (total liabilities divided by total shareholder equity) for Māori authorities was 36.6%, while for New Zealand businesses as a whole it was 202% (Stats NZ, 2023a).

From the annual Business Operations Survey, Stats NZ found that in the 2022 financial year Māori authorities made proportionally fewer finance requests than New Zealand businesses overall. Only 4% of Māori authorities reported requesting equity finance (which includes any finance where a share in the ownership of the business is granted) and 20% reported requesting debt finance (compared to 11% and 24% respectively for New Zealand businesses overall) (Stats NZ, 2023a).

(We discuss the 2022 Stats NZ figures for other Māori businesses that are economically significant in section 5.4 of this report).

2.5.2. Vehicles for Mana Whenua Group members to directly invest in a Mana Whenua Investment Entity

Two of the iwi whose Mana Whenua Investment Entities we looked at have established vehicles under which iwi members directly invest in the commercial arms of those entities. In one case iwi members can elect that, rather than having distributions from the Mana Whenua Group that they would otherwise receive paid to them, the money is invested in the iwi property development and management entity as a term deposit. In the other, iwi affiliated marae have the option of investing in an iwi asset holding entity.

One other iwi Mana Whenua Investment Entity we looked at noted in their most recent Annual Report that they are looking to develop an investment platform for iwi members to invest in the entity's businesses and projects.

2.5.3. Funds for enabling investment by multiple Mana Whenua Groups

Several funds have been established for the purpose of enabling Mana Whenua Groups to combine their investment capital. Three examples are Te Pūia Tāpapa, Hāpai and Tai-Hekenga. Ngāi Tahu has established its own intra-Ngāi Tahu investment scheme – Te Haumi Whakamana.

New Zealand Trade and Enterprise has noted that, (Lawrence, 2022):

“[Historically, iwi-to-iwi collaboration] was predominantly based on whakapapa [genealogy] – meaning iwi tended to work with those geographically adjacent to them or those they had partnered with in the past.

However, they are beginning to extend that traditional partnership concept to iwi whose commercial interests align.”

Te Pūia Tāpapa

Te Pūia Tāpapa is a fund set up to facilitate investment by multiple Mana Whenua Groups in longer term investments. New Zealand private equity funds tend to make investments with an intended period of investment of approximately seven to ten years. Te Pūia Tāpapa works to a '15 + 5 year horizon' meaning that each investment is intended to have term of 15 years, with a further five years allowed for decisions to be made about what is to happen with an investment after that. This could include investments being transferred to one or more of the Mana Whenua Group-owned entities which have invested in the fund.

Te Pūia Tāpapa uses a limited partnership legal structure.⁷ The entity responsible for the management of that partnership ('general partner') is a limited liability company, Te Pūia Tāpapa GP Limited. All the shareholders in that company are Mana Whenua Group-owned entities (either limited partnerships themselves, companies, Māori incorporations⁸ or trusts,⁹ or education foundations).

Approximately 40 Mana Whenua Groups have committed capital to invest with the fund (either individually or through syndicates). As of April 2024, the Te Pūia Tāpapa partners had committed to invest \$115.5 million with the fund

and it was projected that close to \$100 million of that capital would soon be invested.

Te Pūia Tāpapa chooses investments that it identifies as being consistent with long-term economic themes. Relevant to infrastructure, this has led to it investing in:

- healthcare diagnostic laboratories
- private hospitals, day surgery centres and clinics
- TR Group (a commercial vehicle leasing company which is moving into leasing battery electric vehicles and exploring introducing heavy fuel cell electric trucks into its fleet).

The fund focuses on established businesses that are looking to grow and does not make venture capital investments.

Hāpai

The Hāpai whānau consists of entities focused on the three key property classes of commercial property, housing, and development (land-use conversion / upzoning). The delineation enables Māori groups investing through Hāpai to have flexibility across three asset classes with different investment characteristics. However, common governance and management are implemented across the three entities to ensure alignment of vision, values and approach and further enable economies of scale.

Hāpai has over \$300 m in capital invested across the three property classes (Hāpai, n.d.-b, n.d.-a). There are currently 29 iwi and Māori partners across the Hāpai whānau who cover the majority of the country. The collective approach of Hāpai enables iwi / Māori to collectivise their capital, capacity and opportunities to drive investment and growth in the property sector, across a range of uses.

Hāpai owns a range of properties, some of which include the Hawke's Bay Te Whatu Ora office, MacLean's College in Bucklands Beach (discussed below) and IPORT (adjoining the Christchurch inland port). ¹⁰

Tai Hekenga

Tai Hekenga is another limited partnership. Its general partner, Tai Hekenga General Partner Limited, is owned by eleven 11 iwi entities linked by kinship - Taranaki Whānui ki Te Upoko Te Ika (based in Wellington), seven iwi entities based in Taranaki, one iwi entity based in Whanganui and one iwi entity based in the Chatham Islands.

As of 2 April 2024, Taranaki Whānui Limited (a company owned, through a parent company, by the Taranaki Whānui ki Te Upoko Te Ika post-settlement governance entity) owned 19.60% of the shares in the general partner.

The Tai Hekenga partnership has acted together to enable the exercise of rights obtained by the Port Nicholson Block Settlement Trust under the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009. Through that mechanism the partnership has acquired (subject to obligations to immediately lease them back) the sites of: ¹¹

- Wellington Girls College
- Hutt Valley High School
- Northland School
- Te Aro School
- Thorndon School
- the Wellington High Court
- the Wellington District Council
- the National Library
- the current Archives New Zealand site on Mulgrave Street, Wellington, ¹²

and land beneath car parking and bus manoeuvring areas at Wellington Central Railway Station on Waterloo Quay in Wellington.

Te Haumi Whakamana

Under the Te Haumi Whakamana scheme the 18 Papatipu Rūnanga within Ngāi Tahu can between them invest up to \$27 million in Ngāi Tahu Property Limited's portfolio of commercial buildings leased to the Crown or local authority tenants (Ngāi Tahu Holdings Limited, n.d.). That commercial property portfolio includes the Christchurch New Zealand Blood Service building, the Queenstown Police Station and Court, and the Dunedin Police Station.



3.

Current Māori group investment in infrastructure

Te Haumi ā-rōpū a ngāi Māori ki te tūāhanga i te wā nei Te haumi ā-rōpū a ngāi Māori ki te tūāhanga

From our review of Mana Whenua Financial Documents, we found that (with some notable exceptions discussed below), infrastructure assets that are currently both owned and operated by Māori groups tend to be at community-scale and serve communities that include a high proportion of Māori.

The Mana Whenua Financial Documents and data obtained from the Ministry of Education, NZ Police and the Ministry of Justice also show that Mana Whenua Groups own the land on which significant amounts of central government vertical infrastructure is located (particularly schools, courthouses and NZ Police facilities). The majority of that land was acquired under Treaty | Te Tiriti Settlement transfer and lease-back provisions. Some Māori groups have developed purpose-built vertical infrastructure

facilities on group-owned land which they lease to an infrastructure provider – to date these have primarily been courthouses, and NZ Police facilities.

Ownership of sites on which central government vertical infrastructure is located both delivers cash flow (rent) and provides for long-term growth in a group's asset base as the value of the land is likely to increase over the medium- to long-term. While in some cases this has meant that a Mana Whenua Group's asset base is heavily weighted to one type of property (for example school sites) in those cases the sites are located across a reasonably large geographic area which reduces the risk of property values in one area not holding their value. While in some cases a Mana Whenua Group has taken on external debt to exercise Settlement rights to

acquire these properties, in a number of cases they have used multiple Mana Whenua Group investment funds to spread both the burden of that debt and the benefit of the investment.

Some Mana Whenua Groups also own minority shareholdings in infrastructure providers, shares in irrigation schemes which serve land they own, and shares in other investment funds that invest in infrastructure.

3.1. Māori group owned and operated infrastructure

The majority of the infrastructure assets that are currently both owned and operated by Māori groups tend to be at community-scale and serve communities that include a high proportion of Māori. These include:

- solar and mini-hydro power generation assets
- reticulated water supply schemes
- early childhood education assets (including kōhanga reo)
- community health services providers and related infrastructure.
- a significant number of marae which (as well as being key cultural infrastructure) play a role in the provision of community training, education, health, or social services or emergency response and recovery.

As discussed below, there are some exceptions to this.

- A couple of commercial-scale (geothermal) energy infrastructure assets are owned and operated by Māori groups.
- Some Mana Whenua Groups are exploring developing commercial-scale windfarms.
- Since 1 January 2024, a former public tertiary education institution, Te Wānanga o Raukawa, has been both owned by a Māori Trust and operated on behalf of three iwi.
- Waikato Tainui are looking to develop a research college on the site of the former military base at Hopuhopu.
- Te Whare Hauora o Ngāti Porou | Te Puia Springs Hospital, owned and operated by Ngāti Porou Oranga, serves a large area of the East Coast of the North Island.

- The Taki-o-Autahi Limited Partnership, which delivers tele-health services, is three-quarters owned in equal shares by three Mana Whenua Group-owned organisations.

3.1.1. How we undertook this part of our research

We have reviewed publicly available sources (such as registers of different types of infrastructure providers, Mana Whenua Financial Documents and information about infrastructure initiatives which have received funding through Government grants) to identify examples of infrastructure which is:

- wholly or majority-owned by a Māori group, and
- operated by or on behalf of that Māori group.

Where we have identified examples of Māori group owned and operated infrastructure, we have looked at other publicly available sources (including media reports and entity websites) to find more information about those particular pieces of infrastructure.

(The Ruakura Inland Port which is 50% owned by the Port of Tauranga Limited and 50% owned by a Waikato-Tainui entity is discussed in section 3.3 of this report.)

3.1.2. Energy infrastructure

Currently the energy infrastructure assets majority owned and operated on behalf of a Māori group of the greatest scale are the Mōkai geothermal plants (a joint venture between the Tuaropaki Trust and a member of the Mercury group) (see the case study below).

There are a number of community-level Māori group-owned and operated solar energy schemes either operating or being developed (and a couple of Māori group owned community-level mini hydro-generation schemes either operating or being developed).

Case Study:

Tuaropaki Power Company Mōkai geothermal plants and Halcyon Power

Two Mōkai geothermal power stations are sited on land located 30km northwest of Taupō. The land is owned by an ahu whenua trust, the Tuaropaki Trust, and the power stations are owned by Tuaropaki Power Company Limited (which, through holding companies, is 75% owned by the Trust and 25% owned by Mercury Geothermal Limited).

The Tuaropaki Trust was formed when the beneficial owners of several blocks of multiple-owned Māori land agreed to amalgamate their interests (Tuaropaki, n.d.). From the early 1950s, the land was developed for pastoral farming through a Department of Māori Affairs development scheme and loan. In 1979, management of the land was handed back to the Trust.

In the 1980s the Crown investigated developing a geothermal power scheme on the land (including drilling wells). In 1994 the Tuaropaki Power Company Limited was formed and, in 1996, the Trust purchased the Crown's interests in the geothermal wells on the land. Construction of the first (55 MW) geothermal plant on the land began in 1998 and the plant was commissioned in 2000.

In 2003 Mighty River Power Limited (now Mercury) obtained a 25% share in Tuaropaki Power Company Limited. The second (33MW) geothermal plant was commissioned at Mōkai in 2005. In 2008 the capacity of that plant was increased to bring the total capacity of the two Mōkai geothermal plants to 113MW.

In 2018 the Tuaropaki Trust and the, Japanese, Obayashi Corporation established Halcyon Power Limited. The Trust and Obayashi each own 50% of the shares in Halcyon Power. A Halcyon Power plant which uses power generated by the Mōkai geothermal power plant to generate green hydrogen was commissioned at Mōkai in 2021 (Halcyon Power, n.d.).

Ngāti Tūwharetoa Geothermal Assets Limited (a company formed by the Ngāti Tūwharetoa (BOP) Settlement Trust) supplies geothermal direct heat energy for industrial applications. *(It also formerly operated a 21MW binary cycle power plant which used geothermal process steam and water to energise a secondary fluid (pentane) that spun the turbines and generated electricity.)* (Ngāti Tūwharetoa Geothermal Assets Limited, n.d.).

A couple of Mana Whenua Investment Entities have stated that they are investigating partnering with renewable energy companies to establish commercial-scale renewable energy projects – in one case offshore wind generation and in the other a solar farm on land acquired under the deferred selection provisions in a Treaty | Te Tiriti Settlement.

A number of Mana Whenua Groups have developed solar generation arrays which not only generate power for buildings on the array sites but also benefit wider communities. For example, at Tau Henare Marae, at Pipiwai in Northland, more than 300 solar panels installed on a ware (building) generate electricity which

is fed back into the National Grid and, through an arrangement with the Nau Mai Rā power company, results in discounted power being offered to homes occupied by whānau in the area. (This type of arrangement is sometimes referred to as 'peer-to-peer power sharing') (Te Ao Māori News, 2022).

Between 2020 and 2023 the Ministry of Business, Innovation and Employment (MBIE) administered a Māori Housing Renewable Energy Fund. The fund was available for projects focused on installing renewable energy technology which benefitted people in Māori housing. Funding allocated through that initiative included funding granted to (Ministry of Business, Innovation and Employment, n.d.-b):

- the Parihaka Papakāinga Trust for installing and testing a community micro-grid, including solar and battery storage systems, to distribute energy to whānau homes on papakāinga and enable peer-to-peer energy sharing to homes further afield
- Reureu Kotahitanga Limited for installing solar photovoltaic generation infrastructure on a

marae and some homes, together with large-scale battery storage and an energy sharing platform to provide electricity to nearby homes in Reureu in the Central North Island

- Te Uira o Te Ringa Limited and Aotea Energy to develop a solar array and battery solution to service ten homes and a marae and a micro-grid to distribute power to serve about 47 nearby homes on whenua Māori on Great Barrier Island | Aotea
- Te Āhuru Mōwai Limited partnership (in partnership with Victoria University of Wellington | Te Herenga Waka) to install solar panels, power measurement sensors, and a community-based battery system to about 20 households in Porirua
- Ngātiwai Trust Board to install solar panels and energy storage equipment on eight marae along the coastline from the Bay of Islands to Mahurangi in Auckland to create a virtual power network with surplus power to be shared with rural homes
- Te Ao Mauri Ora Limited to develop a 240kW solar array and a power purchase agreement with an energy retailer to offset power bills at up to 80 homes in the Ohaeawai and Kaikohe area in Northland
- Rangitāne o Tamaki-Nui-ā-Rua towards installing a 1MW solar array the benefits of which could be shared with up to 450 households.
- Some Māori groups have also become involved in micro-hydro generation.
- In 2015 Te Rūnanga o Ngāti Kearoa and the Ngāti Kea Ngāti Tuara Trust installed a micro-hydro unit in the Pokaitu River which generates power for the Kearoa Marae, and an iwi-owned farm in Horohoro (south-west of Rotorua) and sells any excess electricity back to the National Grid (Ngāti Kea Ngāti Tuara Trust, 2016).
- under the Māori Housing Renewable Energy Fund scheme Ngāti Maniapoto Marae PACT Trust received funding to develop a mini-hydro plant (Ministry of Business, Innovation and Employment, n.d.-b).

3.1.3. Water supply infrastructure

A number of Māori entities own and operate community-level networked water supply infrastructure.

We reviewed the Ministry of Health's November 2021 community water supply register (Ministry of Health, 2021) to identify registered networked water supplies serving 25 or more people where the registered supplier was explicitly identified as a marae, an iwi authority, a rūnanga (tribal council) or another mana whenua entity.¹⁶ In total we identified 23 such registered suppliers.¹⁷

(Responsibility for maintaining the community water supply register has now been transferred to Taumata Arowai. Taumata Arowai is the process of confirming the details regarding the supplies listed on the Ministry of Health register.

As an example, Ngāti Pāhauwera Incorporated is the registered supplier of the water supply for the Raupunga community in the Wairoa District near Mohaka. The scheme is a networked supply that takes, treats, and distributes water from the Mangawharangi Stream. It supplies around 40 households/ 300 people, including a marae, kaumātua flats (flats for older people) and two kōhanga reo (te reo Māori immersion early childhood education) (O'Sullivan, 2024).

3.1.4. Education and research infrastructure

Tertiary education infrastructure

There are currently three tertiary education institutions with the status of wānanga under the Education and Training Act 2020. Two of those, Te Wānanga o Aotearoa and Te Whare Wānanga o Awanuiārangi, are Crown entities. Since 1 January 2024, the third, Te Wānanga o Raukawa, has been both owned by a Māori trust and operated on behalf of three iwi. See the case study next page.

Case Study:

Te Wānanga o Raukawa

In 1975 a confederation of iwi resident on the west coast of the North Island from Rangitikei in the north, down to Wellington and into the top of the South Island, launched an iwi development strategy named Whakatupuranga Rua Mano, Generation 2000. The confederation comprised Te Āti Awa, Ngāti Raukawa and Ngāti Toa Rangatira. This 25-year strategy aimed to halt the serious decline in Māori language and mātauranga, to revitalise the people, marae, language and culture, and to achieve tino rangatiratanga (autonomy) over their own matters. The programme involved, among a range of other activities, Māori-language immersion hui at marae venues (Walker, 2016). In 1981 a goal of the strategy was realized with the establishment of Te Wānanga o Raukawa in Ōtaki. In 1993, it was registered as wānanga under the then Education Act and became a Crown entity tertiary education institution.

On 1 January 2024 Te Wānanga o Raukawa ceased to be a Crown entity and Te Mana Whakahaere (the wānanga Council) became primarily accountable to Te Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga and Ngāti Toa Rangatira for the performance and management of the wānanga.^[i] For that purpose the three iwi are represented by Te Taumatua, a group, constituted by Te Wānanga o Raukawa Foundation, consisting of a minimum of three iwi representatives – one from each iwi (Associate Minister of Education (Māori Education), 2023, para. 6). If Te Taumatua considers that there are risks to the long-term viability or educational performance of Te Wānanga it can exercise intervention powers. The Crown continues to retain responsibilities in relation to funding and quality assurance (through the Tertiary Education Commission and the New Zealand Qualifications Authority) (Associate Minister of Education (Māori Education), 2023, para. 15.1). Te Wānanga also continues to be subject to audit by the Controller and Auditor-General.^[ii]

Te Mana Whakahaere is no longer required to obtain consent from the Secretary of Education before exercising powers to sell or dispose of assets, grant mortgages or leases, or borrow money.^[iii] Instead it needs to consult with the three iwi before:

- disposing of land located with their rohe or acquiring or disposing of land outside their rohe
- mortgaging or otherwise charging assets

unless those decisions are in line with its statement of intent.^[iv]

Te Wānanga o Raukawa has campuses at Ōtaki and Manukau (Auckland).^[v]

From 2020 to 2023 Te Wānanga o Raukawa developed and constructed four new buildings at its Ōtaki campus as a Living Building Challenge project. Living Building Challenge projects aim to create buildings that have a net positive impact on people and natural systems (including in terms of water and energy sources and use, materials and impacts on communities). A case study in relation to that project prepared by the Construction Sector Accord is available at <https://www.constructionaccord.nz/good-practice/beacon-projects/case-study-te-wananga-o-raukawa/>

Waikato-Tainui is developing the Waikato-Tainui College for Research & Development on the site of the former military base at Hopuhopu. One of the Waikato-Tainui Treaty | Te Tiriti Settlements¹⁸ included \$20m settled on the Waikato Raupatu River Trust to “support the vision of Sir Robert Mahuta for the Waikato Endowed Colleges at Hopuhopu, as an educational centre within a national and international community of scholars, providing leadership, innovation, research and scholarship in indigenous development and practices”.¹⁹ Waikato Tainui manages this money

as the Sir Robert Mahuta Endowment Fund. The College is starting to form a rangahau (research) team and leading the preparation of several large proposals for programmes and research in relation to wai (water) and hauora (health) (Waikato-Tainui, 2023).

Education facilities

Kōhunga reo are total immersion te reo Māori programmes for children from birth to six years of age chartered to Te Kōhunga Reo National Trust

Board. Kōhunga reo are licensed by the Ministry of Education applying kōhunga reo-specific licensing criteria. Several kōhunga reo are located on marae or other land owned by mana whenua entities.

Other Māori groups operate early childhood education centres from sites they own which are not chartered to Te Kōhunga Reo National Trust Board. For example, the Ngāti Hine Health Trust, a trust established by a Ngāpuhi hapū, operates an early childhood education centre known as Te Mirumiru from land it owns in Kawakawa.

There are also Māori-medium primary to secondary schools (known as kura kaupapa Māori, kura-a-iwi or wharekura) which are state schools and, therefore, owned by the Crown but run under the auspices of a mana whenua group or Māori community. We discuss state-owned schools, Māori medium schools, sited on Mana Whenua Group-owned land, in section 3.2 of this report.

3.1.5. Health infrastructure

Many Māori entities own and operate community health services providers and related infrastructure. Some of those services are provided out of rented facilities (for example one iwi runs a walk-in health hub in a shopping centre). However, many of the health and welfare services are operated from land owned by the relevant Māori group, including marae and buildings also occupied by other iwi or hapū organisation activities. See the Te Puia Springs Hospital and Ngāti Hine Trust case studies below.

Case Study:

Ngāti Porou Oranga and Te Puia Springs Hospital

A public hospital was established in Te Puia on the East Coast in the first decade of the 1900s. By the early 1990s the hospital was run by a Crown Health Enterprise, Tairāwhiti Healthcare Limited. (Crown Health Enterprises, or CHEs, were autonomous publicly owned business units with directors appointed by shareholding Government Ministers.)

In 1994 Ngāti Porou Hauora Incorporated was established by members of the Ngāti Porou iwi. Ngāti Porou Hauora began delivering contracted health services on the East Coast and, in 1996, began subcontracting to Tairāwhiti Healthcare, including providing services at Te Puia Springs Hospital.

In 1996 the Government announced the Community Trusts Assistance Scheme (Ministry of Health, 1996). Under that scheme the Government would provide suspensory loans to community groups providing local health services to enable those groups to purchase surplus hospital facilities from the Crown. To be eligible a group needed to have developed an independently reviewed business plan which verified that:

- the provision of the health services was viable at the price the (then) regional health authority was prepared to pay for them
- the hospital building was the most appropriate and cost-effective building from which to provide services
- other financing had been sought but declined and, therefore, Crown assistance was required
- development and ongoing maintenance costs for the hospital facility were fully considered.

Under the policy the suspensory loans were interest free with repayment of the principal required if, within five years of the commencement of the loan term, the group's contract with the regional health authority was not renewed or the group ceased to provide health services in terms of that contract.

Ngāti Porou Hauora applied for a loan through the Community Trusts Assistance Scheme to purchase Te Puia Springs Hospital and associated community health facilities on the East Coast held by Tairāwhiti Healthcare.

It was decided that offering the land Te Puia Springs Hospital was located on back to its former owners or their successors under the usual processes in the Public Works Act would be a complicated process requiring Māori Land Court involvement that would be unlikely to be completed while the Community Trusts Assistance Scheme loans continued to be available. There were also outstanding Treaty | Te Tiriti claims relating to the hospital. Therefore, the Ministry of Health consulted with the local community on an alternative approach to transferring the hospital and community facilities to Ngāti Porou Hauora. Under that proposal the hospital and community facilities would be transferred to Ngāti Porou Hauora by Order in Council subject to a caveat over the properties relating to the outstanding Treaty | Te Tiriti claims and rights of former owners. On 17 November 1999 that transfer occurred.

The facilities are now owned and run by Ngāti Porou Oranga, a charitable trust. Services delivered from Te Puia Hospital as of April 2024 included (Ngāti Porou Oranga, n.d.):

- | | |
|--|--|
| - a medical ward | - mental wellbeing services |
| - an Accident and Emergency department | - a Healthy Homes initiative |
| - X-ray facilities | - physiotherapy |
| - specialist clinics | - pregnancy, mother and baby, and parenting support and maternity care |
| - rheumatic fever services | - whānau ora family empowerment and support services. |
| - aged care services | |
| - GP and nurses clinics | |
| - rural health nurses | |

Case Study:

The Ngāti Hine Health Trust

Ngāti Hine is a Ngāpuhi hapū. The Ngāti Hine Health Trust has its origins in the Motatau Marae Komiti which, in 1987, formed a health sub-committee to address the health needs of the community in Motatau in Northland. From 1990 to 1992 the Marae Komiti obtained funding from the Health Research Council to train kaiāwhina (assistants) and carry out a Ngāti Hine household health status survey. A second allocation of funding from a national Māori health agency (Te Hotu Manawa Māori (Toi Tangata)) was secured to carry out a rheumatic fever prevention project. Together the trained kaiāwhina, the household survey and the rheumatic fever project provided the basis of submissions to the Northland Regional Health Authority to establish Hauora Ngāti Hine, as it was then, as a contracted health service provider.

In April 1992 the Ngāti Hine Health Trust was officially formed. The Trust’s first service contract was for the provision of mobile community nursing services.

Having established itself in the delivery of a range of mobile nursing, residential, and community health services, the Trust has expanded to encompass social, disability, education, housing, corrections, justice, and media services.

The Trust now owns medical centres in Kawakawa and Moerewa. The Kawakawa Medical Centre was acquired in 2001. The Moerewa Medical Centre was acquired in around 2021 when a local GP, whom the Trust had worked with for a number of years, began planning to retire. The Trust has a long-term lease for a new primary health and wellbeing centre at the Bay of Island Hospital in Kawakawa and is planning to transition primary health and wellbeing services into the new centre.

In addition to health and welfare services centres Māori groups also operate other health and welfare related infrastructure.

- The Taki-o-Autahi Limited Partnership delivers tele-health services. Its ‘general partner’²⁰ is one quarter owned by Whakarongorau Aotearoa New Zealand Telehealth Services Limited Partnership (Whakarongorau Aotearoa) with the remaining three-quarters owned in equal shares by the three mana whenua organisations.²¹
- In June 2023 Ngāti Porou Oranga launched the Waka Manaaki East Coast health shuttle which is a free service to support East Coast-based patients to attend health appointments in Gisborne (the shuttle is also used to move some freight) (Te Rūnanganui o Ngāti Porou, 2023, p. 50).

3.1.6. Marae

“In Te Reo Māori, the marae atea is the open space in front of the wharenui (meeting house) which was traditionally part of a Pā (village). In modern usage the phrase is often shortened to marae, and has come to include all the land and buildings associated with the marae atea.” (Te Puni Kōkiri Ministry of Māori Development, n.d.).

In 2020 the Department of Internal Affairs (drawing on 2019 Te Puni Kōkiri data) estimated that there were over 1000 (1033) marae in New Zealand (New Zealand Government, 2020a). (One hundred and six of those were categorised as “institutional marae” – marae forming part of an institution such as a school, naval base, or museum.)

Te Puni Kōkiri has described marae as “a key feature of the cultural infrastructure within Māori society, acting as guardians of mātauranga and taonga [prized things] and connecting whānau through whakapapa” (Te Puni Kōkiri, 2012, p. 1).

Individual marae may also play a role in the provision of community training, education, health, or social services or emergency response and recovery.

- In 2009 Te Puni Kōkiri undertook a study involving 544 marae throughout New Zealand. The study found that 47% of the marae studied were being used as a base for community training and educational services, 33% as a base for community health services and 26% as a base for community social services.

- The New Zealand framework for response and transition to recovery following an emergency (the Co-ordinated Incident Management System CIMS) notes the role that marae may play in emergency response and recovery. It also notes that different marae (and different iwi and hapū) “have different resource and asset bases and their ability to respond is dependent on this” (New Zealand Government, 2019, p. 13).

From our review of Mana Whenua Financial Documents several iwi organisations are taking steps to support the marae of groups that affiliate to their iwi, including through initiatives to:

- improve internet connectivity at marae
- support marae to install solar panels
- meet all or some of the insurance costs for marae (including in some cases the costs of insuring artwork and other taonga)
- provide marae with equipment such as defibrillators.

3.2. Mana Whenua Groups as infrastructure landlords

Mana Whenua Groups own the land on which significant amounts of central government vertical infrastructure is located (particularly schools, courthouses and NZ Police facilities). The majority of that land was acquired under Treaty I Te Tiriti Settlement transfer and lease-back provisions.

Some Māori groups have developed purpose-built vertical infrastructure facilities on group-owned land which they lease to an infrastructure provider – to date these have primarily been courthouses, and NZ Police facilities.

Ownership of sites on which central government vertical infrastructure is located both delivers cash flow (rent) and provides for long-term growth in a group’s asset base as the value of the land is likely to increase over the medium- to long-term. While in some cases this has meant that a Mana Whenua Group’s asset base is heavily weighted to one type of property (for example school sites) in those cases the sites are located across a reasonably large geographic area which reduces the risk of them not holding their value. While in some cases a Mana Whenua Group has taken on external debt to exercise Settlement rights to acquire these properties, in

a number of cases they have used multiple Mana Whenua Group investment funds to spread both the burden of that debt and the benefit of the investment.

Under the relevant Settlement, Waikato-Tainui has input into decisions around facilities development on the Waikato University and WinTec/Te Pūkenga sites it owns and leases back. In contrast, from the agreed forms of ground lease in Settlement documents that we have reviewed, it appears that the Crown (or its agents, sub-lessees or licensees) can build or alter improvements on other leased-back sites without the landowner's consent where that is necessary for, or incidental to, a use of the land permitted under the relevant lease.

3.2.1. Transfer and lease-back of infrastructure sites under Treaty | Te Tiriti Settlements

There are two main mechanisms within Treaty | Te Tiriti Settlements that are used to transfer sites actively being used for infrastructure (other than reserves) to Mana Whenua Groups – commercial redress provisions and deferred selection mechanisms.

Commercial redress properties are properties which the Crown commits to transfer to the post-settlement governance entity on an agreed settlement date. Some commercial redress properties are transferred to a post-settlement governance entity on the condition that they must be immediately leased back to the Crown.

For each deferred selection property identified in a Treaty | Te Tiriti Settlement the post-settlement governance entity has a set period of time (for example two or five years from the settlement date) in which to give notice to the Crown that they are interested in purchasing the site. For some deferred selection properties the right to purchase is subject to the condition that, if the right is exercised, the post-settlement governance entity will immediately lease the land back to the Crown. ²²

The types of infrastructure sites transferred and leased-back

As noted above, 28 of the 31 Mana Whenua Groups we looked at as part of this research had received at least one substantive Settlement (in addition to a share in the 1992 fisheries settlement). ²³ For those 28 Mana Whenua

Groups we reviewed:

- any relevant publicly available Settlement documents (including agreed forms of lease or lease principles included in those documents)
- documents published on Mana Whenua Group websites
- media reports
- relevant infrastructure provider websites,

to identify properties that have been transferred to a Mana Whenua Group subject to lease-back under a Settlement that appear to still be used for infrastructure. (For some iwi or hapū groups who settled their Treaty | Te Tiriti claims very recently the period within which they may elect to purchase deferred selection properties has not yet expired.)

From that research we identified that, between them, as of January 2024, those 28 Mana Whenua Groups owned and leased the sites occupied by:

- seventy-nine primary or intermediate State schools
- fourteen secondary State schools
- one specialist State school
- two tertiary education facilities
- one Government research facility site
- a range of other social infrastructure sites - eighteen NZ Police sites, eleven Courts, two Corrections sites (a probation office and a site used for a violence prevention programme), one Post Office, one Fire and Emergency New Zealand site, the National Library, and the current National Archives building
- three transport related sites – land beneath car parking and bus manoeuvring areas at Wellington Central Railway Station on Waterloo Quay in Wellington (leased back to New Zealand Railways Corporation/Ontrack) ²⁴ and the land on which two lighthouses are situated.

Between them those 28 Mana Whenua Groups also owned eighteen sites on which energy infrastructure is located (primarily infrastructure forming part of hydroelectricity schemes) and one site on which telecommunications infrastructure is located – with the relevant infrastructure providers having the benefit of easements.

Education, NZ Police, and Court sites

After identifying the types of infrastructure sites which appear to be transferred under Settlements most frequently, we made information requests to the Ministry of Education, Ministry of Justice, and NZ Police regarding the sites they operate out of where the land has been transferred to Mana Whenua Groups under Treaty | Te Tiriti Settlements.

Across New Zealand as whole, as of 1 November 2023, 193 operative state schools were located on sites transferred under Treaty | Te Tiriti Settlements (Ministry of Education, 2024).²⁵ (The Wellington Tenth Trust also owns the site of state school which it leases it to the Ministry of Education.) At 1 July 2023, the total number of schools in New Zealand (State, State-integrated and private) was 2,538 (Education Counts, 2023).

Table 1: Number of State schools operating from sites transferred under Treaty | Te Tiriti Settlements (November 2023)

Ministry of Education region	Number of operative state schools located on sites transferred under Settlements
Te Tai Tokerau	17
Auckland Tāmaki Makaurau	16
Waikato	10
Bay of Plenty, Waiariki	33
Taranaki, Whanganui, Manawatū	7
Hawke's Bay, Tairāwhiti	1
Wellington	49
Nelson, Marlborough, West Coast	60
Total	193

No operative schools in the Ministry's Canterbury, Chatham Islands or Otago, Southland regions were located on land transferred under Treaty | Te Tiriti Settlements.

As of February 2024, the sites of 30 operative NZ Police properties had been transferred by the Crown under Treaty | Te Tiriti Settlement processes (Yanko, 2024). Table 2 below shows where those sites are located by Police district. In April 2024 across New Zealand there were 319 NZ Police Stations (NZ Police, n.d.).

Table 2: Operative NZ Police properties transferred under Treaty | Te Tiriti Settlements (February 2024)

NZ Police District	Number of properties transferred
Auckland	1
Waikato	9
Bay of Plenty	4
Central	5
Wellington	2
Tasman	7
Southern	2
Total	30

Information on the Treaty | Te Tiriti leased-back sites with operational courts located on them as of 7 February 2024 is set out in Table 3 below.²⁶ As of 7 February 2024 there were 16 operational Courts located on land transferred under Treaty | Te Tiriti settlements – three of which were shared District Court/High Court sites, one was a High Court only site, and the rest were District Court sites (J. Sheppard, personal communication, February 29, 2024). To put this in context in August 2023 across New Zealand as whole there were 58 District Courts and 19 High Courts, with some District Courts and High Courts sharing sites (District Court of New Zealand, n.d.; Ministry of Justice, 2023)).

Table 3: Treaty | Te Tiriti leased back land with an operational Court (as of 7 February 2024)

Ministry of Justice Service Area	Number of sites
Taitokerau	1
South Auckland	2
Waikato	4
Bay of Plenty	1
Waiariki	2
East Coast	1
Taranaki/Whanganui	2
Wellington	2
Nelson/Marlborough/West Coast	1
Total	16

Ground lease terms for transferred State school sites

Where one of the Mana Whenua Groups looked at as part of this research owned sites occupied by state schools, we looked at any agreed forms of ground lease for those sites included in the relevant Settlement documents. (In all but three cases the relevant Settlement documents included agreed forms of ground lease).

All of the agreed forms of school site lease we reviewed:

- were for perpetually renewable (21-year) terms
- allow the Ministry of Education to designate the site under the Resource Management Act 1991 (RMA) for any use permitted without the need for the landowner's consent under the relevant lease (Permitted Use)
- enable the Ministry (or its agent, sub-lessee or licensee) to build or alter improvements on the site without the landowner's consent where that is necessary for, or incidental to, the Permitted Use.

Most of the agreed form school site leases we reviewed provide that even if the Ministry breaches the lease the landowner cannot cancel the lease or re-enter into possession of the land. Instead, the landowner can only pursue other remedies (such as seeking a Court order requiring the Ministry to remedy the breach or monetary damages). However, some of the agreed forms of lease give the landowner the power to unilaterally terminate the lease if the land is damaged or destroyed to a degree that it either cannot be repaired to make suitable for the Permitted Use or the landowner determines that it is not economically viable to repair it. One of the agreed form leases (which would apply to up to seven schools if all of those schools were acquired by the relevant post-settlement governance entity) does allow the landowner to terminate the leases for breach and re-enter the property.

What uses of the leased sites are permitted without the landowner's prior approval varies across the agreed form school site leases we reviewed. Some of the leased sites can be used for any public work, including any lawful secondary or incidental uses. For others the Ministry or the school Board of Trustees can sublease any parts of the site for community purposes. Some leased school sites can only be used for a public work (other than education) if that use is "required for wider social and health initiatives that complement the school".

Waikato-Tainui ground leases enable substantial iwi input into the development of Wintec and Waikato University

As a result of one of the settlements of its historic Treaty | Te Tiriti claims (Her Majesty the Queen in right of New Zealand & Waikato-Tainui, 1995), Waikato-Tainui owns the sites on which the Wintec Polytechnic/Te Pūkenga, Waikato University and the AgResearch Ruakura Research Centre campus are located - with those sites leased back to the Polytechnic, the University and AgResearch respectively.

The relevant Settlement documents set out principles that must be reflected in the ground leases back to each of the Polytechnic, University and AgResearch.

All three of the ground leases must be for continually renewable terms so long as the land continues to be used wholly or primarily for the specified purposes (i.e. tertiary education or vocational training purposes for the Polytechnic/Te Pūkenga, tertiary education or research for the University, and agricultural or research and development purposes for AgResearch).

Under the lease principles relating to the Polytechnic/Te Pūkenga and the University, Waikato-Tainui has substantial input into plans for building new improvements, making substantial alterations to existing improvements or removing existing improvements:

- Every five years the Polytechnic/Te Pūkenga and the University are each required to prepare a site plan showing their respective plans for building new improvements, making substantial alterations to existing improvements or removing existing improvements. The plans must be submitted to Waikato-Tainui in draft for their approval, which approval must not be unreasonably withheld or delayed. Waikato-Tainui are not entitled either to reorder the priorities set out in the plans or to introduce specific proposals for capital works.
- The Polytechnic/Te Pūkenga and the University are each entitled, during the five year period covered by an approved plan, to carry out any alterations or additions to or removal of improvements which are consistent with that plan. Any other major construction, extensions or demolitions require the consent of Waikato-Tainui, which may not be unreasonably withheld or delayed.

- Details of planned renovation or maintenance of existing improvements do not need to be included in a five year plan nor does either the Polytechnic/Te Pūkenga or the University need to obtain Waikato-Tainui consent for renovation or maintenance work.
- The Polytechnic/Te Pūkenga and the University must each give Waikato-Tainui a capital works programme every year to enable Waikato-Tainui to ascertain whether the proposals in those programmes are consistent with their site plans. Waikato-Tainui may object, on reasonable grounds, to any major construction, extension or demolition described in one of those capital works programmes which is inconsistent with the relevant site plan. Where such an objection has been made, the relevant tertiary education institution may not carry out the construction, extension or demolition until the objection has been removed by consultation or dispute resolution under the relevant lease.

The principles relating to the University’s lease also include obligations on the University to maintain improvements in good order and condition (fair wear and tear and damage by fire, earthquake or tempest excepted) and, if a building is damaged by fire, earthquake or tempest, the University must either remove the building or reinstate it.

Under the lease principles relating to the AgResearch site, during the lease term AgResearch may carry out any alterations, additions, extensions to or removal of improvements and any renewals without first obtaining Waikato-Tainui consent provided it has obtained all necessary building, resource and other consents.

3.2.2. Other Mana Whenua Group ownership of sites leased by infrastructure providers

There are other instances of Mana Whenua Groups owning sites leased by infrastructure providers. For example, the Wellington Tenth Trust owns the former Dominion Museum building on Buckle Street in Wellington which it leases to Massey University as part of Massey’s Wellington campus.

See also the case study in relation to the Tauhara North No 2 Trust below.

Case Study:

Tauhara North No 2 Trust

Tauhara North No. 2 Trust is an ahu whenua trust established under the Te Ture Whenua Māori Act. The Trust administers several multiple-owned Māori land blocks located north of Taupō.

The decisions the Trust makes around commercial investments are informed by its vision:

- Kia mau ki te whenua | Hold fast to the land
- Whakamahia te whenua | Make use of the land
- Hei painga mō ngā uri whakatipuranga | For future generations

The Ngā Awa Pūrua Power Station is located on Trust-administered land. It is a nominal 140 MW geothermal plant and, as of April 2024, was the largest single turbine geothermal power station in the world. The power station is owned by the Ngā Awa Pūrua Joint Venture with the Trust owning 35% and Mercury Energy owning 65%.

Two other geothermal power stations are located on Trust-administered land with the ground on which they are located leased by the Trust – Rotokawa Power Station and Ngātamariki Power Station.

3.2.3. Mana Whenua Group development of purpose-built facilities for infrastructure tenants

Some Mana Whenua Groups have developed purpose-built vertical infrastructure facilities on group-owned land which they lease to an infrastructure provider.

- Ngāi Tahu exercised a right under its Treaty of Waitangi Settlement to purchase a site in central Queenstown. It constructed a new Queenstown Court House on that site (completed in 2006) which it leases to the Ministry of Justice.²⁷
- In 1999 Ngāi Tahu purchased land on which the former Addington Railway Workshops were located as a strategic investment. In the early 2010s Ngāi Tahu worked with the New Zealand Blood Service to develop a facility for the Service on part of the site at Lester Lane (New Zealand Blood Service, 2012; Ngāi Tahu Property, n.d.).
- The Cambridge NZ Police base, which opened in September 2022, was the first development under the terms of a partnership agreement between NZ Police and Tainui Group Holdings (TGH). The base is located on the site of a former NZ Police house at the corner of Victoria/Fort Street in Cambridge which was transferred to Waikato-Tainui as part of a Treaty of Waitangi Settlement. TGH constructed and owns the NZ Police base building and the land and NZ Police paid for the tenant fit-out (New Zealand Police, 2020).

- As well as owning the land on which the current Whanganui Court House is situated, the post-settlement governance entity for the Whanganui Iwi (Ngā Tāngata Tiaki o Whanganui Trust) also owns the Court building, with both the site and the building currently leased back to the Crown. The Tupoho Trust,²⁸ the Ministry of Justice, NZ Police and Whanganui District Council are working together to develop a community wellbeing hub on a former polytechnic site in Whanganui. As part of a range of community and well-being services, the development will include a new courthouse and NZ Police station. When the Ministry of Justice vacates the current Court House, the site will be handed back to Ngā Tāngata Tiaki o Whanganui Trust.

3.3. Other investment in infrastructure by Mana Whenua Groups

Some Mana Whenua Groups also own minority shareholdings in infrastructure providers, shares in irrigation schemes which serve land they own, and shares in other investment funds that invest in infrastructure.

Case Study:

Ruakura Inland Port

Waikato-Tainui developed the Ruakura Inland Port as a joint venture with Port of Tauranga, through the Ruakura Inland Port LP limited partnership. The general partner of the limited partnership, Ruakura Inland Port GP Limited, is 50% owned by Port of Tauranga Limited and 50% owned by Port Ruakura LP (the general partner of which is ultimately owned by Tainui Group Holdings, (TGH)).

An 'inland port' provides a point where a variety of transport modes merge and enables the distribution of cargo both to and from seaports.

The Ruakura Inland Port opened in August 2023 and is operated by Quality Marshalling (Mount Maunganui) Limited, a company owned by Port of Tauranga Limited. The inland port is adjacent to both the East Coast Main Trunk rail line and the Waikato Expressway and provides container handling interchange and related activities to and from the inland port and Port of Tauranga and to and from the inland port and MetroPort (in Auckland).

3.3.1. Ownership of shares in infrastructure providers

Our review of Mana Whenua Financial Documents, registers of infrastructure providers and companies and limited partnership registers has identified examples of Mana Whenua Groups owning minority shareholdings in:

- port companies
- electricity gentailers (generators and retailers)
- an airport company.

In one case a Mana Whenua Investment Entity received shares in two gentailers 'on account' as payments towards a future Treaty | Te Tiriti Settlement.

Most private irrigation schemes in New Zealand are co-operatives – with the owners of the land that an irrigation scheme supplies water to also being the scheme shareholders (Irrigation New Zealand, n.d.). Mana Whenua Groups (and other Māori groups) that own irrigated production land may also own shares in one or more private irrigation schemes.

Please also see the case study in relation to the Tauhara North No 2 Trust in section 3.2.2.

3.3.2. Indirect investment in infrastructure

A number of Mana Whenua Investment Entities have purchased shares in investment funds that invest in infrastructure. An example is some Mana Whenua Investment Entities owning shares in an Australasian diversified infrastructure investment fund which owns, among other things, shares in a New Zealand electricity lines company (a company that distributes electricity primarily from the National Grid to homes and businesses).



4.

Māori businesses as suppliers in the infrastructure sector

Ngā pakihī Māori hei kaiwhakarato i te rāngai tūāhanga

While Te Waihangā has recently commissioned quantitative research on who New Zealand infrastructure workers are (see section 4.1 below), there is currently a lack of data on how many, or what kind of, Māori businesses are working as suppliers in the infrastructure sector.

From our review of the findings of a range of recent quantitative and qualitative research into Māori businesses and discussions with infrastructure sector participants and Supplier Diversity Specialists we have found the following.

- Most Māori businesses, and most New Zealand businesses overall, are small. Currently there are no Māori businesses in New Zealand which have the capacity to be appointed as the head contractor on a large infrastructure project (sometimes called a 'Tier 1' contractor).

- Small to medium Māori businesses currently face barriers in obtaining contracts to work on infrastructure projects or programmes. Many of those barriers likely affect most small to medium New Zealand businesses. Therefore, appropriately designed interventions to address those barriers would be likely to benefit both Māori and non-Māori small- to medium-enterprises.
- Due to some of the characteristics of Māori businesses, some of those businesses face greater difficulties in accessing capital than other businesses. This can affect their ability to scale up, or buy equipment or plant, to take on an infrastructure contract.

A wide range of reasons have been given for increasing opportunities for Māori businesses to participate in government or infrastructure

initiatives. In this report we have focused on two:

- the benefits to a buyer of having a broader supplier pool (in terms of resilience, competition, growing the pool of skills and expertise, and leveraging connections to a wider range of people)
- quantitative research which shows that overall Māori businesses employ a greater proportion of Māori employees and share a greater proportion of their value add with their employees. (Therefore, increasing the proportion of Māori businesses involved in infrastructure initiatives would likely have follow-on benefits for Māori employment and whānau (family group) wellbeing.)

Two approaches currently being taken to increase the participation of Māori businesses as suppliers in the infrastructure sector are:

- directly sourcing Māori businesses
- setting targets for, or imposing obligations on head contractors aimed at, increasing opportunities for Māori businesses.

The principles and requirements in the New Zealand Government Procurement Rules mean there are limits to the extent to which agencies that are subject to, or apply, those Rules can directly appoint suppliers. However, in some circumstances Māori businesses are being directly sourced for infrastructure (sub)contracts.

Both our interviews with infrastructure sector participants and Supplier Diversity Specialists as part of this work, and other recent research, indicates that there are real practical challenges in designing and implementing approaches aimed at creating more opportunities for Māori businesses to participate in government or infrastructure sector work which involve:

- setting targets around appointing, or spend with, Māori businesses
- requiring prospective head contractors to include information in their bids on how they will create opportunities for Māori businesses.

4.1. What is a 'Māori business'?

Research into Māori businesses has used a range of approaches for identifying what a 'Māori business' is.

- 'Māori who run their own business' has been defined as people who identified Māori as the

ethnic group, or one of the ethnic groups, they belonged to in a Census of Population and Dwellings and also identified themselves as either 'self-employed without employees' or an 'employer' (i.e., self-employed and employing others) (Ministry of Business, Innovation and Employment, 2015).

- Similarly, the 'businesses of Māori employers' and 'self-employed Māori' have been defined on the basis on self-identified ethnicity, and whether a person identified as either 'self-employed without employees' or an 'employer', in the relevant Census (Reserve Bank of New Zealand & BERL, 2018).²⁹
- A business has been treated as a 'Māori business' if at least 51% of the wages paid to directors, partners or other active shareholders (together 'active shareholders') were paid to individuals of Māori ethnicity or descent (as well as including any other businesses then identified as a Māori enterprises by Stats NZ) (Nicholson Consulting, 2020).
- 'Māori-owned businesses' have been defined as economically significant businesses³⁰ where at least 50% of the wages for 'active shareholders' were paid to a person or people of Māori ethnicity or descent as well as any other businesses flagged by Stats NZ as a Māori-owned businesses (Te Puni Kōkiri, 2023a).
- 'Other Māori enterprises that are economically significant'³¹ has been defined as economically significant businesses "owned by a person or people who have Māori whakapapa, and a representative of that business identifies the business as Māori" (Stats NZ, 2023a).
- In research published in 2022, the Reserve Bank | Te Pūtea Matua used the approach of treating a firm as a Māori firm if it was a Māori sole trader or it was another business with at least one shareholder who self-identified as Māori in one of a number of data sources including the 2018 Census (Ball et al., 2022).
- Businesses have been treated as a 'Māori firm' if they self-identified as a Māori firm in Stats NZ's 2015-2020 Business Operations Surveys (Chen, 2023). The Business Operations Survey only includes businesses that employ six or more staff (Stats NZ, 2023b).

Mika et al have suggested that a definition of a Māori business should include that the business "applies Māori values implicitly or explicitly" and "contributes to collective Māori wellbeing"

(Mika et al., 2019). None of definitions of Māori businesses used in the research listed above involved an assessment of whether, or the extent to which, the people involved in a business apply Māori values or contribute to collective Māori wellbeing. Nor do any of those definitions consider whether the people involved in a business:

- are connected to their iwi or hapū
- whakapapa to an iwi or hapū which has mana whenua status in an area where their business operates
- are familiar with tikanga.

In that sense the definitions used in the research align with how the percentages of the New Zealand national and regional populations that are Māori are determined.

When the findings each of the pieces of research identified above are referred to later in this report those findings needed to be viewed in light of the definition of Māori business that the relevant research was using.

4.2. Lack of data on Māori businesses working as suppliers in the infrastructure sector

Te Waihangā has recently commissioned quantitative research on who New Zealand infrastructure workers are (see section 5.1 of this report). However, there is currently a lack of data on how many, or what kind of, Māori businesses are working as suppliers in the infrastructure sector.

While some of the research into Māori businesses referred to in section 4.1 above are broken down by industry, the industry classifications used do not enable identification of how many of the businesses are currently actively involved in the infrastructure sector. For example, one of the specific industry categories Stats NZ, Nicholson Consulting and Te Puni Kōkiri refer to is the ‘construction’ sector and MBIE looks at Māori who run their own businesses in the ‘utilities and construction’ industr³². However, both those industry classifications will include businesses who only undertake residential or commercial construction as well as businesses who undertake all, or some, infrastructure work.³²

The work Scarlatti Alta recently undertook for Te Waihangā involved developing a definition of ‘infrastructure workforce’. That definition was “those people who contribute labour directly to the planning, construction, or asset management of horizontal and vertical infrastructure assets” (Scarlatti Alta, 2023). The research then used data held in the Stats NZ Integrated Data Infrastructure (IDI) research database to make findings about that workforce. Scarlatti Alta did not extract IDI data relating to labour status (i.e., whether individuals identified themselves as ‘self-employed without employees’, an ‘employer’ or an ‘employee’). Therefore, the data extracted as part of that research cannot be analysed to identify Māori-owned businesses undertaking activities relating to the planning, construction, or asset management of infrastructure.

4.3. Most Māori businesses, and most New Zealand businesses, are small

Most Māori businesses are small (as are most New Zealand businesses overall).

- MBIE defines a ‘small business’ as one with fewer than 20 employees (Ministry of Business, Innovation and Employment, 2023).³³
- Of the approximately 1900 Māori and Pasifika businesses registered with the supplier diversity entity Amotai in 2023 the average business size was 10.7 people (personal communication with Amotai, 12 September 2023).
- BERL’s analysis of the ‘businesses of Māori employers’ in 2018 found that on average they employed 14 employees. However, BERL noted that (Reserve Bank of New Zealand Te Putea Matua & Berl, 2018, p. 21):

“Construction, transport, professional services, and trade and accommodation are characterised by smaller businesses with self-financed ownership. These include builders, plumbers, electricians, drivers, lawyers, accountants, and other business consultancy services, along with hospitality establishments. While there may be some large enterprises within these sectors, many will be much smaller than the overall average of an approximately 14 employee business”

- Te Puni Kōkiri analysis of the 2019/20 financial year treated a business as medium- or large-sized if it had annual net GST of more than \$NZ20,000. It found that in 2020 just under 34.8% of all Māori-owned businesses were medium or large businesses, compared to 33.8% of non-Māori-owned businesses (Te Puni Kōkiri, 2023a).³⁴
- Research covering the 2015-2020 period found that, other than sales, growth dynamics were not significantly different between Māori and non-Māori firms. Māori firms’ total sales were estimated to be growing 1.5% more per annum than non-Māori firms (Chen, 2023).

Our interviews with infrastructure sector participants have confirmed that currently there are no Māori businesses which have the capacity to be appointed as the head contractor on a large infrastructure project (sometimes called a ‘Tier 1’ contractor). A Supplier Diversity Specialist commented that, while a few Māori businesses aspire to being a Tier 1 business, most do not.

One example of a large Māori business involved as a supplier in the infrastructure sector is Century Drilling and Energy Services (NZ) Limited, which trades as MB Century.

Case Study:

MB Century

Century Drilling and Energy Services (NZ) Limited (which trades as MB Century) is owned by Kaawai New Zealand Limited (a company 100% owned by an ahu whenua trust, the Tuaropaki Trust). The services provided by MB Century include (MB Century, n.d.):

- drilling for geothermal exploration, production and reinjection wells
- measuring the pressure and temperature of geothermal wells
- inspecting geothermal and hydropower generation equipment
- geothermal and hydro generating plant maintenance
- providing engineering support for hydropower plant modification, replacement, and testing
- designing and constructing pipelines for geothermal steamfield development
- fabrication, industrial coatings, and precision machining
- project management for power station projects.

4.4. Barriers facing Māori (and probably other) small to medium-businesses in obtaining contracts to work on infrastructure projects or programmes

There is evidence that small to medium Māori businesses currently face barriers in obtaining contracts to work on infrastructure projects or programmes.

Many of those barriers likely affect most small to medium New Zealand businesses. Therefore, appropriately designed interventions to address those barriers would be likely to benefit both Māori and non-Māori small- to medium-enterprises.

Below we discuss barriers for small to medium Māori businesses in obtaining contracts to work on infrastructure projects or programmes identified during our research.

4.4.1. The size of the packages of work being contracted

Infrastructure sector participants told us that, even for work being subcontracted by a head contractor or lead consultant, the size of the work packages being contracted for infrastructure projects and programmes mean that a small- or medium-business would be unable to undertake the work.

The MBIE New Zealand Government Procurement Unit has issued guidance (NZGP Guidance) which recommends that government agencies (New Zealand Government Procurement, n.d.):

- consider splitting a proposed contract into parts which Māori businesses may have the capacity to deliver (so long as doing so would not avoid the agency applying the New Zealand Government Procurement Rules)
- are open to joint ventures and support the potential development of joint ventures by building more time into procurement processes, indicating that an agency is open to joint bids, and providing opportunities for potential

suppliers to engage with each other (for example through joint briefings).

An extension of this for large infrastructure initiatives is infrastructure providers encouraging:

- their head contractors (including lead consultants) to bundle the work packages they further sub-contract so that they are of a scale that a small- to medium-sized business could deliver
- small- to medium-Māori businesses and larger subcontractor businesses to team-up to jointly bid for sub-contracts.

There are issues that need to be appropriately managed when joint bids and teaming-up occurs – see the discussion on ‘black-cladding’ below.

‘Black cladding’

An issue that has been identified in initiatives aimed at creating opportunities for participation by indigenous businesses overseas is ‘black cladding’. Supply Nation (the Australian supplier diversity organisation that works with Aboriginal and Torres Strait Islander businesses) considers ‘black cladding’ to be (Supply Nation, n.d.):

“... the practice of a non-Indigenous business entity or individual taking unfair advantage of an indigenous business or individual for the purposes of gaining access to otherwise inaccessible Indigenous procurement policies or contracts. Unfair advantage involves practices and arrangements that result in the disadvantage or detriment to an Indigenous business, or that do not represent a genuine demonstrated level of equitable partnership and benefit.”

Relevant to whether black cladding is occurring is who has what management, control, and decision-making power under a business arrangement.

‘Black cladding’ was not raised as an issue in any of the conversations we had with New Zealand Contractor Staff, Infrastructure Staff, Infrastructure Consultants or Supplier Diversity Specialists as part of this work. Therefore, it may not currently be a material issue in practice in New Zealand.

4.4.2. The complexity and length of procurement documentation and pre-qualification requirements

Two Supplier Diversity Specialists commented that the current procurement documents and contracts used to engage subcontractors on infrastructure projects are very long, complex, and difficult for anyone who is not a lawyer to understand.

Several Supplier Diversity Specialists commented that often Māori businesses do not have the level of insurance or health and safety procedures needed to qualify to bid for work on infrastructure projects or programmes. One queried whether the current standard pre-qualification requirements are ‘over the top’ for the kinds of work that would be undertaken under some infrastructure subcontracts. ³⁵

The NZGP Guidance recommends that agencies make sure that all procurement requirements and evaluation criteria are necessary, and not so complex as to be unfair to or create unnecessary barriers for, among other things, Māori businesses.

In May 2022 the New Zealand Government announced that \$26 million in funding would be used for a range of initiatives including providing targeted one-to-one support to Māori businesses to help them navigate and engage effectively in government tender processes. In addition to the targeted one-to-one support programme, Te Pūni Kōkiri has established dedicated regional advisers to support Māori businesses through government procurement and a local intermediary programme provides support to Māori businesses to navigate government procurement systems (Te Puni Kōkiri Ministry of Māori Development, 2023b, p. 21).

A Supplier Diversity Specialist noted they have seen procurement processes being run so that, instead of requiring bidders to complete lengthy documents, bidders that meet specified pre-qualification requirements attend kanohi-ki-te-kanohi (face-to-face) sessions where they orally pitch for work. Consistent with this, Dunedin City Council has said that it is considering adopting an approach, for smaller contracts, of inviting Māori and Pasifika businesses to participate in “more interactive procurement processes where they can come and present rather than respond in writing [to procurement documents]” (2023).

4.4.3. Not receiving feedback on why a bid was unsuccessful

A Supplier Diversity Specialist commented that Māori businesses that unsuccessfully tender for work are not generally given practical feedback on why they were unsuccessful. ³⁶

The NZGP Guidance recommends that, after a procurement decision has been made, debriefs are undertaken with unsuccessful Māori businesses. It recommends that for two reasons:

- to support Māori businesses to learn and know how they can win contracts in the future (including referring them to government resources that can support them to develop their business and letting them know about agency early market engagement programmes and supplier activities)
- to enable agencies to learn about how they could improve their procurement processes and reduce barriers in future.

Tauranga City Council has also recognised the importance of encouraging unsuccessful tenderers to attend debriefings to creating more opportunities for Māori in relation to tenders for transport-related work (2020, p. 11).

4.4.4. The project-based nature of a lot of infrastructure contracting

The project-based nature of a lot of infrastructure contracting has been identified as an issue. A Supplier Diversity Specialist and a Contractor Staff member both commented that:

- if a small or medium Māori business (such as a plumbing business) spends a few years working exclusively on an infrastructure project when that project ends they will find that they have lost their share of the more local (such as residential) work they had before they became involved in the infrastructure project and will not have an ongoing pipeline of work
- however, if they do not become involved in a very large infrastructure project in their area, they may lose many of their staff to the contractors who do work on that project.

This issue was also identified in interviews with the owners of Māori small- and medium-enterprises working in the horizontal infrastructure sector recently undertaken by Sapere (Moore et al., 2023).

Two other Supplier Diversity Specialists commented that one of the things to think about in designing procurement processes is whether an opportunity will create or enable a pipeline of work for a Māori business. They noted that some work subcontracted to Māori businesses is not sustainable work – for example they are contracted to provide the plants used in landscaping when they could be engaged to both supply those plants and maintain them while they become established. Another Supplier Diversity Specialist commented that ongoing work, such as that provided by school maintenance contracts, would be a good fit with small to medium Māori businesses.

A Contractor Staff member commented that an option they are exploring for a large infrastructure project is for some of the employees of small- to medium-businesses in the area to be seconded to larger subcontractors for the period of the project allowing the small to medium-businesses to retain a presence in the local market.

4.4.5. Not having a track record in the particular kind of work

Two Supplier Diversity Specialists observed that project managers tend to appoint suppliers they have used before and suppliers who have experience on big infrastructure projects. Therefore if, for example, a project manager invites six companies to bid for some work with five of them being suppliers they have used before and one being a Māori business they have not used before the Māori business is unlikely to be successful. As a result, Māori businesses may not see it as worth their while to put the hours of time in required to prepare and submit a bid. This observation is consistent with the views of the Māori business owners interviewed by Sapere (Moore et al., 2023).

A Contractor Staff member noted that when a small- to medium-sized Māori business is putting themselves forward to get involved in a different part of the market than they have traditionally been involved in they:

- are unable to cite directly comparable work experience
- tend to be cautious when it comes to pricing the work (and so can be more expensive than other bidders).

Another Contractor Staff member commented that in their observation Māori business owners sometimes lack the confidence to bid for infrastructure work when they have not done infrastructure work before (even when they have significant relevant experience, e.g., on commercial construction projects).

As noted above, a Supplier Diversity Specialist commented that one way of moving on from this situation, and broadening the supplier pool for major infrastructure projects, would be to directly source a Māori business that had relevant skills but no experience working on a major infrastructure project to an appropriate subcontract.

A Contractor Staff member noted that their company has a focus on internal education about the benefits of supplier diversity so that project managers do not just keep going back to the same businesses.

4.4.6. The timeframes for pulling bids together

A Contractor Staff member noted that some Māori businesses do not have the experience to pull a competitive bid together in the required timeframes. Similarly, a Supplier Diversity Specialist noted that small- and medium-sized Māori businesses generally do not have dedicated tender bid writers which means the business owners are writing bids at night. ³⁷

Another Contractor Staff member commented that the planning for large infrastructure projects tends to be stop-start in the sense that a potential infrastructure initiative can be talked about for a number of years, then go quiet, then begin to be talked about again. Owners of small- to medium-businesses are unlikely to invest time or money in doing pre-thinking about how they would bid for a project that might never go to market. An approach the relevant contractor is taking is to keep small- to medium-sized local suppliers informed that tenders are coming in the near future so that business owners have sufficient certainty to choose to invest in that sort of pre-thinking.

4.4.7. Not being aware of upcoming opportunities

Particularly if they are not already working in the infrastructure sector, Māori (and other) businesses may not be aware of upcoming opportunities to bid for infrastructure contracts.

Most New Zealand Government contracts and many other public sector contracts that use a competitive procurement process are advertised on and managed through the Government Electronic Tender Service (GETS). A Supplier Diversity Specialist and a consultant working for a government department both commented that GETS generally does not work for Māori businesses because it is so transactional. A Contractor Staff member questioned whether requests for proposals for infrastructure project related work are being put out in the right channels to reach Māori businesses.

The NZGP Guidance recommends that, as well as advertising on GETS, agencies advertise locally and share contract opportunities through local organisations, including Māori or iwi organisations. It also recommends that agencies:

- identify Māori businesses that may be able to provide goods and services the agency needs, including by liaising with Māori business networks and the regional offices of Te Puni Kōkiri (which may already have a relationship with those businesses)
- once Māori businesses have been identified, engage and work with them to understand how they can become part of the agency's supply chain, either as a primary supplier or a subcontractor.
- attend Māori business networking events.

The Government funding approved in May 2022 discussed above is also to be used to (New Zealand Government, 2022b):

- scale up local networks for Māori businesses in the regions to grow awareness of government opportunities and build capability
- develop a centralised Māori business database.

As discussed in the case study below, the NZ Transport Agency and KiwiRail New Zealand Limited have adopted an approach of ensuring that relevant mana whenua groups are informed of upcoming subcontracting opportunities and facilitating introductions between mana whenua-owned and endorsed businesses and head contractors. ³⁸

4.5. Māori businesses' access to capital

Due to some of the characteristics of Māori businesses, some of those businesses face greater difficulties in accessing capital than other businesses. This can affect their ability to scale up, or buy equipment or plant, to take on an infrastructure contract.

In 2023 Sapere asked owners of small and medium Māori businesses working in the horizontal infrastructure sector about factors that inhibit those businesses' ability to engage with the sector (Moore et al., 2023). Some of those Māori firms reported issues accessing capital to undertake larger jobs or expand their offerings, although Sapere found "this was not a widespread issue" (Moore et al., 2023, p. 8). In a 2020 BDO survey 18% of Māori business respondents identified 'access to capital' as one of their main barriers for achieving planned outcomes for their business. In BDO's 2021 survey the percentage was 11%. ³⁹

The Reserve Bank has undertaken research using annual tax filings from firms (companies, working proprietors and sole traders) to calculate a firm-level implied interest rate on debt for each firm. (An 'implied interest rate' is a rate of interest inferred from a financial transaction.) The Reserve Bank then linked that firm data to the owners and shareholders of firms to investigate the effect of ethnicity on firm financing (Ball et al., 2022). They found that the implied annual interest rate on liabilities for Māori businesses was around 50 basis points higher than for non-Māori businesses.

The Reserve Bank's analysis found that much of this difference was explainable by certain characteristics of Māori businesses which are characteristics that tend to affect financing costs (Reserve Bank of New Zealand Te Pūtea Matua, 2022).

- On average, Māori businesses have slightly higher debt ratios than non-Māori businesses. The Reserve Bank found that from 2001 to 2020 on average the debt ratio for non-Māori firms was 78.7% while the debt ratio for Māori firms was 81.3% (Ball et al., 2022).
- Māori businesses also tend to have less debt funding from shareholders. Stats NZ found that in 2022, 13% of 'other Māori enterprises' (as opposed to 'Māori authorities') requested

equity finance and 34% requested debt finance, compared to 11% and 24% for New Zealand businesses overall. ⁴⁰ (As noted above, in the 2022 financial year only 4% of Māori authorities reported requesting equity finance and 20% reported requesting debt finance.)

- Māori businesses also tend to have lower labour productivity (real value added per worker) than non-Māori firms. ⁴¹ Chen recently found that Māori firms had 6.3% lower labour productivity than matched non-Māori firms. Research undertaken by the Reserve Bank also found that overall Māori firms (which for the purposes of that research included Māori sole traders) had slightly lower labour productivity than non-Māori firms (Ball et al., 2022). Factors that affect the labour productivity of a business include technological change, management practices, workers' skills and changes in other inputs (such as capital) (Reserve Bank of Australia, n.d.). Whether labour productivity affects the price a client of a business pays depends upon whether a business passes on productivity improvements to their clients through lower prices rather than those improvements increasing owner profits or resulting in higher wages for workers.
- Overall Māori businesses also have slightly younger working proprietors and are newer businesses. MBIE found that, based on the 2013 Census (Ministry of Business, Innovation and Employment, 2015), 56% of Māori who ran their own business were under 50 years of age, compared with 48% of the total population of people who ran their own business. The Reserve Bank also found that average age of non-Māori working proprietors was just over 51 years old whereas the average age of Māori working proprietors was just over 48 and a half years old (Ball et al., 2022). This is consistent with a comment made by a Supplier Diversity Specialist we spoke to as part of this research that Māori tend to both get into business at a younger age and exit businesses earlier.

The Reserve Bank commented that their analysis “did not find evidence of systemic ethnic bias in the financial sector contributing to the interest rates paid by firms” but that further research was required to determine why Māori firms tend to have firm characteristics that increase financing costs (Ball et al., 2022, p. 1).

The Reserve Bank noted that its analysis only looked at firms that were established enough to already raise capital and did not have information

on how Māori firms navigated as start-up firms and accessed early-stage capital. A Supplier Diversity Specialist commented that in their observation Māori entrepreneurs face greater challenges accessing capital at the beginning of their businesses due in part to Māori having a lower average net wealth than the New Zealand population as a whole.

Research currently being undertaken

The Reserve Bank has been working with banks to improve insights on Māori firms' access to finance using data the banks currently have (Orr, 2024).

4.6. Why take steps to increase opportunities for Māori businesses to participate?

An Infrastructure Consultant stressed how important it is that if buyers do take steps to seek to increase opportunities for Māori businesses to participate as suppliers, they understand why they are doing that.

A wide range of reasons have been given for increasing opportunities for Māori businesses to participate in government or infrastructure initiatives. In this report we have focused on two:

- the benefits to a buyer of having a broader supplier pool
- certain characteristics of Māori businesses which indicate that increasing the proportion of Māori businesses involved in infrastructure initiatives would likely have follow-on benefits for Māori employment and whānau wellbeing.

4.6.1. A range of reasons have been given for increasing opportunities for Māori businesses to participate

Reasons for increasing opportunities for Māori businesses to participate in government or infrastructure initiatives we came across over the course of our research were:

- having a broader supplier pool generally has direct benefits to a buyer (discussed below)

- because Māori businesses have characteristics which indicate that increasing the proportion of Māori businesses involved in infrastructure initiatives would likely have follow-on benefits for Māori employment and whānau wellbeing (discussed below)
- to leverage diverse perspectives to better problem-solve (Construction Sector Accord, 2022)
- to leverage the innovation of Māori businesses (Amotai, 2021; Height Project Management Limited, 2021; Office of the Minister for Economic and Regional Development & Office of Te Minita Whangaketanga Māori, n.d.; Te Puni Kōkiri Ministry of Māori Development, 2023b) ⁴²
- to create more opportunities in New Zealand's regions (New Zealand Government, 2023; Te Puni Kōkiri Ministry of Māori Development, 2023b)
- to attract and retain employees who value supplier diversity (Amotai, 2021)
- because Māori businesses are more likely to understand the Treaty | Te Tiriti, have an understanding of te reo Māori and tikanga, and have knowledge or experience of working with iwi (New Zealand Government Procurement, n.d.)
- to lift whānau Māori aspirations, because Māori businesses owners can be role models in their communities (Amotai, 2021; Height Project Management Limited, 2021; New Zealand Government, 2022b).

Other reasons given were not relevant to public infrastructure providers but relevant to mixed-ownership model gentailers and private infrastructure providers, i.e. the potential for supplier diversity to increase a business' attractiveness to customers or open-up access to new customer bases.

4.6.2. The benefits to buyers of having a broader supplier pool

A number of sources gave reasons for increasing opportunities for Māori businesses to participate in government or infrastructure initiatives which related to the benefits to buyers of having a broader supplier pool. This included sources which referred to broader supply pools:

- building economic resilience/security (Greater Wellington Regional Council, 2021; New Zealand Government, 2022b; Te Puni Kōkiri Ministry of Māori Development, 2023b)

- increasing competition (New Zealand Government Procurement, 2019)
- growing a broader pool of skills and expertise (Auckland Transport, n.d.; Greater Wellington Regional Council, 2021; New Zealand Government Procurement, 2019; New Zealand Infrastructure Commission Te Waihangā, 2022, n. 31)
- enabling buyers to leverage the connections of a wider range of people (Supplier Diversity Specialist).

The New Zealand Government Procurement Rules require agencies to consider, and where appropriate incorporate, 'broader outcomes' when purchasing goods, services or works (Rule 16.1). 'Broader outcomes' includes increasing the number of New Zealand businesses (including Māori and Pasifika businesses) contracting both directly to government and in the supply chain. However, agencies must ensure that broader outcomes are incorporated in a way that does not discriminate against any supplier (Rule 16.4).

Rautaki Hanganga Aotearoa | the New Zealand Infrastructure Strategy (the Strategy) identifies that there are limits on New Zealand infrastructure providers' ability to access skilled operators and technicians needed for infrastructure projects. It notes that New Zealand needs a secure supply of essential services (as well as a secure supply of essential materials) so that we can continue to build, renew and maintain our infrastructure and recover from any significant disaster and this should form an important part of risk planning (New Zealand Infrastructure Commission Te Waihangā, 2022, p. 94).

For the Harvard Business Review, Bateman et al undertook research into the impacts of supplier diversity programmes (2020). Among other things, they found:

"An inclusive procurement strategy widens the pool of potential suppliers and promotes competition in the supply base, which can improve product quality and drive down costs. And by providing more sourcing options, inclusiveness can make supply chains more resilient and agile – an increasingly important advantage in these uncertain times."

4.6.3. Māori businesses employ more Māori and share a greater proportion of their value-add with their employees

In December 2023 the New Zealand seasonally adjusted ⁴³ unemployment rates and underutilisation rates for all ethnicities and for Māori were (Ministry of Business, Innovation and Employment, 2024b, 2024c):

- overall unemployment rate 4.0%
- Māori unemployment rate 7.9%
- overall underutilisation rate 10.7%
- Māori underutilisation rate 16.9%

‘Unemployment rate’ is the number of unemployed people expressed as a percentage of the labour force. ‘Unemployed’ means all people in the working-age population who, during the reference week, were without a paid job, available for work, and had either actively sought work in the past four weeks ending with the reference week or had a new job to start within the next four weeks.

‘Underutilisation rate’ is the sum of those unemployed, underemployed, and who are not actively seeking but are available and wanting a job and people who are actively seeking but not currently available but will be available to work in the next four weeks. ‘Underemployment’ means people who are in part-time employment who would like to, and are available to, work more hours.

Māori businesses have characteristics which indicate that increasing the proportion of Māori businesses involved in infrastructure initiatives would likely have follow-on benefits for Māori employment and whānau wellbeing.

Amotai has stated that because Māori businesses are more likely to employ Māori supporting the growth of Māori businesses supports employment growth for Māori (Amotai, 2021; Height Project Management Limited, 2021). One of Auckland Council’s stated reasons for increasing purchasing from Māori enterprises is to achieve employment and employment pathways for Māori (Auckland Council, 2020).

On average Māori businesses both:

- employ more Māori employees, and
- share a greater proportion of their value-add with their employees,

than non-Māori firms.

Te Puni Kōkiri found that in the 2019/20 financial year (2023a):

- the percentage of Māori employees in non-Māori-owned businesses was 14%
- the percentage of Māori employees in Māori-owned businesses without wāhine Māori (Māori women) as active shareholders was 38%
- the percentage of Māori employees in Māori-owned businesses with wāhine Māori active shareholders was 43%.

Chen recently examined the performance, productivity, and growth dynamics of ‘Māori firms’ relative to non-Māori firms. Their aim in undertaking the research was to (2023, p. 51):

“... investigat[e] empirically the literature’s portrayal of Māori firms as having different motives from those of other firms. Guided by Te Ao Māori and in alignment with tikanga values, Māori firms are said to operate under a multiple bottom-line approach wherein overall success is measured by a combination of outcomes rather than the standard assumption (for Pākehā firms) of profit-maximisation.” ⁴⁴

Chen estimated that: Māori firms had 6.3% lower labour productivity (real value added per worker). than matched non-Māori firms. Despite that, wage and salary earnings per employee were only 2.6% lower across Māori firms overall than across matched non-Māori firms, indicating that Māori firms shared a greater proportion of their value add with their workers (on average 5.4% more of their value add). Māori construction firms had 16% lower labour productivity than non-Māori construction firms but there was no statistically significant gap in the earnings per employee between Māori construction firms and non-Māori construction firms.

Chen specifically noted the importance of not generalising all Māori businesses and that, regardless of firm ethnicity, economic drivers are often still the biggest motivators.

4.7. Approaches being taken to increase the participation of Māori businesses as suppliers

Two approaches currently being taken to increase the participation of Māori businesses as suppliers in the infrastructure sector are:

- directly sourcing Māori businesses
- setting targets, or imposing obligations on head contractors, aimed at increasing opportunities for Māori businesses.

4.7.1. Directly sourcing Māori businesses as suppliers

Two Supplier Diversity Specialists commented that directly sourcing a Māori business to deliver a subcontract for an infrastructure project would help diversify the supplier pool by giving a Māori business that had not worked on a major infrastructure project before experience working on that sort of project. Māori business owners interviewed by Sapere also identified direct sourcing as an opportunity for “elevating the experience and exposure” of Māori firms (Moore et al., 2023, p. 38).

The principles and requirements in the New Zealand Government Procurement Rules mean there are limits to the extent to which agencies that are subject to, or apply, those Rules can directly source suppliers. However, in some circumstances Māori businesses are being directly sourced for infrastructure (sub)contracts.

Directly sourcing suppliers under the New Zealand Government Procurement Rules

A number of public infrastructure providers are required to apply the New Zealand Government Procurement Rules, including the New Zealand Transport Agency, the Ministry of Education, the Ministry of Justice, the Department of Corrections, Kāinga Ora Homes and Communities, City Rail Link Limited, and Crown Infrastructure Partners Limited. School boards of trustees are expected to apply those Rules.

Local government while encouraged to apply the New Zealand Government Procurement Rules is not required to do so (Controller and Auditor-General, 2020). The same is true of State-owned enterprises such as KiwiRail Holdings Limited and Transpower New Zealand Limited and public tertiary education institutions such as universities, Te Pūkenga – New Zealand Institute of Skills and Technology, and wānanga.

Mixed ownership-model gentailers and private infrastructure providers (including Mana Whenua Groups who undertake infrastructure development) have a wide discretion in how they source suppliers (see the case study in relation to the Waikato-Tainui social procurement strategy below).

Case Study:

A mana whenua group social procurement strategy

Waikato-Tainui has developed a social procurement strategy. Two of its priorities under that strategy are (Waikato-Tainui, n.d.):

- “Increase and continual growth of our tribal pipeline of works as well as provide a strong connected procurement platform for our people to engage with us on”
- “Increase growth and quality of tribal supply to deliver on as much tribal procurement spend as possible”.

The Government Procurement Rules only apply to procurements where the maximum total estimated value of the procurement (which includes the value of all related services and subcontracted goods, services or work) exceeds the value threshold that applies at the relevant time. As of 13 March 2024, the value threshold was \$NZ100,000 (excluding GST) for most contracts and \$9 million (excluding GST) for new construction works. The Government Procurement Rules state (Ministry of Business, Innovation and Employment, 2019, p. 18):

“Where procurement is below the threshold, agencies should consider if there is a capable New Zealand business, including Māori businesses, Pasifika businesses and social enterprises, that could fulfil the contract opportunity.”

Where the value limits are exceeded, the Government Procurement Rules enable relevant agencies, in some circumstances, to directly source known suppliers without going through a competitive process. If direct sourcing is used a buyer is still required to request a formal proposal from the proposed supplier and assess whether that proposal represents public value.

Direct sourcing can be used if the goods, services, or works can be supplied by only one supplier and there is no reasonable alternative or substitute because:

- for technical reasons there is no real competition
- the procurement relates to the acquisition of intellectual property or rights to intellectual property (including patents or copyrights), or other exclusive rights
- the procurement is for a work of art.

Another procurement method provided for under the Government Procurement Rules is the use of supplier panels. A buyer can run a process for appointing suppliers to a panel and make it clear as part of that process that once the panel members have been selected the buyer may directly source individual panel members to undertake some kinds of contracts (such as contracts below a certain level of spend) (Ministry of Business, Innovation and Employment, 2019). A buyer who is considering directly sourcing a supplier panel member to a contract is required to first evaluate whether that panel member has the right capacity and capability to fulfil the opportunity and offers the best public value at the time of purchase. As an extension of this

there are All of Government Contracts for the supply of certain types of goods and services and suppliers who are appointed to the panels for each of those contracts can be directly sourced for contracts which fall within the ambit of the relevant contract.

Directly sourcing Mana Whenua Groups

Some services in relation to infrastructure initiatives are sourced directly from a Mana Whenua Group (i.e., an iwi or hapū whose rohe or takiwā is within the area affected by the infrastructure initiative) because they are the only group who with the relevant knowledge and standing (for example as kaitiaki (guardians)) to undertake the work. This includes directly sourcing mana whenua entities or members of Mana Whenua Groups to undertake:

- the preparation of cultural impact assessments in relation to projects
- the provision of information on local narratives to inform the design of projects
- cultural monitoring of earthworks being undertaken within their rohe or takiwā
- activities to comply with cultural protocols (such as blessings).

Infrastructure Staff at two infrastructure providers, and a central government official we spoke with, identified iwi being contracted to provide services (or plant, machinery, or materials) for an infrastructure initiative in their rohe or takiwā as an approach that could potentially be adopted (although one of those Infrastructure Staff members noted their understanding that direct sourcing of an iwi entity as a supplier for some contracts might be inconsistent with New Zealand central government procurement practice).

Direct appointing other Māori businesses as suppliers

Some infrastructure providers are currently directly sourcing Māori businesses as suppliers to infrastructure projects in specific circumstances.

- An Infrastructure Staff member noted that their organisation has a procurement policy exemption which authorises staff to procure artworks directly from Māori artists.
- Kāpiti Coast District Council's Access and Transport Procurement Strategy notes that it will (2023):

“... seek opportunities to award some contract opportunities directly to local and regional businesses, small-medium enterprises, social enterprises, Māori and Pasifika businesses or any supplier that is well positioned to improve social, cultural, economic, or environmental wellbeing, provided that they offer fit-for-purpose solutions and good value-for-money, except where open competition is a requirement under [the Strategy].”

4.7.2. Challenges in setting targets for, and imposing obligations on head contractors to achieve, increased opportunities for Māori businesses

Both our interviews with infrastructure sector participants and Supplier Diversity Specialists as part of this work, and other recent research, have identified that there are real practical challenges in designing and implementing approaches aimed at increasing opportunities for Māori businesses to participate in government or infrastructure sector work that involve:

- setting targets around appointing or spend with Māori businesses as (sub)contractors
- requiring prospective head contractors (including lead consultants) to include information in their bids on how they will create opportunities for Māori businesses.

Setting targets around appointing or spend with Māori businesses as (sub) contractors

One approach for seeking to increase opportunities for Māori businesses is to set targets around appointing Māori businesses as contractors. There are real practical challenges in designing such targets.

In December 2020 the New Zealand Government introduced a policy which set a target for 5% of the contracts awarded by the agencies required to apply the Government Procurement Rules (‘mandated agencies’) to be awarded to ‘Māori businesses’ (New Zealand Government, 2020b). For the purposes of this policy ‘Māori businesses’ are businesses which are at least 50% owned by Māori or classified by the Inland Revenue Department as a Māori

authority. The current Government progressive procurement target only covers the direct spend of mandated government agencies – not its indirect spend, i.e. the number of Māori businesses who are employed as subcontractors on government initiatives. In March 2023 the Government increased the policy target to 8% of the contracts awarded by mandated agencies being awarded to Māori businesses (New Zealand Government, 2023).

Mandated agencies provide reports in relation to the progressive procurement target on 1 October and 1 March each year. From 1 July 2021 to 31 June 2022 6.0% of relevant contracts were awarded to Māori businesses. From 1 July to 31 December 2022 (Te Puni Kōkiri Ministry of Māori Development, 2023a):

- 4.6% of all relevant contracts were awarded 4.6% to Māori businesses
- 5.4% of active mandated agency contracts were with Māori businesses

A Supplier Diversity Specialist expressed the view that, as a volume target (based on the number of contracts awarded to Māori businesses), the current target has less impact than it would if it was a value target (based on what percentage of government contract spend is spent with Māori businesses). For the period 1 July to 31 December 2022, over 60% of the contracts awarded to Māori businesses had a value of under \$100K, with \$10K to \$50K being the most common value range by number of contracts awarded (25.5%). Construction sector contracts had the highest median value (\$600K) and made up 2.8% of contracts awarded to Māori businesses during the period.

A current example of a value target is the Auckland Council supplier diversity target. In March 2020 Auckland Council set a target that 5% of the value of all of its direct contracts was to be awarded to diverse suppliers (Auckland Council, 2020). (It also set a target that 15% of its total subcontract value was to be awarded to Māori and/or Pasifika businesses or social enterprises.). However, for the 2022 financial year it changed that target to instead measure direct spend with diverse suppliers. It made that change because (Auckland Council, 2023):

- measuring spend means it can include and provide visibility of any low value engagements not on contract

- reporting on spend meant any spend against the contracts was reported by spend financial year rather than being reported against a single year
- the previous target measured contract value at time of contract award, which did not account for subsequent variations, and meant that the award of any very large multi-year contracts (e.g. for waste collection or full-facilities maintenance) could completely skew the results for that year.

Sometimes infrastructure providers impose targets on their head contractors (including lead consultants) around use of Māori businesses. Challenges in meeting those kinds of subcontractor targets identified by Contractor Staff or Infrastructure Consultants include the following.

- Contractors can run into problems finding Māori businesses involved in the specialist industries for which they need to use subcontractors (such as geotechnical investigations or surveying).
- For staff employed by multi-national organisations, there are generally corporate policies regarding what subcontractors must have (such as minimum levels of public indemnity insurance) and it can be difficult to find relevant Māori businesses that meet those requirements.
- If a subcontractor is not registered on a specified database of Māori businesses the head contractor generally cannot include spend with that subcontractor when it reports to the infrastructure provider on its spend with Māori businesses. Quite often contractors will find that one of their subcontractors is at least 50% Māori-owned but not included on any of the current databases of Māori businesses (often because the business owner does not know that they can register on them).
- How hard it is for a head contractor or lead consultant to meet Māori business subcontracting requirements can depend upon how the contractor or consultancy is structured. One Contractor Staff member noted that their business is structured so that company staff are mainly project managers, estimators and quantity surveyors and they subcontract a wide range of work, which makes it reasonably easy for them to meet subcontractor targets. In contrast, another said that their company uses primarily its own workforce (which includes a significant proportion of Māori employees) so

subcontractor targets are difficult for them to meet and do not recognise the number of Māori they directly employ.

Requiring prospective head contractors to include information in their bids on how they will create opportunities for Māori businesses

Other initiatives involve infrastructure providers requiring prospective head contractors (including lead consultants) to provide information in their bids for infrastructure contracts on how they would create opportunities for Māori businesses.

One or more Supplier Diversity Specialists identified that:

- tender evaluation panels do not give this information much, if any, weight in making a decision on who to grant the contract to and do not look at whether in the past a bidder has delivered on similar commitments
- after a contract is awarded most government entities are not monitoring whether the successful contractor is delivering the initiatives for creating opportunities for Māori businesses they included in their bids (or achieving other broader outcomes) and there are no real negative consequences if a head contractor does not deliver those initiatives.

Consistent with this, horizontal infrastructure sector participants interviewed by Sapere noted that (Moore et al., 2023):

- if a contractor fails to deliver on social procurement promises, in practice, they do not suffer any negative consequences for that
- where social procurement factors are part of weighted assessment criteria in tenders the weighting is very low.

A Contractor Staff member commented that often tender documents are seeking proposals on how a contractor or consultant would facilitate a range of broader outcomes (with improving access for or engagement by Māori businesses only being one of those outcomes) or ask very broad questions around those issues. It is often not clear from the tender documents, or responses to questions put to the buyer, which of those outcomes are most important to them or what sort of information buyers are really after. This is consistent with the statement in the Strategy that (New Zealand Infrastructure Commission Te Waihangā, 2022, p. 118):

“Each of the projects in the infrastructure pipeline provides an opportunity to deliver a set of wider public outcomes, such as opportunities for Māori, waste minimisation, emissions reductions, the adoption of digital technology, and improved professional development that would not otherwise be delivered. However, inconsistent expectations of suppliers can create confusion for industry and limit the number of possible suppliers for projects. Providing consistency and clarity on the wider public outcomes sought through procurement can both broaden the number of possible suppliers and ensure that wider public outcomes are achieved.”

An Infrastructure Consultant commented that it is most effective if, at the time they are preparing tender documents, infrastructure providers engage with potential contractors and consultants, and other entities such as Supplier Diversity Specialists and Māori business networks, about what approaches should be taken to creating opportunities for Māori businesses.



5.

Involvement of Māori individuals in the infrastructure workforce

Te whai wāhi a ngā Māorī te ohumahi tūāhanga

Recent quantitative research commissioned by Te Waihangā has found that the proportion of Māori in the overall New Zealand infrastructure workforce is slightly higher than the proportion of Māori in the New Zealand working age population. However, Māori are under-represented in professional and manager roles in the infrastructure workforce, such as professional engineering and engineering manager roles.

Ministry of Business, Innovation and Employment (MBIE) and Te Waihangā workforce demand projections from 2022 and 2023 indicated that there was also the potential for greater utilisation of Māori workers in the infrastructure workforce overall. Current unemployment and underutilisation rates for Māori are significantly higher than they are for the New Zealand working age population as a whole and in 2022 and 2023 the demand for infrastructure sector workers was projected to increase in

the short to medium term (particularly in some areas like Tairāwhiti (Gisborne) which have a high proportion of Māori in the working age population). MBIE's 2023 forecast of building and construction activity, published in February 2024, forecast infrastructure activity to increase steadily year on year to 2026 but noted that, at the time of writing, the public sector was reviewing plans for future work programmes.

Our review of Mana Whenua Financial Documents and interviews with infrastructure sector participants and Supplier Diversity Specialists have identified that there are a number of initiatives aimed at increasing Māori participation in the infrastructure workforce overall.

- Some of those initiatives are programmes aimed at supporting Māori workers starting out in the infrastructure workforce.

- Others require prospective head contractors to provide proposals in their bids regarding how they would employ and support Māori workers. As with similar approaches aimed at encouraging head contractors to create opportunities for Māori businesses to participate in infrastructure (discussed above) there are real practical challenges with those approaches. (see the discussion in section 4.7.2)

Ministry of Education statistics indicate that across all fields of study, Māori industry trainees and apprentices are less likely to complete their qualifications within five years than New Zealand industry trainees and apprentices overall. Several Mana Whenua Group-owned entities are (either by themselves or in partnership with contracting companies, tertiary education institutions (TEIs),⁴⁵ or government entities) running programmes to support Māori workers or students through either pre-trades or trades training (including apprenticeships).

Waihanga Ara Rau (the Construction and Infrastructure Workforce Development Council) is undertaking research which focuses on interviews with:

- Māori-owned businesses and Māori sole traders working in construction and infrastructure
- employers with at least 75% Māori employees working in those sectors,

to identify challenges and opportunities facing the Māori construction and infrastructure workforce and develop recommendations to the Tertiary Education Commission.

We have looked at Ministry of Education statistics and Hanga-Aro-Rau | Manufacturing, Engineering and Logistics Workforce Development Council and other research in relation to engineering to obtain insights into why Māori are under-represented in managerial and professional engineering roles in the infrastructure workforce. Factors contributing to this include:

- engineering has a negative reputation among a significant number of Māori
- Māori students who start professional engineering (and related technologies) Bachelor's and Bachelor's with Honours degrees are less likely to complete them
- Māori with manufacturing or engineering

qualifications are less likely to either (a) enter employment; or (b) be in employment five years after completing their qualification.

Hanga-Aro-Rau is currently developing a Māori Workforce Development Strategy. Infrastructure providers, contracting firms and professional consultancies who undertake infrastructure sector work have adopted a range of initiatives to increase participation by Māori in professional and management roles in their organisations.

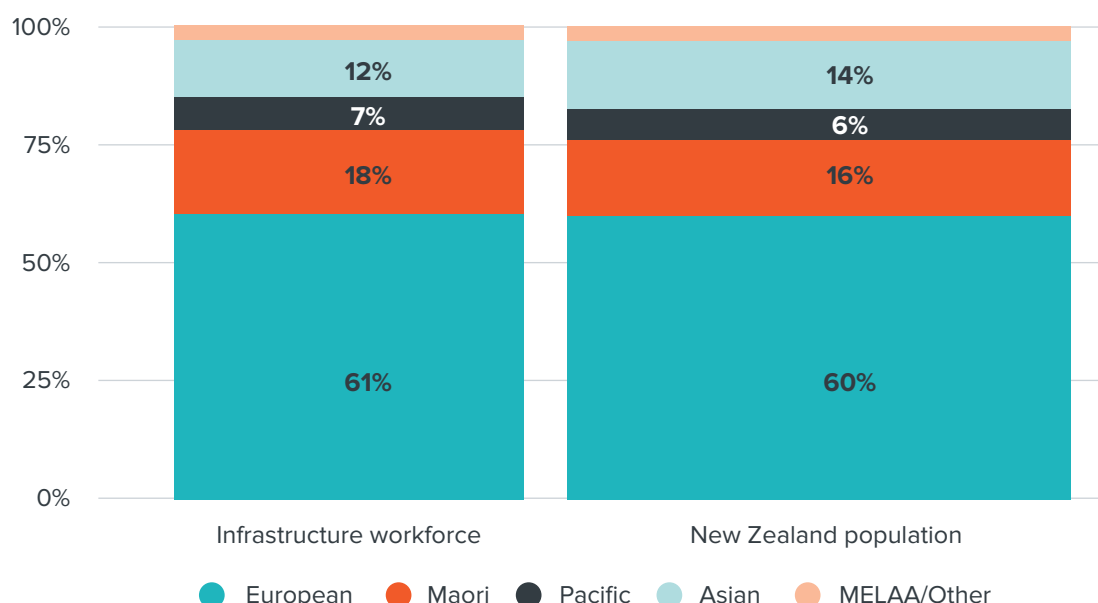
5.1. Māori in the infrastructure workforce

As noted in section 4.2 of this report, recently Scarlatti Alta undertook work commissioned by Te Waihanga to estimate the size and shape of the infrastructure workforce. Part of that work involved developing a definition of the 'infrastructure workforce'. That definition was "those people who contribute labour directly to the planning, construction, or asset management of horizontal and vertical infrastructure assets" (Scarlatti Alta, 2023). The research then used IDI data to make findings in relation to the characteristics of that workforce as of 2018.

The findings of that research were published on the Te Waihanga website in December 2023 (Nunns, 2023).

The research found that the infrastructure workforce in 2018 had a similar mix of ethnicities as the wider New Zealand population, with Māori making up 18% of the infrastructure workforce and 16% of the overall New Zealand population (see Figure 1 below).⁴⁶ Therefore, the proportion of Māori in the overall New Zealand infrastructure workforce is slightly higher than the proportion of Māori in the New Zealand working age population.

Figure 1 - Distribution of primary ethnicity in the infrastructure workforce and the overall New Zealand population, 2018 (Nunns, 2023, p. 28)).



Note: Infrastructure workforce estimates from Scarlatti/Alta workforce supply estimates using 2018 Census data; New Zealand population estimates from 2018 Census.

Māori participation in the infrastructure workforce was highest in Gisborne (52%), Northland (37%), Hawke’s Bay (29%), Bay of Plenty (30%), and Waikato (26%). These proportions were similar to the Māori share of the relevant regional populations.

The research estimated that seventy four percent of the New Zealand infrastructure workforce were New Zealand citizens. Therefore, roughly one in four infrastructure workers is on a visa.⁴⁷ These proportions were similar to the overall New Zealand workforce, where 28% of workers arrived on visas and 72% were New Zealand citizens. In professional infrastructure workforce occupations, one in three workers (32%) were on a visa. The research report commented that this suggests that New Zealand may rely more on migration to scale up workforce capacity in technical occupations relative to trades and that this could reflect longer lead times to train technical occupations, gaps in local training options or a tendency for firms to recruit overseas for certain types of roles.

However, the ethnic mix of the infrastructure workforce in 2018 was uneven across occupational categories. For instance, 27% of infrastructure workforce labourers were Māori and 30% of infrastructure workforce machinery operators and drivers were Māori. In contrast while 60% of the overall New Zealand population was European, Europeans made up 70% of professional occupations in the infrastructure workforce, 73% of infrastructure workforce managers and 71% of clerical and administrative infrastructure workers. Therefore, Māori are under-represented in professional and manager roles in the infrastructure workforce, such as engineering manager and professional engineering roles.

Table 4 below shows the percentage of Māori workers in the infrastructure workforce by occupational category.

Table 4 - Percentage of infrastructure workers whose primary ethnicity was Māori, by occupational category, 2018 (figures reproduced from (Nunns, 2023, p. 29)

Occupational category (1-digit ANZSCO)	Percentage of infrastructure workers whose primary ethnicity was Māori
Technicians and trades workers	16%
Labourers	27%
Professionals	8%
Machinery operators and drivers	30%
Managers	12%
Clerical and administrative workers	13%
Total % of the infrastructure workforce	18%
Total % of Māori in the overall New Zealand population	16%

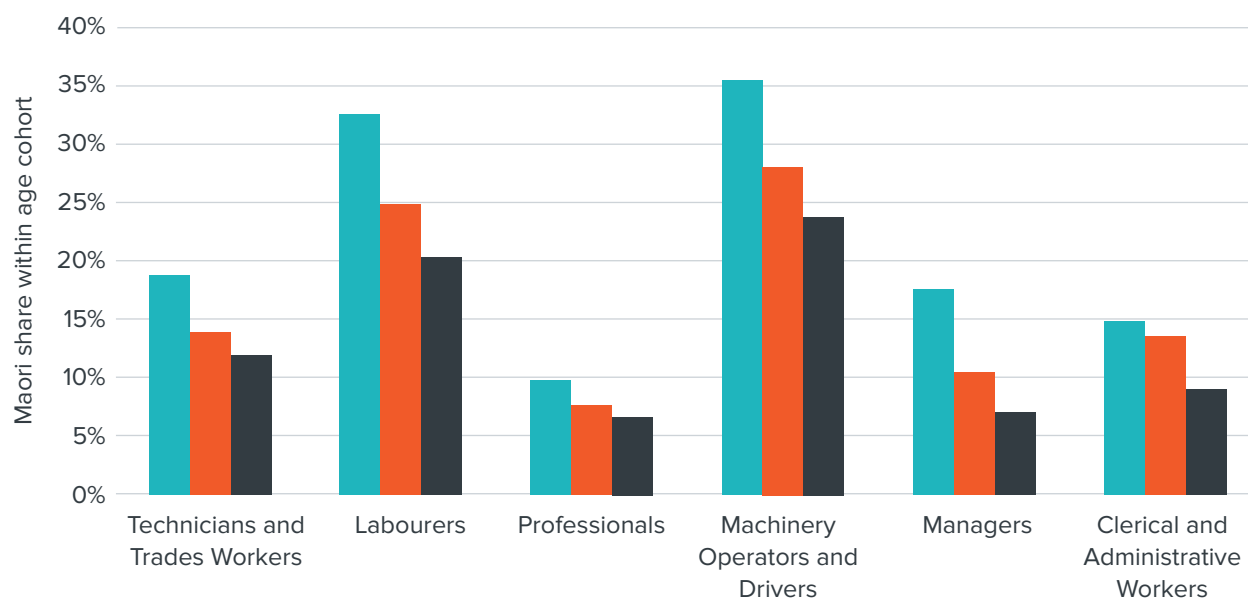
Note: Based on Scarlatti/Alta workforce supply estimates using 2018 Census data.

One of the infrastructure occupations with a level of Māori participation below the proportion of Māori in the overall population is engineering. In 2018 (New Zealand Infrastructure Commission Te Waihangā, 2023a):

- 6% of engineering managers in the infrastructure workforce were Māori
- the percentage of the members of the professional engineering occupations in the infrastructure workforce who were Māori ranged from 4% for telecommunications engineers to 11% for both telecommunications network engineers and mechanical engineers
- Māori made up 8% of the professional civil engineers, and 9% of the professional structural engineers, in the infrastructure workforce
- the percentage of the technical and trades workers in engineering roles in the infrastructure workforce who were Māori ranged from 5% for electrical engineering draftspeople to 16% for telecommunications field engineers.

Within occupations, younger cohorts of infrastructure workers tend to be significantly more ethnically diverse than older cohorts. However, the ethnic mix of different occupational groups does not appear to be converging over time. Rather, occupations such as professionals and managers that are relatively less ethnically diverse among older cohorts remain relatively less diverse among younger cohorts. Figure 2 below shows that the increase in the Māori share of the infrastructure workforce in younger cohorts is largest among labourers, machinery operators and drivers, and managers, and smallest among professionals.

Figure 2 - Māori share of the infrastructure workforce, by occupation and age cohort, 2018 (reproduced from (Nunns, 2023, p. 30))



Note: Based on Scarlatti/Alta workforce supply estimates using 2018 Census data.

15 to 34 35 to 54 55+

Māori and Pacific workers tended to have lower formal qualifications than other infrastructure workers within each broad occupational group. This could reflect the fact that these workers tend to occupy roles within occupational groups that require fewer formal qualifications, or it could reflect the fact that they are more likely to enter occupations through non-degree paths like apprenticeships or on-the-job training.

Table 5 - Highest qualification of Māori in the infrastructure workforce, by occupational category, 2018 (figures reproduced from (Nunns, 2023, p. 32)

Highest qualification	Percentage of infrastructure workers for whom that was their highest qualification	Percentage of Māori infrastructure workers for whom that was their highest qualification
No qualification	14%	23%
Level 1-4 certificate/overseas secondary school	51%	57%
Level 5-6 diploma	10%	7%
Bachelor's degree/level 7 qualification	9%	4%
Post-graduate/Master's/Doctoral degree	11%	2%
Not stated	5%	7%

Note: Based on Scarlatti/Alta workforce supply estimates using 2018 Census data.

5.2. Potential for greater utilisation of Māori workers in the infrastructure workforce overall

There is the potential for greater utilisation of Māori workers in the infrastructure workforce overall. Current unemployment and underutilisation rates for Māori are significantly higher than they are for the overall New Zealand population and the demand for infrastructure sector workers is projected to increase in the short- to medium- term (particularly in some areas like Tairāwhiti (Gisborne) which have a high proportion of Māori in the population and for which the proportion of Māori in the population is forecast to increase).

5.2.1. Māori unemployment and underutilisation rates are significantly higher than those of the working age population overall

While, as noted above, in 2018 the proportion of Māori in the infrastructure workforce was higher than, the proportion of Māori in the working age population, Māori unemployment and under-utilisation in the New Zealand workforce overall is significantly higher than for the New Zealand working age population as a whole.

As noted in section 4.6.3 of this report, In December 2023 the New Zealand seasonally adjusted ⁴⁹ unemployment rates and underutilisation rates for all ethnicities and for Māori were (Ministry of Business, Innovation and Employment, 2024b, 2024c):

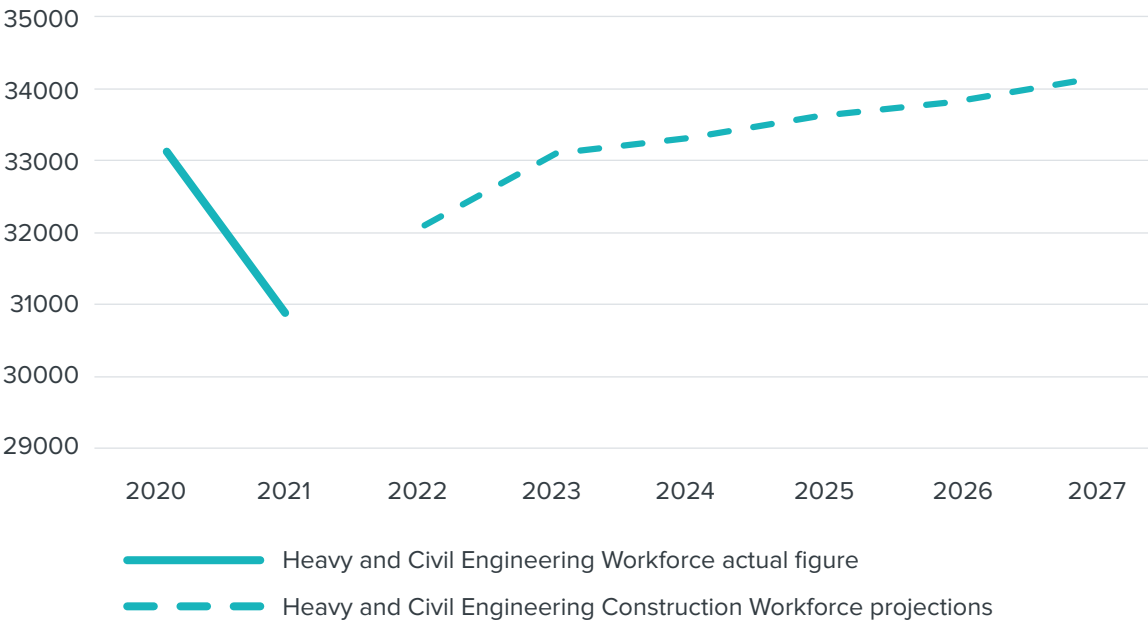
- overall unemployment rate 4.0%
- Māori unemployment rate 7.9%
- overall underutilisation rate 10.7%
- Māori underutilisation rate 16.9%.

5.2.2. Demand for infrastructure workers is project to increase in the short- to medium-term

Projections made in 2022 to 2023 indicate that the need for infrastructure workers was likely to grow over the short- to medium-term. MBIE’s workforce projections for the heavy and civil engineering construction sub-industry workforce from 2022 to 2027 are shown in Figure 3 below (along with the actual workforce figures for 2020 and 2021). MBIE’s forecast was that: (Ministry of Business, Innovation and Employment, n.d.-a)

“The heavy and civil engineering construction employment numbers are expected to remain strong, benefiting from the more optimistic outlook of infrastructure construction activities during the forecasting period. It is expected that there will be a small and steady growth in the number employed from 30,800 in 2021 to 34,100 in 2027.”

Figure 3 - Heavy and Civil Engineering Construction Workforce actual 2020-2021 and forecast 2022-2027



Source: MBIE Construction Workforce Projections 2022-2027

Given when they were developed, those MBIE projections did not factor in the increased calls on the infrastructure workforce arising from the Auckland floods and Cyclone Gabrielle, both in early 2023. Te Waihangā 2023 projections indicated that recovery from those events (particularly rebuilding infrastructure and buildings) will require the infrastructure workforce to grow significantly in affected regions and suggest that up to 15,000 additional workers may be needed in those regions (New Zealand Infrastructure Commission Te Waihangā, 2023c; Nunns, 2023). Many of the affected regions have a high proportion of Māori in the working age population (such as Tairāwhiti and Northland).

MBIE's 2023 forecast of building and construction activity, published in February 2024, forecast infrastructure activity to increase steadily year on year to 2026 but noted that, at the time of writing, the public sector was reviewing plans for future work programmes (Ministry of Business, Innovation and Employment, 2024a).

5.3. Initiatives aimed at increasing Māori participation in the infrastructure workforce overall

There are several initiatives aimed at increasing Māori participation in the infrastructure workforce overall.

- Some of those initiatives are programmes aimed at supporting Māori workers starting out in the infrastructure workforce.
- Others require prospective head contractors to provide proposals in their bids regarding how they would employ and support Māori workers. As with similar approaches aimed at encouraging head contractors to create opportunities for Māori businesses to participate in infrastructure (discussed in section 4.7.2 of this report) there are real practical challenges with designing those approaches.

5.3.1. Programmes providing support to workers starting out in the infrastructure sector

There are a number of programmes aimed at providing support to Māori workers while they start out in the infrastructure workforce (see the case study regarding two Downer programmes below).

Waihangā Ara Rau is undertaking work to understand different models for and approaches to awahi (embrace) and show manaakitanga to (support) work-based learners. It has identified that such approaches need to encompass (Waihangā Ara Rau | Construction and Infrastructure Workforce Development Council, 2023):

- mental wellbeing support
- initiatives to raise confidence in rangatahi (youth)
- networking between youth coaches/mentors and industry professionals/employers to assist rangatahi in securing job placements
- working with rangatahi as they transition into the workforce.
- soft skills, including time management, budgeting, and reliability training
- flexible and accessible learning options.

Downer programmes

Downer runs a pre-employment programme which is a five-day marae-based programme where participants learn both soft skills and technical skills. The soft skills aspect is based around the Te Whare Tapa Wha framework. The skills discussed include budgeting when you get your pay packet and nutritional food choices. The technical training provided is relevant to the participant's particular role (such as traffic management or working at heights).

Downer links participants up with an In-work Success Advisor who manages their transition into the workplace. Four years ago, Downer found that there was quite a high attrition rate of rangatahi coming into work for a range of reasons, for example the rangatahi did not know what to expect, were not used to working the very long day that is involved on a construction site or had issues at home. So, Downer implemented the In-Work Success Team. One of the things that team does is, where needed, connecting rangatahi with support agencies and community organisations to help them stay in work. The In-Work Success Advisors go on the pre-employment programme and get to know the participants they will be supporting one-to-one. Downer has a traffic light system for how regularly rangatahi need to be checked in with. The In-Work Success Advisors also work with the line manager of a rangatahi worker to help managers develop their skills in managing rangatahi, providing information on what managers should look for to identify risks, and increasing their understanding of things like staff needing to take a couple of days off for a tangi (funeral).

Downer also runs a programme with Te Puni Kōkiri for Māori struggling with drugs and alcohol. Participants in that programme need to test zero before they start on the programme and agree to a health improvement plan. They have weekly support from a clinicians network around Aotearoa. This programme and participants are also supported by the In-Works Success Team.

5.3.2. There are significant practical challenges with approaches based on requiring prospective head contractors to include proposals around employing Māori

A number of infrastructure providers require prospective head contractors (including lead consultants) to provide proposals in their bids regarding employment of Māori workers. As with targets for creating opportunities for Māori businesses to participate in infrastructure (discussed in section 4.7.2 of this report there are real practical challenges with those approaches.

In addition to the challenges around tender assessment panels not checking a bidder's record in delivering on proposed outcomes and not monitoring whether proposed initiatives are being undertaken (discussed in section 4.7.2), one or more Contractor Staff identified the issues set out below:

- Tender assessment team members do not necessarily understand how things like working with Māori in the workforce work in practice

and, therefore, may over-value some proposals in tender responses and under-value others.

- If a prospective contractor puts in a bid which proposes an innovative approach that may not be what the infrastructure provider was expecting to see the provider may decide that adopting that approach would be too risky.
- Buyers do not take into account the cost of undertaking initiatives (such as the cost of providing support to Māori new to the infrastructure workforce) when assessing the price attributes of bids.

A Supplier Diversity Specialist commented that often the targets are focused on employing rangatahi when many young people require a lot of pastoral and other support to succeed in working on a large infrastructure project and more impact would potentially be achieved by providing employment opportunities to more mature people.

The Māori owner of small- to medium-sized business involved in the horizontal infrastructure sector interviewed by Sapere noted that many targets in infrastructure contracts are focused on the number of Māori employed in any type of role on an infrastructure project. They expressed the

view that in practice that meant that contractors took the approach of hiring a certain proportion of Māori to work as labourers on infrastructure projects. The business owner suggested that instead procurement targets relating to the Māori workforce on infrastructure projects should be focused on achieving Māori representation across a range of roles, including highly skilled, high-value roles.

An Infrastructure Consultant commented that the success of initiatives aimed at Māori employment in infrastructure may be undermined by roles not being advertised in appropriate ways, interview approaches not being appropriate for Māori workers and Māori not feeling the infrastructure workplaces are culturally safe.

5.4. Initiatives to support Māori to obtain qualifications in infrastructure-related trades

Ministry of Education data indicates that across

all fields of study, Māori industry trainees and apprentices are less likely to complete their qualifications within five years than New Zealand industry trainees and apprentices overall.

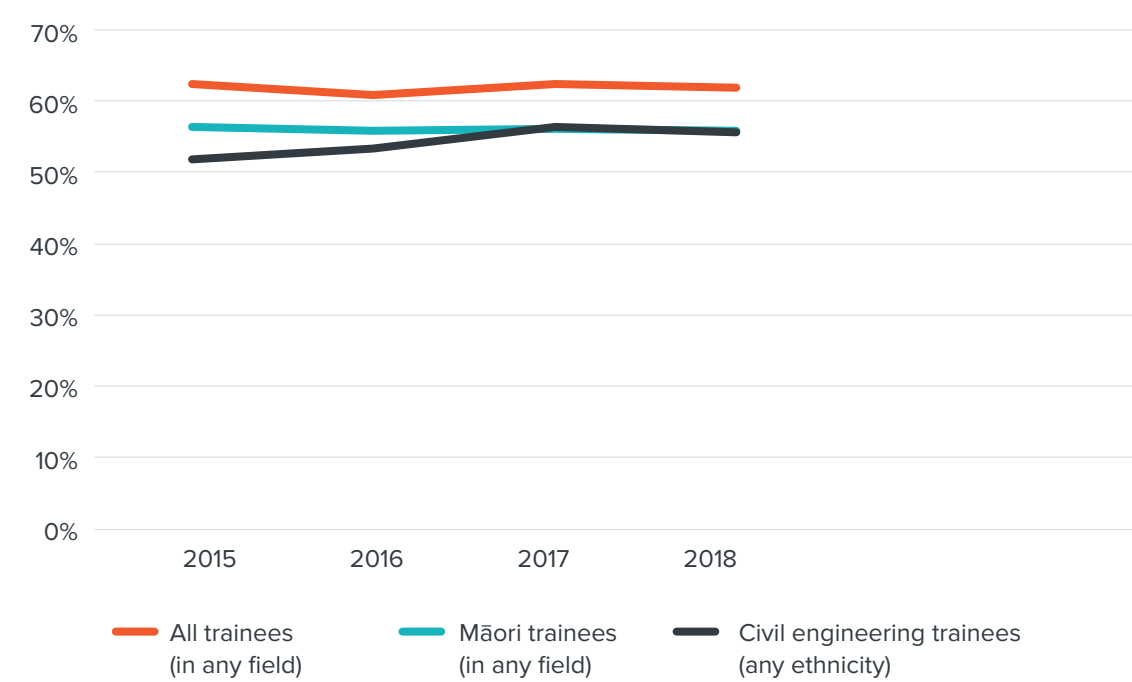
As shown in Figures 4 and 5 below or people starting their study from 2013 to 2018 overall:

- Māori industry trainees’ completion rates within five year (for all fields of study) were approximately five percentage points lower than for industry trainees overall (‘industry trainees’ are people, other than apprentices, who participate in work-based industry training)
- Māori apprentices’ completion rates within five year (for all fields of study) were nearly 9 percentage points lower than for apprentices overall.

Figure 4 shows: the percentages of industry trainees completing a qualification at the same level as, or higher than, the one they originally enrolled in within five years (by starting year) for.

- Māori trainees in any field study
- industry trainees overall in any field of study
- industry trainees overall for qualification in the field of engineering (or related technologies).

Figure 4 - Industry trainees completing a qualification at the same level or higher to the one they originally enrolled in within 5 years by starting year

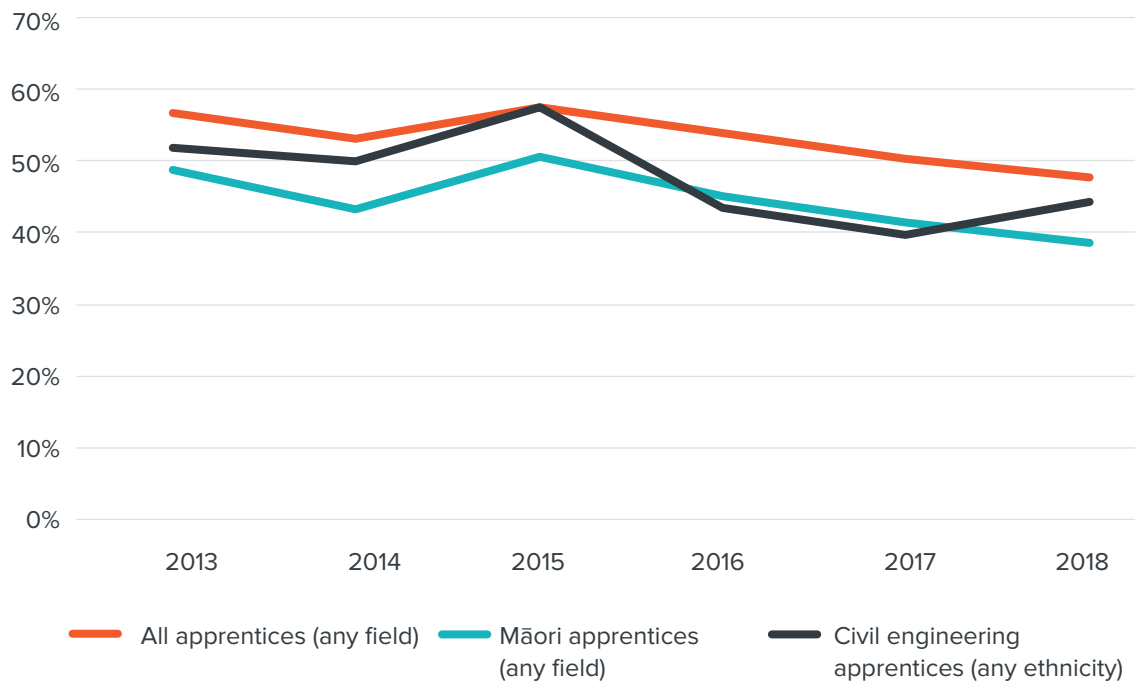


Source: Ministry of Education, Tertiary achievement and attainment, Education Counts website as of 5 March 2024.

Figure 5 shows: the percentages of apprentices completing a qualification at the same level as, or higher than, the one they originally enrolled in within five years (by starting year) for.

- Māori apprentices in any field study
- apprentices overall in any field of study
- apprentices overall for qualification in the field of engineering (or related technologies).

Figure 5: Apprentices completing a qualification at the same level or higher within 5 years



Source: Ministry of Education, Tertiary achievement and attainment, Education Counts website as of 5 March 2024.

Several Mana Whenua Group-owned entities are (either by themselves or in partnership with contracting companies, TEIs, or government entities) running programmes to support Māori workers or students through either pre-trades or trades training (including apprenticeships). An Infrastructure Staff member at one infrastructure provider noted that they have an inhouse apprenticeship programme with a focus on Māori apprentices.

Research currently being undertaken

Waihanga Ara Rau is undertaking research which focuses on interviews with:

- Māori-owned businesses and Māori sole traders working in construction and infrastructure
- employers with at least 75% Māori employees working in those sectors,

to identify challenges and opportunities facing the Māori construction and infrastructure workforce and develop recommendations to the Tertiary Education Commission. The findings of that research are likely to be published around the middle of 2024.

5.5. Why are Māori under-represented in professional and managerial engineering roles in the infrastructure workforce?

We have looked at statistics and research in relation to engineering to obtain insights into why Māori are under-represented in managerial and professional engineering roles in the infrastructure workforce.

Factors contributing to this include:

- historic experience has led to a negative impact on Māori engineering enrolments
- Māori students who start professional engineering (and related technologies) Bachelor's and Bachelor's with Honours degrees are less likely to complete them
- less Māori with manufacturing or engineering qualifications either (a) enter employment; or (b) are in employment five years after completing their qualification.

5.5.1. Engineering has a negative reputation among a significant number of Māori

In 2018 Engineers Without Borders New Zealand undertook qualitative research on why the proportions of Māori (and Pasifika) in engineering were lower than the proportions of Māori (and Pasifika) in the overall working age population (Miller, 2018). In 2022 Sapere undertook interviews with infrastructure sector participants which also discussed Māori participation in engineering (Moore et al., 2023).

Factors affecting Māori undertaking study in engineering identified by either Engineers

Without Borders or Sapere were:

- a shortage of primary school teachers who feel confident teaching maths or science, particularly at primary schools in areas with high levels of socio-economic deprivation
- a perception that maths and science subjects are harder to obtain National Certificate of Educational Achievement (NCEA) ⁵² credits in than other subjects.
- a low number of Māori role-models in engineering and a lack of exposure to what engineering is and what engineers do
- engineering having a negative reputation among many Māori due to:
 - a perception that historically acquisition of whenua Māori (Māori land) for infrastructure projects was facilitated by engineers
 - the tradition that Auckland University engineering students had between 1955 and 1979 of performing a mock haka and the fact that when a group of Māori students sought to disrupt that one year the Māori students were arrested for a range of offences, including alleged rioting
 - engineers being seen as having implemented infrastructure which has impacts such as the discharge of untreated sewage to water, damage to wāhi tapu (sacred places), and over-allocation of water from rivers.

An Infrastructure Consultant commented that a number of Māori view workplaces which employ professional engineers as not culturally safe places for them work.

Case Study:

Genesis Ngā Ara Creating Pathways Programme

Genesis has an important partnership with Pūhoro STEMM Academy which has supported the launch of their Te Urunga Tū programme into Te Kura Kaupapa Māori o Ngāti Kahungunu o Te Wairoa, Wairoa College, Ruapehu College and Huntly College. The programme integrates mātauranga Māori with STEM (science, technology, engineering and mathematics) and students receive weekly in-school sessions, tutoring, mentoring and regional termly wānanga.

This partnership forms part of Genesis Ngā Ara Creating Pathways programme which focusses on attracting, nurturing and engaging rangatahi in STEM education, study and career pathways. Ngā Ara partners with secondary schools closest to Genesis' power schemes, and the most impactful initiatives include apprenticeships, tertiary internships, work experience for Year 11 – 13 students, scholarships and partnership programmes with community organisations, including Pūhoro.

Underpinned by best-practice research and evidence for developing a pipeline of diverse talent, Ngā Ara has involved close collaboration and co-design with the multifaceted stakeholder communities, including students, kura and secondary schools; local iwi and hapū; youth development organisations and the Genesis team.

5.5.2. Māori students who start professional engineering (and related technologies) Bachelor's and Bachelor's with Honours degrees are less likely to complete them

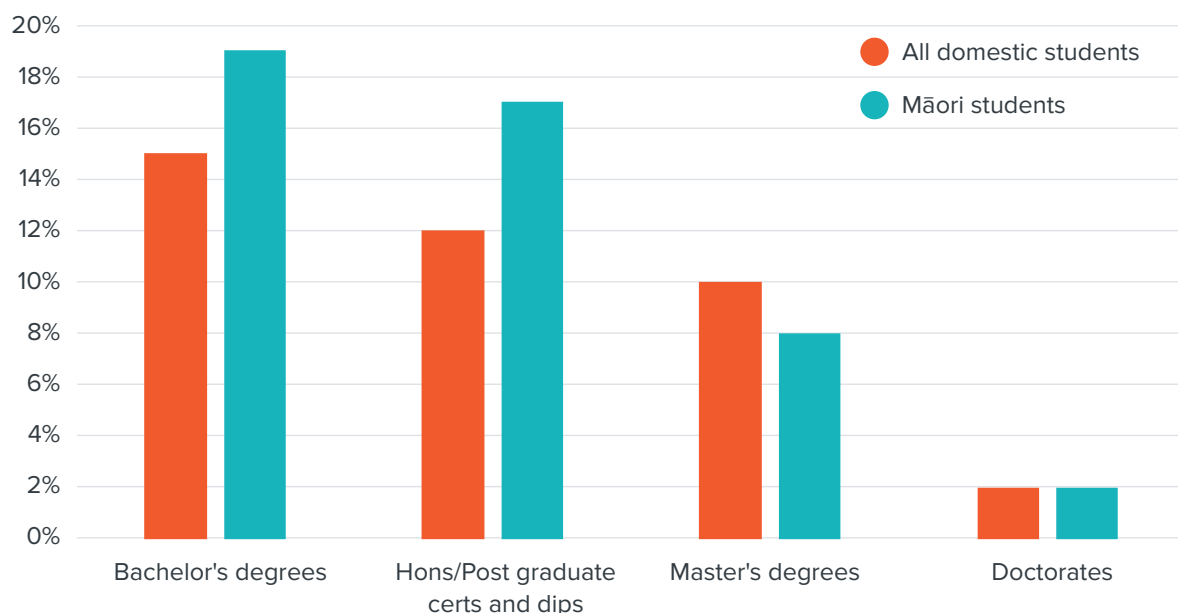
In 2018 Engineers Without Borders suggested that one reason for low levels of Māori in professional engineering roles was that Māori had a higher first year attrition rate in Bachelor's degree, i.e., that a higher proportion of Māori first year engineering students did not return to university the following year to a course at the same or a higher level of study (Miller, 2018).

Figure 6 shows aggregated post-one-year attrition rates for Māori students studying engineering (and related technology) qualifications at Level 7 or above at a TEI for study commencing from 2008 to 2021. We have not included the attrition rates for level 7 certificates and diplomas in those figures. This is because many of those qualifications are one-year courses and a student not enrolling in the same or a higher-level qualification the following year may indicate that they did not want to pursue further academic study immediately following completion of their qualification rather than necessarily being an indication that they experienced issues in undertaking or completing their studies. We have included 'Honours and post-graduate certificates and diplomas'

because the professional degree for engineering at New Zealand universities is a four-year Bachelor of Engineering (Hons) degree. We discuss data relating to qualification completion rates below.

The data indicates that Māori students are experiencing higher levels of attrition rates after one year of study in Bachelor's degrees and Honours and post-graduate diploma and certificate qualifications in engineering (and related technology) fields of study (but do not have higher one-year attrition rates for Master's degrees or Doctorates). On average over the period from 2008 to 2021 the one-year attrition rate for Māori students who enrolled in Bachelor's degrees in engineering and related technologies was four percent higher than the average first-year attrition rate for all domestic students and the one-year attrition rate for Māori enrolled in Honours and post-graduate diplomas and certificate qualifications in that field of study was 5% higher than for all domestic students.

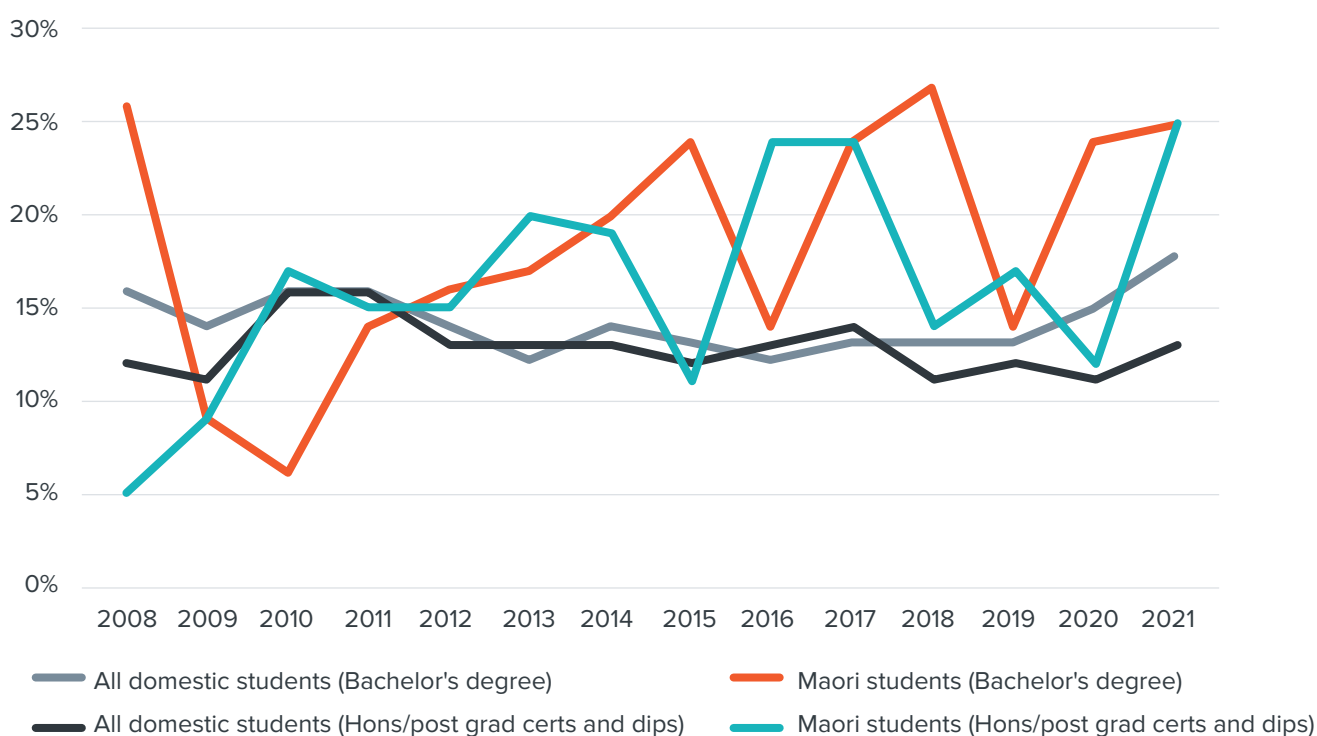
Figure 6: Aggregated first-year attrition rates for study in engineering (and related technology) degree and above level courses 2008-2021



Source: Ministry of Education, Tertiary achievement and attainment, Education Counts website as of 5 March 2024.

Also, the difference in first-year attrition rates for Māori for Bachelor's and Bachelor's with Honours degrees in engineering (and related technologies) vary significantly from year to year, while (except for the COVID-19 affected period from 2020 to 2021) the first year attrition rate for domestic students overall does not. The post-one-year attrition rates for Māori students (and all domestic students) studying a Bachelor's degree or an Honour's degree or postgraduate certificate or diploma in an engineering (or related technology) field at a TEI for years of study commencing 2008 to 2021 is shown in Figure 7 below.

Figure 7: First-year attrition rates for engineering (and related technology) Bachelor's degrees or Honours and post-graduate certificate and diploma qualifications at TEIs by starting year



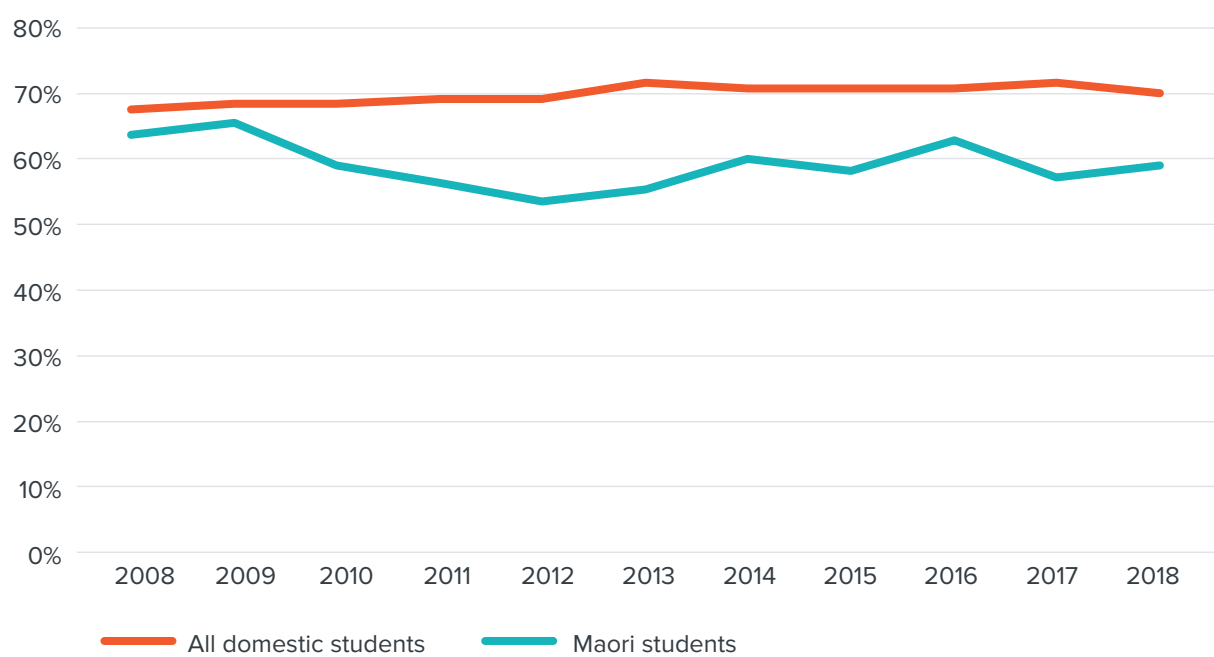
Source: Ministry of Education, Tertiary achievement and attainment, Education Counts website as of 5 March 2024.

As noted above, the professional degree for engineering at New Zealand universities is a four-year Bachelor of Engineering (Hons) degree. Figure 8 below shows the completion rates for Level 7 and above qualifications at New Zealand TEIs in engineering and related technologies after five years of study for both Māori students and all domestic students for study commencing from 2008 to 2018. We chose to look at the completion rate after five years because not entirely finishing a four-year degree exactly within four years does not necessarily indicate

that a student experienced a significant problem in completing their degree, for example they may have been affected by matters such as course availability.

For the cohorts commencing study from 2010 to 2018 the five-year completion rates for Māori students Level 7 and above qualifications in engineering or related technologies have been on average nearly 11 percentage points lower than the five-year completion rates for domestic students overall.

Figure 8: Completion rates after five years of study engineering and related technologies Level 7 degree and above qualifications by starting year

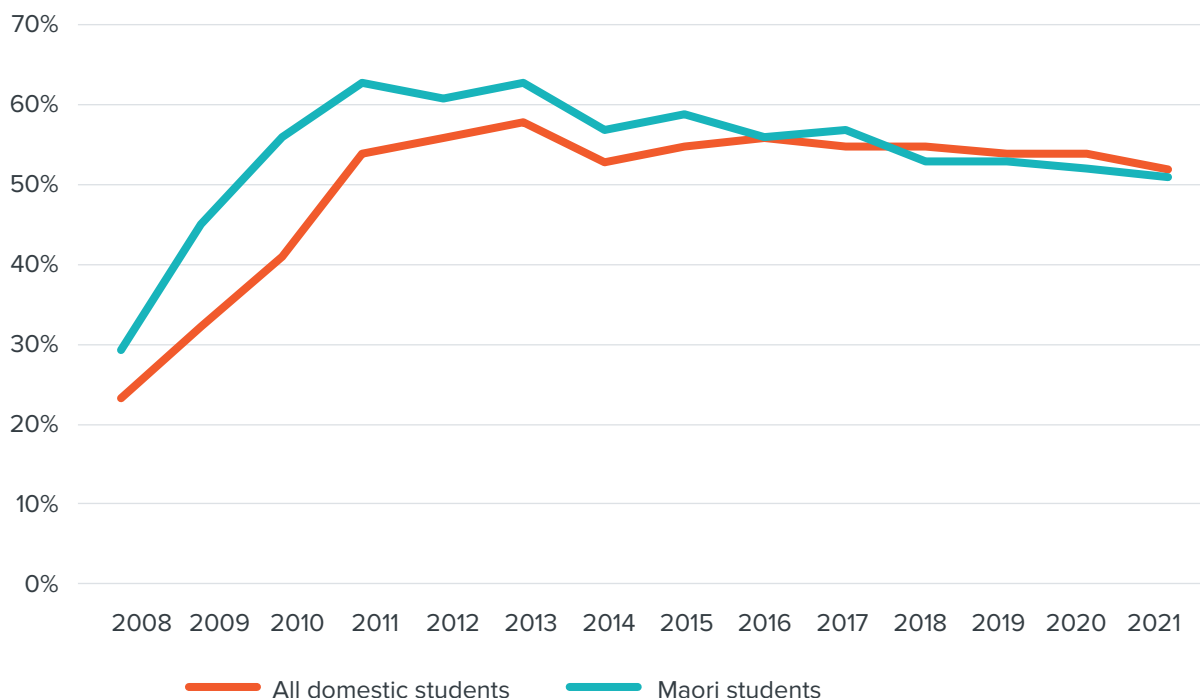


Source: Ministry of Education, Tertiary achievement and attainment, Education Counts website as of 5 March 2024.

As a comparison we looked at whether Māori students who undertake Level 3-7 non-degree qualifications in engineering (and related technologies) are less likely to complete them. Since 2016, Māori student two-year completion rates for Level 3-7 non-degree engineering (and related technologies) courses are similar to those for domestic students overall.

Figure 9 below shows the completion rates for Māori students and all domestic students after two years of study for Level 3-7 non-degree qualifications studied at TEIs in the engineering and related technologies field. Many non-degree tertiary education qualifications at TEIs are designed to be completed within a year of fulltime study.

Figure 9: Rates of completion of Level 3 -7 (non-degree) qualifications in engineering and related technologies at TELs within 2 years of commencing study



Source: Ministry of Education, Tertiary achievement and attainment, Education Counts website as of 5 March 2024.

5.5.3. Fewer Māori with manufacturing or engineering qualifications are entering employment or staying in employment after five years.

Research commissioned by Hanga-Aro-Rau (the Manufacturing, Engineering and Logistics Workforce Development Council) made a number of findings about the rates at which manufacturing and engineering graduates transition into employment and are receiving JobSeeker benefit five years post-graduation (Deloitte, 2022).

- Among manufacturing and engineering graduates, other ethnic groups transition into employment at higher rates than Māori and Pasifika. The proportion of learners who went into employment was roughly 10% less for Māori and Pasifika graduates compared to other ethnic groups, regardless of the number of years post-graduation.
- Māori were also disproportionately represented in manufacturing and engineering graduates

who went on to receive the JobSeeker benefit. Five years after graduating there were 4% more Māori graduates receiving the JobSeeker benefit than any other ethnic group.

- In March 2022 while overall engineering sector employment was above pre-COVID-19 levels employment in engineering among Māori was still 25% below pre-COVID-19 levels.

Deloitte noted that more could be done to understand why this was occurring and how to help Māori to successfully transition into the workforce (Deloitte, 2022, p. 89).

Hanga-Aro-Rau is currently developing a Māori Workforce Development Strategy (Hanga-Aro-Rau Manufacturing, Engineering and Logistics Workforce Development Council, 2023).

A theme from Māori (and Pasifika) professional engineers Miller interviewed was that their success was due to (Miller, 2018):

- supportive family
- having a mentor or role model
- (in some cases) receiving financial assistance.

5.6. Initiatives to increase Māori participation in professional and management roles in the infrastructure workforce

Infrastructure providers, contracting firms and professional consultancies who undertake infrastructure sector work have adopted a range of initiatives to increase participation by Māori in professional and management roles in their organisations.

These initiatives include:

- running internship and graduate programmes targeted at Māori (and Pasifika), generally working with a facilitator such as TupuToa, or Inspire, Create, Engage (ICE) (see the case study below) but sometimes internship programmes focused on members of a particular Mana Whenua Group or Groups.
- seconding staff working at Mana Whenua Group entities to work at an infrastructure provider
- initiatives which attract, retain and appropriately recognise the contributions of Māori staff such as upskilling their organisation as a whole on te ao Māori, tikanga and te reo Māori and having internal Māori staff network groups
- leadership programmes for Māori staff (see the case study on page of the Te Waihanga report monitoring progress against the Strategy).

Case Study:

TupuToa internship programme

TupuToa is a charitable trust established in 2016 with the purpose of promoting and advancing increased diversity, and in particular Māori and Pasifika representation, in business and community leadership roles. It does this by promoting, facilitating and developing opportunities for Māori and Pasifika young people (who might not otherwise have such opportunities) to be able to further their education and development, fulfil their educational and career aspirations, and become business and community leaders (TupuToa Trustees, 2016).

The TupuToa Internship Programme secures 12-week paid internships for Māori and Pasifika tertiary students with TupuToa partner organisations with the aim of those internships transitioning to fulltime employment (TupuToa, n.d.).



6.

Māori as users of infrastructure

Ko Ngā Māori hei kaiwhakamahi i ngā tūāhanga

Recent analysis of survey results commissioned by Te Waihangā found that across the two groups as a whole, there is no clear difference between what Māori households and non-Māori households pay for infrastructure.

Our discussions with officials at Te Puni Kōkiri and the Ministry of Housing and Urban Development and reviews of recent government reports identified that there are a number of infrastructure issues that affect, or may affect, significant numbers of multiple-owned Māori land blocks. There are mechanisms in place to seek to partially address many of those issues, and further research is being undertaken in relation to some of them.

There are significant gaps in the geospatial information currently available in relation multiple-owned Māori land which, if filled, could assist Māori groups, local or central government to develop responses to address infrastructure issues affecting that land. Areas where information gaps have been identified include:

- information on the location of papakāinga and the infrastructure currently serving those developments
- regional level information which enables assessment of the extent to which the geology, hydrogeology, slope, or other similar factors relating to Māori land blocks are creating issues for onsite stormwater and wastewater disposal
- information as to how much multiple-owned Māori land has neither direct access to a legal road nor access through another mechanism such as a right of way or an access agreement recorded by the Māori Land Court
- information on the extent to which multiple-owned Māori land located in or adjacent to urban areas that have public transport systems is served by public transport.

Work undertaken to fill those gaps would need to address issues around funding, digital literacy, and ownership, storage and use of mātauranga Māori (Māori knowledge).

6.1. There is no clear difference between what Māori households and non-Māori households pay for infrastructure

In 2023, Te Waihangā carried out research into how much New Zealand households spent on infrastructure services, such as energy, water, telecommunications, and land transport, and what the drivers of that expenditure are. The research found that New Zealand households spend an average of around 16% of their after-tax income on those services. That research used data from StatsNZ Household Economic Surveys and censuses contained in the IDI.

In 2024 Te Waihangā commissioned Firecone and Sawtooth Economics to use the results from that earlier research and publicly available data on the differences between Māori and non-Māori households, to assess whether infrastructure spending differs between an average 'Māori household' and an average 'non-Māori household'.

For the purposes of that analysis a 'Māori household' was any household which included at least one adult who had nominated 'Māori' as one of the ethnicities they identify with. ⁵³

Firecone and Sawtooth Economics estimated that the average Māori household spent \$13,910 per year on infrastructure services. Although this was \$810 per year more than the estimated average spend of a non-Māori household, this difference was not statistically significant. ⁵⁴ Therefore, Firecone and Sawtooth Economics could not conclude with confidence that there was a true difference between the infrastructure spending levels of Māori households and non-Māori households.

6.2. Infrastructure and multiple-owned Māori Land

A matter that came up many times in the interviews we undertook as part of this research was infrastructure issues that arise in relation to multiple-owned Māori land. (Some of those

issues also arise in relation to land owned collectively by mana whenua Māori entities – including general land transferred to post government settlement entities as part of Treaty of Waitangi Settlements.)

Issues that arise in relation to a significant number of multiple-owned Māori land blocks include:

- lack of planned provision of horizontal infrastructure to the land and resulting increased costs to provide horizontal infrastructure to that land
- difficulties in obtaining finance for the provision of infrastructure to or on multiple-owned Māori land
- planning restrictions on development on multiple-owned Māori land which affect the economic viability of providing infrastructure to or on it
- geological, hydrogeological, and other physical issues affecting Māori land blocks which make it difficult to deal with issues using on-site infrastructure
- significant amounts of multiple-owned Māori land blocks being vulnerable to erosion or sea level rise or having vulnerable water supplies
- blocks having no access to a legal road/being 'landlocked'
- automatic vesting of land away from its owners if it becomes a legal road (when the land is part of only a limited amount of land retained by its beneficial owners or land that was returned in a Settlement)
- multiple-owned Māori land located in or adjacent to urban areas not being served by public transport.

While there are mechanisms in place to seek to partially address many of these issues, we identify below where further relevant research is being undertaken or would be useful.

6.2.1. What is multiple-owned Māori land?

Multiple-owned Māori land includes:

- Māori customary land ("land that is held by Māori in accordance with tikanga Māori") ⁵⁵ and Māori freehold land ("land, the beneficial ownership of which has been determined by the Māori Land Court by freehold order") ⁵⁶ (together 'Māori land blocks')

- general land owned by Māori which has multiple owners. ⁵⁷

As of June 2022 (Ministry of Justice & Te Kōti Whenua Māori | Māori Land Court, 2022):

- a little over 1,200 hectares of land was customary land
- a little over 1.4 million hectares of land was Māori freehold land.

Other land formerly in customary Māori ownership or Māori freehold title was alienated through a combination of conversion to general land, compulsory acquisition, confiscation, and sale.

November 2022 data provided by Te Puni Kōiri indicates that:

- the six territorial authority areas which contain the largest number of Māori land blocks (in descending order) are Far North District (4108 blocks), Gisborne District (3153 blocks), Wairoa District (2307 blocks), Whakatāne District (1521 blocks), Rotorua Lakes District (1440 blocks) and Ōpōtiki District (1227)
- the eleven territorial authority areas which contain the greatest amount of Māori customary or freehold land by area are (in descending order) Ōpōtiki District, Gisborne District, Taupō District, Far North District, Ruapehu District, Whakatāne District, Rangitikei District, Wairoa District, Hastings District, Rotorua Lakes District and Waitomo District.

In November 2022, three territorial areas included no Māori customary or freehold land (Upper Hutt City, Mackenzie District and Central Otago District) and ten other territorial areas included twelve or less Māori land blocks (although two of those areas are Nelson City and Wellington City where land that was set aside from land purchases for the benefit of Māori is held in trusts known as Tenths Trusts).

In June 2022 Māori land blocks with a management structure (such as an ahu whenua trust or Māori incorporation) had an average size of 107.17 hectares and an average of 203 beneficial owners. Māori land blocks without a management structure sitting over them (of which there were 16,876) had an average size of 53.07 hectares and an average of 111 beneficial owners (Ministry of Justice & Te Kōti Whenua Māori | Māori Land Court, 2022).

Some of the general land owned by Māori has that status because it was converted under provisions in the Māori Affairs Amendment Act 1967 which remained in force until 1973. Under those provisions Māori freehold land with less than four owners was converted to general land. In most cases that occurred without the owners of the converted land being notified. While it is difficult to come up with an accurate measure of the amount of this converted land, in 2009 it was estimated to be about 105,000 hectares (New Zealand Government, 2020a). In many cases that land is “viewed by its owners as Māori land with the same cultural associations and values” (New Zealand Government, 2020a).

We discuss infrastructure issues affecting, or potentially affecting, a significant number of multiple-owned Māori land blocks below

6.2.2. Lack of planned provision of horizontal infrastructure to Māori land and the resulting increased cost to provide horizontal infrastructure to that land

Multiple-owned Māori land is often located in rural areas in which other residential or commercial development is not occurring at any scale. As result local authorities often do not plan to provide or upgrade horizontal infrastructure to that land and cannot undertake a roll-out of infrastructure across other land being developed to reach the Māori land (Doherty-Ramsay, 2021). This impacts both whether horizontal infrastructure is provided to Māori land and, if it is provided, how much local authorities charge the owners of those blocks (for example through development contributions under the Local Government Act 2002 and financial contributions under the RMA (Controller and Auditor-General, 2021). (While this lack of planned provision is a particularly significant issue in rural areas, in peri-urban or urban areas Māori land blocks are not always well connected to public infrastructure.)

In 2022, a Rural Supplies Technical Works group appointed by the Department of Internal Affairs found that (2022, p. 18):

- less than 40% of marae registered with Te Kahui Mangai (the Te Puni Kōiri directory of iwi and Māori organisations) could connect to a town supply for drinking water

- there were many examples of reticulation of untreated water to marae and papakāinga across the country
- many papakāinga were located along main rural roads and “could be candidates for [water] reticulation with significant investment” and some papakāinga were located near to existing local authority treated water networks and “could be connected with additional investment”
- there had been significant underinvestment across local authorities and other agencies regarding information on the location of rural marae and papakāinga as well as the quality of their drinking water and wastewater systems.

Under the Local Government Act 2022 local authorities are required, as part of developing their long-term plan, to prepare and adopt an infrastructure strategy for a period of at least 30 consecutive financial years.⁵⁸ The matters that a local authority must take into account in deciding what new infrastructure or upgrades to infrastructure to include in an infrastructure strategy are focused on responding to growth, allowing for planned increases in levels of service, improving public health or environmental outcomes or providing for the resilience of infrastructure assets.⁵⁹ Those requirements would not necessarily trigger a local authority to consider providing or upgrading infrastructure to facilitate the development of multiple-owned Māori land (unless the local authority had already planned to increase the levels of service of that infrastructure or there was a public health, environmental or resilience issue that was known to the local authority).

In developing or amending a long-term plan a local authority is required to use a slightly modified version of the ‘special consultative procedure’ set out in the Local Government Act 2002.⁶⁰ Under that procedure any person who wants to present their views on a proposed long-term plan to the local authority must be given a reasonable opportunity to do so.⁶¹ There is no specific requirement for any groups to be consulted when a local authority is initially preparing an infrastructure strategy but there are general requirements in the Local Government Act for local authorities to provide opportunities for Māori to contribute to their decision-making processes.⁶²

In May 2021 Cabinet allocated \$730m for Māori housing and related infrastructure investment through Whai Kāinga Whai Oranga and the Māori Infrastructure Fund.

As part of that initiative, Te Puni Kōkiri delivers initiatives to support the development of small-scale papakāinga. This can include contributing to the costs of making undeveloped Māori land available for housing when the cost of basic infrastructure would otherwise be too great. Infrastructure that receives funding under the Te Puni Kōkiri initiative can include (Te Puni Kōkiri, 2022):

- significant or long phone and power connection lines or poles, to get electricity to the site
- connecting to sewerage and stormwater reticulation systems
- providing water tanks for community fire-fighting purposes.

However, because many Māori land blocks are located in areas where there is no public infrastructure much of the Te Puni Kōkiri infrastructure funding is used for non-reticulated wastewater and water supply systems (such as septic tanks and rainwater collection).

Where it is likely to be more cost effective, Te Puni Kōkiri supports the provision of infrastructure capacity that would enable some future growth in the scale of the papakāinga development over and above that initially built.

To be eligible for funding under this initiative the proposed new housing must be on either Māori freehold land, general land which was once in Māori title (such as that converted under the 1967 legislation discussed above), land that is in the process of being converted to Māori freehold title or Māori customary land. The funding can cover up to 100% of the agreed infrastructure costs with typical grants in the range of \$50,000 to \$100,000 (Te Puni Kōkiri, 2022).

Under Whai Kāinga Whai Oranga funding is also potentially available for delivering new or upgraded enabling infrastructure such as local road, State highway, public transport, footpath and cycleway infrastructure and water supply, wastewater, stormwater and flood management infrastructure (Ministry of Housing and Urban Development, n.d.).⁶³

In 2021 changes were made to the Local Government Act 2002 which require local authorities’ revenue and financing policies (which set out how they intend to fund their operating expenses and capital expenditure)⁶⁴ and policies on development contributions to “support the principles set out in the Preamble to Te Ture Whenua Māori Act 1993” (Local Government Act, 2002, sec. 102(3A)).

The English version of the principles in the Preamble to that Act include (Te Ture Whenua Māori Act, 1993):

... And whereas it is desirable to recognise that land is a taonga tuku iho of special significance to Māori people and, for that reason, to promote the retention of that land in the hands of its owners, their whānau, and their hapū, and to protect wāhi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whānau, and their hapū:”

As of 9 February 2024, of the eleven territorial authority areas which contain the greatest amount of whenua Māori by area only Rotorua Lakes Council had a development contributions policy published on its website that referred to the Te Ture Whenua Māori Act principles. Rotorua Lakes Council’s policy states: (2022, p. 5):

“The Policy recognises that land is a taonga tuku iho of special significance and the importance of retaining that land and facilitating its occupation, development and use for the benefit of its Māori owners, their whānau and hapu. To this end it specifically excludes from the requirement for development contributions any applications made by iwi for resource or building consents, service connections authorisations or certificates of acceptances that apply to Marae development.”

The Rural Supplies Technical Working Group recommended that Councils and other government agencies should “develop a coordinated work programme to address geospatial information gaps” relating to the location of rural marae and papakāinga and the quality of their drinking water and wastewater systems (Rural Supplies Technical Working Group, 2022, p. 27). We have included recommendations around research to address geospatial information gaps above.

Research currently being undertaken

A PhD student at the University of Auckland, is currently undertaking geospatial analysis looking at the natural hazard resilience of marae throughout New Zealand, with a focus on the infrastructure networks that service marae.

6.2.3. Difficulties in obtaining finance for the provision of infrastructure to or on multiple-owned Māori land

Because Māori freehold land cannot be easily sold, and Māori customary land cannot be sold,^[i] beneficial owners face difficulties in obtaining loans to finance the provision of infrastructure to or on that land (Quinn, 2017). If the land is Māori freehold land it may be used as security for a loan in certain circumstance but, if the borrowers default on the loan it is often not possible for the lender to sell that land to recover the money lent, instead the houses placed on the land are repossessed and sold (Controller and Auditor-General, 2021).

Kiwibank and Kāinga Ora Homes and Communities (Kāinga Ora) operate the Kāinga Whenua Loans Scheme. Kāinga Whenua Loans are loans which can be made either to individuals or to Māori land trusts or other collectives to develop housing on multiple-owned Māori land. Housing development on general land is not eligible for a Kāinga Whenua loan but in certain circumstances, loans can be made available for the development of land transferred to a post-settlement governance entity under a Treaty I Te Tiriti Settlement (Kāinga Ora Homes and Communities, n.d., 2022). Māori land trusts and other collectives can borrow up to \$500,000 for each dwelling proposed to be constructed. The houses must be able to be removed from the site if necessary and Kāinga Ora takes security over the houses, but not over the land they are located on (Kāinga Ora Homes and Communities, 2022). Kāinga Whenua Loans are only available if the land has reasonable road access and is located on the mainland of the North or South Island (Kāinga Ora Homes and Communities, 2023).

Kāinga Whenua loans can also be used to meet some of the costs of providing infrastructure to support eligible housing development, including the costs of (Kāinga Ora Homes and Communities, n.d.):

- installing stormwater, drainage, water supply or a water tank
- connecting power and telecommunications from the block to a house
- installing a septic tank and associated engineer’s report

- obtaining a geotechnical report
- obtaining a resource or building consent.

The 2021 changes to the Local Government Act 2002 requiring local authority revenue and financing and development contributions policies to support the principles set out in the Preamble to Te Ture Whenua Māori Act 1993 are discussed in section 6.2.2 above.

Research currently being undertaken

The Reserve Bank has been working with the Māori Land Court to clarify the legal frameworks for lending on multiple-owned Māori land (Orr, 2024).

6.2.4. Planning restrictions on the development on multiple-owned Māori land which affect the economic viability of providing infrastructure to or on it

As noted above many multiple-owned Māori land blocks are located in rural areas in which other residential or commercial development is not occurring at any scale. Others are located in peri-urban areas where residential and commercial development may be occurring but at relatively low densities.

Concerns have been raised in the past that rural zone rules in district plans prepared under the RMA generally:

- place significant restrictions on the permitted density of residential housing and other built development that can occur on Māori land blocks located in rural zones
- constrain other (non-agricultural) uses that can be made of rurally zoned Māori land blocks

and that this reduces the economic viability of providing infrastructure to service papakāinga and other development on multiple-owned Māori land (Controller and Auditor-General, 2021; Palmer, 2016).

The table in Appendix B summarises the rules relating to Māori land, marae, or papakāinga development within rurally zoned areas contained in the district plans for the eleven territorial authority areas which contain the greatest amount of Māori customary and freehold land by area.

Across those eleven district plans there are a wide range of approaches to providing for marae and papakāinga activities and significant variation in the extent to which the district plans treat activities such as healthcare services being provided from marae and non-residential activities undertaken in papakāinga settlements as a normal part of 'marae' or 'papakāinga'. Those eleven district plans all either make specific provision for marae and papakāinga activities or have very broad permitted activity rules for rural zones that do not appear to place significant constraints on the density of marae and papakāinga development that can be undertaken without land subdivision. (However, other issues relating to matters such as financing, governance processes, and Māori Land Court processes also impact on the scale of development that can practicably be undertaken on Māori land blocks.)

6.2.5. Geological, hydrogeological, and other physical issues affecting Māori land blocks make it difficult to deal with issues using on-site infrastructure

Some Māori land blocks face issues such as high groundwater tables or areas prone to flooding which make it difficult to provide on-site infrastructure and, therefore, can limit the extent to which the land can be developed. For example high groundwater tables may make it difficult to dispose of stormwater (Doherty-Ramsay, 2021) or limit the amount of treated wastewater that can be disposed of to the land.

At least some Māori groups consider the reticulation of untreated sewage to be contrary to tikanga. This increases the extent to which physical constraints on the provision of wastewater infrastructure onsite limit those groups' ability to develop their land.

On the Tupu website Te Puni Kōkiri holds a report for each Māori land block (Māori land – growing whānau through whenua | Tupu.nz). Those reports provide estimates (generated from monitoring and other data) regarding matters such as how likely it is that there is access to an aquifer from the whenua, the gradient/slope of the land block, the likely soil type, and what the soil drainage and permeability is likely to be.

Landcare Research has a Whenua Māori Visualisation Tool (Visualizing Māori Land - A tool for accessing environmental information about Māori land (landcareresearch.co.nz)) which uses information held by Landcare Research and property and legal data from Māori Land Online to provide information in relation to soil properties, climate, land cover, and land use capability.

We have not identified any research that has been, or is currently being, undertaken at a greater scale than individual land blocks or connected groups of land blocks into the extent to which the geology, hydrogeology, slope, or other similar factors relating to Māori land blocks are creating issues for onsite stormwater and wastewater disposal.

6.2.6. Significant amounts of multiple-owned Māori land blocks are vulnerable to erosion or sea level rise or have vulnerable water supplies

A large proportions of multiple-owned Māori land is either (Intergovernmental Panel on Climate Change (IPCC), 2023):

- vulnerable to erosion (which is exacerbated by extreme rainfall events) or
- located on coastal lowlands and, therefore, vulnerable to sea level rise

creating risks for infrastructure located on that land (including wastewater and stormwater systems). ⁶⁵ The IPCC found that a “better understanding of the social, cultural and fiscal implications of sea level rise” for Māori is urgent (Intergovernmental Panel on Climate Change (IPCC), 2023, p. 1631). ⁶⁶

The confiscation of Māori-owned land by the Crown following the New Zealand Wars, the extensive acquisition of Māori-owned land for public works, and Government policies encouraging the individualisation of titles to Māori land which made it easier for land to be sold which resulted in much of the land remaining in multiple-Māori ownership being either:

- low-lying and located in coastal areas
- located in other environments at risk of erosion, storm surges and flooding (such as wetlands) (White, 2018).

Further, many multiple-owned Māori land blocks rely on non-reticulated water supply systems which are vulnerable to both drought and water contamination. Extreme weather events increase the risk of water contamination occurring. Where the potable water supplies for multiple-owned Māori land blocks are located near the coast they are also vulnerable to negative impacts from sea level rise (salinity stress) (Ministry for the Environment, 2020).

Research currently being undertaken

As noted above, a PhD student at the University of Auckland is currently undertaking geospatial analysis looking at the natural hazard resilience of marae throughout New Zealand, with a focus on the infrastructure networks that service marae.

6.2.7. Some blocks of multiple-owned Māori land have no legal access to a road/ are ‘landlocked’

Some blocks of multiple-owned Māori land are landlocked (have no legal access to a public road). In some cases adjoining landowners clear and graze landlocked land surrounded by their land without the consent of the beneficial owners of that land (New Zealand Government, 2020c).

The Māori Land Court can make orders granting reasonable access to landlocked land (by vesting land in the owners or granting easements over other land). In making that sort of order the Court can order the owners of the landlocked land to pay compensation to, or exchange land with, any other person. The Court must require the owners of the landlocked land to meet the reasonable costs of carrying out any work necessary to give effect to an order (unless it is satisfied that it is just and equitable to require another person to pay all or part of those costs). ⁶⁷

In practice, the remoteness and geographic challenges of providing access (for example where the land is very steep) can mean that it is not economic, or not within landowners’ means, to obtain access to landlocked land using that Māori Land Court mechanism (New Zealand Government, 2020c).

It may be possible to identify whether a Māori land block has a frontage to a legal road through use of map data. However, to quantify the extent

to which Māori land blocks have no legal access to a road it would be necessary to also identify the extent to which multiple-owned Māori land blocks have legal road access via easements over other land (New Zealand Government, 2020c) or through rights recorded in Māori Land Court documents.

How much of an issue land being landlocked is depends upon the beneficial owners' current use of the land (if any) and their aspirations for future use of the land. For example, for some land blocks the beneficial owners may have access to the land by boat which is sufficient to serve both their current use of that land and their future aspirations for that particular piece of land.

6.2.8. Automatic vesting of land away from owners if it becomes a legal road

When land becomes a legal road, under New Zealand statutes ownership of the road and “the soil thereof” automatically vests in either the relevant district or city council or in the Crown (depending on whether the road is a local road or a State highway and where the road is located).⁶⁸ Therefore, if multiple-owned Māori land is developed and public roads are formed as part of that development the owners of the Māori land lose ownership of the land comprising those roads.

There are provisions in Te Ture Whenua Māori Act 1993 which enable the Māori Land Court to order roadways to be laid out that do not change the ownership of the land on which those roadways are located. However, the Court's power to order roadways to be laid out only applies where either:⁶⁹

- the roadway would be for the purpose of providing or improving access to Māori customary or freehold land and the roadway would be laid out over “other land”, or
- the purpose of the roadway would be to provide access to land that is not a Māori land block and the roadway would be laid out over Māori customary or freehold land.

One option that can be adopted when developing multiple-Māori land is, rather than a legal road being created through the development, an easement being registered over the land (Livesey, 2017).

6.2.9. Multiple-owned Māori land located in or adjacent to urban areas that have public transport systems not served by public transport.

A government official spoken with as part of this research noted that some multiple-owned Māori land located in or adjacent to urban areas that have public transport systems is not served by public transport. This means that when papakāinga development is undertaken on the land the residents can be reliant on having access to, and use of, a car (Raerino et al., 2013). However, how widespread that issue is not currently known.

Appendix A - English translations of te reo Māori terms

Āpitihanga A – ngā whakapākehatanga o ngā kupu Māori

In providing the following English translations we note that:

- providing an English translation of a te reo Māori term cannot capture the full depth of meaning of that term
- different Māori groups may use some terms in different ways to each other and there are differences in te reo Māori across different parts of New Zealand.

The English translations below primarily use, or are based on, relevant definitions contained in Te Aka Māori Dictionary (Māoridictionary.co.nz) (Te Aka Māori Dictionary, n.d.). Where a definition is not sourced from that dictionary it is given in *italics*. The use of macrons and double vowels in Māori words is also based on how macrons and double vowels are used in Te Aka Māori Dictionary.

Te reo Māori term	English translation
Ahu whenua trust	<i>A trust established by a Māori Land Court-approved trust order which enables collective guardianship of one or more land blocks on behalf of landowners</i>
Awhi	Embracing, embrace, adoption, adopting
Hapū	Kinship group, clan, tribe, subtribe - section of a large kinship group and the primary political unit in traditional Māori society. It consisted of several whānau sharing descent from a common ancestor, usually being named after the ancestor, but sometimes from an important event in the group's history. Several related hapū usually shared adjacent territories forming a looser tribal federation (iwi).
Hauora	Health, vigour
Hui	Gathering., meeting, assembly, seminar, conference
Iwi	Extended kinship group, tribe, nation, people, nationality, race - often refers to a large group of people descended from a common ancestor and associated with a distinct territory.
Kaiāwhina	Helper, assistant, contributor, counsel, advocate
Kaitiaki	Trustee, minder, guard, custodian, guardian, caregiver, keeper, steward
Kaupapa Māori	Māori approach, Māori topic, Māori customary practice, Māori institution, Māori agenda, Māori principles, Māori ideology - a philosophical doctrine, incorporating the knowledge, skills, attitudes and values of Māori society.
Kanohi ki te kanohi	Face to face, in person, in the flesh
Kaumātua	Adult, elder, elderly man, elderly woman, old man – a person of status within the whānau

Te reo Māori term	English translation
Kaupapa	Topic, policy, matter for discussion, plan, purpose, scheme, proposal, agenda, subject, programme, theme, issue, initiative
Kōhanga Reo	<i>Total immersion te reo Māori programmes for children from birth to six years of age chartered to Te Kōhunga Reo National Trust Board</i>
Kura	School, education, learning gathering
Kura kaupapa	<i>Primary school operating under Māori custom and using Māori as the medium of instruction</i>
Manaakitanga	Hospitality, kindness, generosity, support – the process of showing respect, generosity, and care for others
Mana whenua	Territorial rights, power from the land, authority over land or territory, jurisdiction over land or territory - power associated with possession and occupation of tribal land.
Marae ātea/ Marae	<i>The open space in front of the wharenui (meeting house) which was traditionally part of a Pā (village). In modern usage the phrase is often shortened to marae, and has come to include all the land and buildings associated with the marae ātea.</i>
Mātauranga	Knowledge, wisdom, understanding, skill
Mātauranga Māori	Māori knowledge – the body of knowledge originating from Māori ancestors, including the Māori world view and perspectives, Māori creativity and cultural practices
Papakāinga	<i>Housing or mixed used development of a communal nature on ancestral land owned by Māori.</i>
Rangahau	To seek, search out, pursue, research, investigate
Rangatahi	Younger generation, youth
Rohe	Territory, area
Rūnanga	Council, tribal council, assembly
Takiwā	District, area, territory, vicinity, region
Tangata whenua	Local people, hosts, indigenous people – people born of the whenua
Tangi / Tangihanga	Rites for the dead, funeral
Taonga	Treasure, anything prized
Taonga tuku iho	Heirloom, something handed down, cultural property, heritage
Te ao Māori	<i>The Māori world</i>
Te reo Māori	<i>The Māori language</i>
Tikanga	Correct procedure, custom, habit, lore, method, manner, rule, way, code, meaning, plan, practice, convention, protocol - the customary system of values and practices that have developed over time and are deeply embedded in the social context
Tino rangatiratanga	Self-determination, sovereignty, autonomy, self-government, domination, rule, control, power

Te reo Māori term	English translation
Urupa	Burial ground, cemetery or graveyard
Wāhi tapu	Sacred place, sacred site - a place subject to long-term ritual restrictions on access or use, for example a burial ground, a battle site, or a place where tapu objects were placed
Wāhine Māori	<i>Māori woman/women</i>
Wai	Water
Wānanga	Generally, seminar, conference, forum, educational seminar. <i>Under the Education and Training Act 2020, 'wānanga' means a tertiary education institution established under that Act or a predecessor Act.</i>
Whakapapa	Genealogy, genealogical table, lineage, descent
Whānau	Extended family, family group, a familiar term of address to a number of people - the primary economic unit of traditional Māori society. In the modern context the term is sometimes used to include friends who may not have any kinship ties to other members
Whare	House, building, residence, dwelling, shed, hut, habitation
Whare hauora	<i>Health centre</i>
Wharemate	House of mourning – the wharemate may be a special separate structure to the left of the meeting house, or the place where the body lies in the verandah or inside the meeting house, depending upon the traditional practices of the particular marae.
Whare mō ngā ringawera	<i>Accommodation for cooks</i>
Wharenuī	Meeting house, large house - main building of a marae where guests are accommodated.
Whenua	Land
Whenua Māori	<i>Māori customary land, Māori freehold land and general land owned by Māori</i>

Appendix B -

District Plan Rules relating to Māori land, marae or papakāinga

Āpitihangā B – Ngā Ture Mahere Takiwā e pā ana ki ngā whenua Māori, marae, papa kāinga rānei.

Table 6 below summarises the District Plan rules relating specifically to Māori land, marae or papakāinga developments in Rural Zones in the eleven territorial authority areas with the greatest amount of Māori customary or freehold land by area.

Table 6 - District Plan rules specifically relating to Māori land, marae or papakāinga

District Plan	What the relevant District Plan provisions provide	Definition of 'marae', 'papakāinga' or "Māori land" used in the Plan
Ōpōtiki District Plan	<p>In the Rural Zone:</p> <ul style="list-style-type: none"> • marae are a permitted activity provided that they comply with general zone standards (Rule 8.3.1.1.6) • papakāinga are a restricted discretionary activity so long as the maximum number of sites is 50 and either (Rules 8.3.3.1.10 and 11): <ul style="list-style-type: none"> • each site will have an area of 1200m² exclusive of access • each site will have an area not less than 400m², the zone standards in relation to yards and effluent disposal are complied with, and the site complies with the On-Site Effluent Treatment Regional Plan. 	<p>'Marae' ... includes buildings and structures on marae complexes where these include wharenuī, wharemate [house of mourning], kohanga reo and associated ablution facilities'</p> <p>'Papakāinga' means residential occupation of Māori land in multiple ownership.</p> <p>'Māori land' means Māori customary land and freehold land as defined in Te Ture Whenua Māori Act 1993, and excludes general land owned by Māori and other land in general title.</p>
Tairāwhiti Resource Management Plan (Gisborne)	<p>All activities on Māori land throughout the district (other than some noise sensitivity activities near the airport) are permitted activities provided they comply with some general standards relating to matters such as noise, yards, building length and outdoor storage (Rule 2.2.6(1)).</p>	<p>'Papakāinga' in the context of the Plan, means a person's home and any activity which the owners of Māori land seek to undertake on their land to sustain themselves. Papakāinga may include (but are not restricted to) wāhi tapu, urupa and recreation areas.</p> <p>'Māori land' means land defined as Māori land under the Māori Land Act 1993 (Te Ture Whenua Māori 1993).</p>
Taupō District Plan	<p>All activities in the Rural Environment Zone are permitted activities so long as they comply with standards in the plan and are not specifically identified in a plan rule as a controlled, restricted discretionary or discretionary activity (Rule 4b.2.1). Some plan standards relating to the erection of structures and the siting of multiple dwellings on a site do not apply to papakāinga housing (Rules 4b.1.22 and 4b.2.7.ii).</p>	<p>'Papakāinga' means any dwellings erected to exclusively house members of the same whānau, hapū or iwi on land which is owned by the whānau, hapū, or iwi; and located on Māori land within the meaning in Section 129(1)(a, b or c) of Te Ture Whenua Māori Land Act 1993, and is consistent with any licence to occupy Māori land that has been issued by the Māori Land Court.</p>

District Plan	What the relevant District Plan provisions provide	Definition of 'marae', 'papakāinga' or "Māori land" used in the Plan
Far North Operative District Plan 70	<p>Papakāinga housing is a controlled activity in the Rural Production Zone and the Rural Living Zone provided that it complies with the standards for permitted activities within the zone (other than the residential intensity standard) and each residential unit has at least 3,000m² of land surrounding the unit for its exclusive use (Rules 8.6.5.2.2 and 8.7.5.2.1).</p> <p>An application for discretionary activity consent for integrated development of activities on Māori freehold land, Māori customary land or Crown land reserved for Māori in the Rural Production Zone or Rural Living Zone may be made where that development does not comply with one or more of the other plan rules (Rules 8.6.5.4.2 and 8.7.5.4.2).</p>	<p>'Papakāinga housing' means the use of Māori multiple owned land, Māori ancestral land or land within the meaning of Te Ture Whenua Māori Act 1993 by the shareholder(s) for one or more dwelling places.</p>
Ruapehu District Plan	<p>Marae activity is a permitted activity on Māori land located in the Rural Zone (ML3.4) subject to compliance with some general conditions relating to matters like yards.</p> <p>Papakāinga housing activity for up to four residential units is a permitted activity on all Māori land located within the Rural Zone subject to compliance with some general conditions relating to matters like yards. Papakāinga housing activity for 5 to 10 residential units is a controlled activity within the Rural Zone (ML3.3). Papakāinga housing activity for more than 10 residential units is a discretionary activity in the Rural Zone.</p>	<p>'Marae activity' means spiritual, social, political, and economic gathering places of iwi, hapū and whānau and all manner of Māori groups and organisations. Marae may be whānau, hapū or iwi based. The activity includes buildings used for meetings, recreation, cooking, sleeping and ablutions.</p> <p>'Papakāinga housing activity' means a use of land or a building for the purpose of providing permanent living accommodation for Māori in a building designed to accommodate a family which includes sleeping, living, and ablution facilities and may include areas for food preparation. Accessory buildings and ancillary uses secondary to residential living are also provided for.</p> <p>'Māori land' means Māori customary land, Māori freehold land and land gazetted as a Māori reservation for communal purposes.</p>
Whakatāne District Plan	<p>Marae designed to have a maximum occupancy or attendance of between 10 to 50 people at any one time are a permitted activity in the Rural Plains and Rural Foothills Zones, a controlled activity in the Rural Ōhiwa Zone and a discretionary activity in Rural Coastal Zone. Marae designed to have a maximum occupancy or attendance of more than 50 people at one time are a restricted discretionary activity in the Rural Plains and Rural Foothills Zones and a discretionary activity in the Rural Coastal and Rural Ōhiwa Zones (Table 3.4, Row 11).</p> <p>71 However, the plan also includes a Rural Community & Cultural Zone within which those activities are all either permitted or controlled activities.</p> <p>In the Rural Plain and Rural Foothills Zones papakāinga housing is controlled activity and in the Rural Coastal and Rural Ōhiwa Zones papakāinga housing is a discretionary activity (Table 3.4). (Within the Community & Cultural Zone papakāinga are a non-complying activity.)</p>	<p>'Marae' means a specific area containing a complex of buildings which an iwi, hapū or whānau regards as their base for hosting meetings and other ceremonial occasions (hui) which may include (among other things) whare mō ngā ringawera (accommodation for cooks), whare hauora (health centre) and other accessory buildings normally used in conjunction with wharenuī but not permanent accommodation (except as specifically provided for within the 'Marae' definition).</p> <p>'Papakāinga housing' means housing on multiple owned Māori land.</p> <p>'Māori land' has the same meaning as in section 3 of Te Ture Whenua (Māori Land Act) 1993</p>

District Plan	What the relevant District Plan provisions provide	Definition of 'marae', 'papakāinga' or "Māori land" used in the Plan
Rangitikei District Plan	<p>New marae are a restricted discretionary activity in the Rural Zone and the Rural Living Zone (Rules B7.17 and B6)</p> <p>Papakāinga housing is a permitted activity within those parts of the Rural Zone which have a Papakāinga Housing land area overlay (Rule B7.7). To be a permitted activity each dwelling must have an area for exclusive use of at least 200m and meet Plan requirements around outdoor space and all dwellings must be able to separately serviced for connections to water, stormwater and sewage infrastructure.</p>	<p>'Marae' means a site reserved under the Māori Affairs Act 1953 which is owned or administered by legally appointed trustees or a trust body for the common benefit of a defined group of Māori people, and includes, among other things, the following marae-based facilities and activities:</p> <ul style="list-style-type: none"> • wharenui and halls, meetings and social gatherings • accommodation facilities associated with any marae • churches and church activities • kaumātua flats or elderly persons' housing or kāinga housing for people associated with the marae • education and training facilities and activities • childcare and kōhanga reo facilities and activities • medical health services. <p>'Papakāinga housing' means the development of dwellings on ancestral land (whether held in Māori multiple-owned land ownership or not) and where the development provides for the reconnection and resettlement of iwi and hapū to their acknowledged ancestral lands. This term does not apply to single developments or multi-lot subdivisions that are not intended for resettlement purposes.</p>
Wairoa District Plan	<p>There are no specific provisions relating to papakāinga or marae in the Wairoa District Plan and they are treated as dwellings and places of assembly respectively. In the Rural Zone any activity that complies with the Rural Zone standards and conditions is a permitted activity (Rule 16.7.1). There are no residential intensity zone standards but there are standards relating to the set back of dwellings from intensive farming activities, oxidation and effluent ponds and waste disposal areas, and yard and building height requirements.</p>	<p>'Marae' means the land and buildings used for traditional, cultural, and social activities of Māori.</p>
Hastings District Plan	<p>In the Rural Zone marae are a permitted activity (RZ14A).</p> <p>Under the Papakāinga District Wide Activity Rule, throughout the Hastings District papakāinga on Māori land or land that was converted to general land under the Māori Affairs Amendment Act 1967 is a controlled activity provided that it complies with a number of performance standards including standards relating to yards, outdoor space (Rule 21.1.5).</p> <p>The papakāinga rules also cover industrial activities and some commercial activities so long as a least one person resident on the site undertakes the activity and the activity complies with controls on the maximum number of employees and maximum gross floor area (Rules 21.1.5, 21.1.6B and 21.1.7B).</p>	<p>'Marae' means a site reserved under the Māori Affairs Act 1953 which is owned or administered by legally appointed trustees or a trust body for the common benefit of a defined group of Māori people.</p> <p>'Papakāinga' means residential housing on land identified under section 21.1 'Papakāinga District Wide Activity'.</p> <p>'Papakāinga Accessory Building' means a detached building which is accessory to existing or approved papakāinga residential buildings.</p> <p>'Māori Land' means land which is recognised Māori Land for the purpose of the Te Ture Whenua Māori Land Act 1993. That is; (a) land held by Māori in accordance with tikanga Māori having the status of Māori customary land and (b) land, the beneficial ownership of which has been determined by Māori Land Court by freehold order, having the status of Māori freehold land.</p>

District Plan	What the relevant District Plan provisions provide	Definition of 'marae', 'papakāinga' or 'Māori land' used in the Plan
Rotorua Lakes District	<p>Under the Rotorua Lakes District Plan in all zones (other than industrial zones) where proposed papakāinga or kaumātua flats have not been approved through a development plan process they are a permitted activity subject to them complying with all standards applying to household units in the underlying zone roles except that the permitted density for kaumātua flats is one per 150m² of land. For this rule to apply the activity must be located on land that adjoins or is adjacent to a marae, and on land that is multiple-owned Māori land or otherwise under the jurisdiction of the Māori Land Court and the land must be vested in trustees subject to controls that require occupation of the land to be restricted to members of the hapū (PK-R1).</p> <p>Alternatively, an application for a restricted discretionary consent can be made to seek approval of a papakāinga/kaumātua flat development plan for a site (PK-R2).</p>	<p>'Marae' means community meeting place or surrounds and includes such buildings normally used in conjunction with the meeting house or hall, the whole being located on a defined parcel or parcels of land and administered by legally appointed trustees of a trust body for the common use or benefit of a defined group of Māori people.</p> <p>'Papakāinga' means a settlement developed by and for tangata whenua on land in their traditional rohe including but not limited to residential activities.</p> <p>'Papakāinga housing' means the provision of more than two household units on Māori land for tangata whenua who have 'mana whenua' status and includes kaumātua housing.</p>
Waitomo District Plan	<p>Within the Rural Zone any activity that complies with general standards is a permitted activity. There are no specific provisions relating to papakāinga but also no standards relating to residential intensity when no subdivision is being undertaken (other than yard requirements).</p> <p>Under the Plan a special zone has been applied to the Te Maika Peninsula and an adjacent area of land. Most of that land is administered by a Māori land trust. Development within that zone is managed under a structure plan.</p>	Not applicable

Under section 87A and 104D of the RMA:

1. Where a relevant RMA document (such as a district plan or national environmental standard) identifies an activity as (Resource Management Act, 1991, sec. 87A(3)) a 'permitted activity' that activity can legally be undertaken without a resource consent.
2. Where a relevant RMA document identifies an activity as a 'controlled activity' a resource consent is required for the activity and the consent authority must grant consent but can impose conditions on the consent relating to matters specifically identified in the RMA document. For example if the RMA document says that the matters over which the consent authority has reserved control include noise and vibration the consent authority can impose a condition on the consent relating to managing construction noise and vibration and conditions regarding noise generated by the consented activity once it is operating.
3. Where a relevant RMA document identifies an activity as a 'restricted discretionary activity' a resource consent is required for the activity and the consent authority can either grant or decline consent but if it grants consent it can only impose conditions relating to matters specifically identified in the RMA document.

4. Where a relevant RMA document identifies an activity as a 'discretionary activity' a resource consent is required for the activity, the consent authority can either grant or decline consent and, if it grants consent, can impose any lawful conditions on the consent.
5. Where a relevant RMA document identifies an activity as a 'non-complying activity' a resource consent is required for the activity, the consent authority can decline consent and can only grant consent if it is satisfied that either:
 - a. the adverse effects of the activity on the environment will be minor, or
 - b. the activity that will not be contrary to the objectives and policies of any relevant RMA plan and proposed RMA plan

If the consent authority grants consent it can impose any lawful conditions on that consent.

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Notes

- ¹ Universities, wānanga, Te Pūkenga – New Zealand Institute of Skills and Technology and private training establishments.
- ² Although some of those groups also have some outstanding historic Treaty | Te Tiriti claims. The 1992 fisheries settlement settled historic claims in relation to Treaty | Te Tiriti breaches relating to Māori customary rights to fishing and fisheries.
- ³ On-account payments form part of the financial and commercial redress to be provided by the Crown in the settlement of Treaty | Te Tiriti claims but are paid prior to formal settlement of the claims. Any on-account payments are deducted from the financial and commercial redress that is paid on formal settlement of relevant claims.
- ⁴ An ahu whenua trust is a trust established by a Māori Land Court-approved trust order which enables collective guardianship of one or more land blocks on behalf of landowners (Te Kooti Whenua Māori | Māori Land Court, n.d.).
- ⁵ Its shareholding Ministers are the Minister for Treaty Negotiations and the Minister of Finance, delegated to Associate Minister of Finance, Hon. Shane Jones.
- ⁶ In addition, the Mana Whenua Financial Documents of three other Mana Whenua Investment Entities referred to a strategy of regaining ownership of assets within their rohe.
- ⁷ A limited partnership is a legal structure used by many Mana Whenua Groups. It is a legal entity made up of one or more ‘general partners’ and one or more ‘limited partners’. A general (managing) partner is responsible for the management of the partnership and jointly and severally liable with any other general partners and the limited partnership itself for the debts and liabilities of the partnership. Limited partners who have not been involved in the management of the limited partnership, are only liable for the debts and liabilities of the partnership to the value of their financial contribution to the partnership. When a limited partnership is established the partners can set their own rules in the deed establishing the partnership. Further there is no tax penalty for Māori authorities or charities when participating in a limited partnership.
- ⁸ Māori incorporations are corporate vehicles with shares issued to the pre-incorporation landowners in proportion to the land transferred to the new entity.
- ⁹ Including post-Settlement governance entities set up in the form of trusts (which hold the proceeds of Treaty | Te Tiriti Settlements).
- ¹⁰ As well as being involved in a proposed development of the Beachlands community and Moroki (a specialist build to rent development in Tamaki, Auckland).
- ¹¹ (Port Nicholson Block Settlement Trust, n.d.; Taranaki Whānui ki Te Upoko o Te Ika, 2023).
- ¹² A new Archives New Zealand facility is currently being constructed on another, nearby, site in Aiken Street, Wellington. The new facility is expected to be open to the public in 2026 (Archives New Zealand, n.d.).
- ¹³ Through a holding company, TPC Holdings Limited, Tuaropaki Power Company Limited is 75% owned by Tuaropaki Kaitiaki Limited and 25% owned by Mercury Geothermal Limited. Tuaropaki Kaitiaki Limited is 100% owned by the Tuaropaki Trust.
- ¹⁴ Following the loan being repaid in full in 1975.
- ¹⁵ Through its company Kaawai New Zealand Limited.
- ¹⁶ Such as a trust, an incorporated society, or a society formed by a Mana Whenua Group.
- ¹⁷ Other community water supplies on the Ministry of Health’s November 2021 register may also in practice be run by Mana Whenua Groups, such as supplier where the registered supplier is a company majority-owned by a Mana Whenua Group entity.
- ¹⁸ The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

- ¹⁹ (Waikato-Tainui & Her Majesty the Queen in right of New Zealand, 2009, sec. 15(1)).
- ²⁰ Taki-o-Autahi GP Limited. See note viii for a description of what a ‘general partner’ is.
- ²¹ Te Arawa Lakes Trust, Te Hau Ora o Ngāpuhi Limited, and Te Taiwhenua o Heretaunga.
- ²² Where land held for a public work is returned to Māori ownership under a Treaty | Te Tiriti Settlement Act (or any other Act), any person who would normally have the benefit of right to be offered back that land if it became surplus to the Crown’s needs can, at the time at which the offer would have been made, apply to the Land Valuation Tribunal for a solatium payment from the Crown for the loss of the opportunity to purchase the land. The maximum amount of that solatium is \$20,000. (Public Works Act, 1981, sec. 42A).
- ²³ Although some of those groups also had outstanding historic Treaty | Te Tiriti claims.
- ²⁴ According to the agreed form of lease for land at Wellington Central Railway Station forming part of the relevant Settlement documents, the land is leased to Ontrack for an initial 20-year term with perpetual 20-year rights of renewal. Ontrack can use the land for any lawful existing use or permitted activity in the current or proposed district plan relating to the land, or any use which is authorised by resource consent, by designation or otherwise by law. The landowner cannot complain or object to, or publicly comment on, any variation, change or modification to existing or future lawful uses of the land or on any adjoining land and any designations or consents either in place or required in connection with any development on the land or any adjoining land lawfully granted at a later date, Ontrack may construct improvements on the land and make any alterations or additions to improvements without the landowner’s approval, Ontrack can also develop the land or any adjoining land it owns or leases, including constructing buildings, and the landowner is required to do all things that may be necessary to facilitate such development, including consenting to the development and agreeing to the grant of easements for services. Due to the need to ensure the ongoing operational integrity and security of operations from the land, the landowner cannot cancel the lease because of the breach of any covenant or condition by the lessee (including a covenant or condition to pay rent) while the Crown or any Government agency is the lessee.
- ²⁵ Overall 195 school sites had been transferred under Treaty | Te Tiriti Settlements as of 1 November 2023 but one of them, the former Awanui Resource Centre, was no longer used for a state school having been transferred to Ngāti Awa and used for Te Wharewānanga o Awanuiarangi. Also, the site of Victory Primary School in Nelson was originally transferred to a Mana Whenua Group but bought back by the Ministry of Education in 2014.
- ²⁶ As of 7 February 2024, an iwi had given notice of election to purchase the land of another operational Court site under a Treaty | Te Tiriti Settlement. However, the transfer had not occurred due to legal proceedings.
- ²⁷ The site of the former Queenstown Courthouse is also owned by Ngai Tahu but now occupied by a bar.
- ²⁸ The legal entity and administrative arm for Te Runanga o Tupoho, who consist of the ten marae and sixteen hapu in the lower reaches of Te Awa o Whanganui.
- ²⁹ The 2018 report states that, except where otherwise stated, it uses the methodology used in an earlier BERL report (Nana et al., 2011).
- ³⁰ Again using StatsNZ’s criteria for a business to be economically significant.
- ³¹ As opposed to ‘Māori authorities’.
- ³² One of the industry classifications Te Puni Kōkiri used when looking at data for the 2019/20 year was the electricity, gas, water and water services sub-classification of the professional, scientific and technical services industry classification. However, while Te Puni Kōkiri identified some characteristics of Māori-owned businesses falling within that sub-classification (i.e., 38% were medium- to large-sized businesses), it did not report on what percentage of the total number of businesses falling within that sub-classification were Māori-owned businesses.

- 33 In New Zealand ‘medium businesses’ are generally defined as businesses with more than 20 but less than 100 employees.
- 34 This is consistent with Nicholson Consulting’s finding (in work commissioned by Te Puni Kōkiri) that in 2019 Māori-owned businesses had a similar employee count and GST size to non-Māori businesses (Nicholson Consulting, 2020).
- 35 Sapere’s interviews with the owners of Māori small- and medium-enterprises working in the horizontal infrastructure sector also identified that those owners considered the financial cost of meeting changing health and safety requirements (including staff training requirements) was excessive (Moore et al., 2023).
- 36 This is consistent with the experience of a Māori business owner interviewed by Sapere (Moore et al., 2023).
- 37 Another Supplier Diversity Specialist commented that, if a Māori business is successful in being awarded a contract, the process for being on-boarded as a contractor can be complex and involve hundreds of pages of documents.
- 38 Some of the participants interviewed as part of research commissioned by the former Productivity Commission expressed the view that procurement targeted to Mana Whenua Groups gives effect to the Treaty | Te Tiriti (Mill & Millin, 2021).
- 39 The the most recent, 2022, BDO Māori Business Sector Report does not discuss Māori businesses’ perceived main barriers for achieving planned outcomes.
- 40 In 2022 28% of ‘other Māori enterprises’ used personal assets as collateral for finance, compared to 22% of all New Zealand businesses (Stats NZ, 2023a).
- 41 To estimate labour productivity Chen used total sales minus purchases as a proxy for value added and calculated labour productivity by dividing that proxy for value added by the rolling mean employment (a 12-month moving average of monthly employment count).
- 42 There is evidence which indicates that, on average, Māori businesses undertake slightly more research and development activities than New Zealand businesses overall. The percentage of Māori authorities, other Māori enterprises and all New Zealand businesses that reported undertaking research and development activities in 2022 were 10%, 13% and 8% respectively (Stats NZ, 2023a). The equivalent Stats NZ information release in relation to 2019 data reported on the innovation rate of businesses more broadly, looking not only at research and development but also product design and marketing, prototyping, and commercialisation of a developed product (New Zealand Productivity Commission, 2021; Stats NZ, 2020). In 2019 the total innovation rate for Māori small and medium enterprises was 60% compared to 46% for all New Zealand businesses.
- 43 This process removes the seasonal component present when dealing with quarterly data. Seasonal patterns obscure the underlying behaviour of the series.
- 44 For example, following interviews with owners of small- and medium-sized Māori businesses working in the horizontal infrastructure sector, Sapere commented that Māori businesses re-investing their profits into local communities and internal development of labour (such as paying for driving lessons for employees and ensuring staff receive sufficient pay) can constrain the capacity of Māori firms to reinvest and grow their businesses (Moore et al., 2023).
- 45 Universities, wānanga, Te Pūkenga – New Zealand Institute for Skills and Technology and private training establishments.
- 46 In the Scarlatti Alta/Te Waihangā research an individual’s ethnicity was coded based on their ‘primary’ or ‘prioritised’ ethnicity. What this means is that when somebody reported multiple ethnicities on the 2018 Census, they were coded to one specific ethnicity based on a priority ranking. As a result, the approach will misestimate some aspects of ethnic diversity. For further information on Statistics New Zealand’s ‘prioritised ethnicity’ measures see: <https://datainfolplus.stats.govt.nz/item/nz.govt.stats/0b593a66-4164-4eaf-b071-db4f77a45fcc>.

- 47 It was estimated that 18% of infrastructure workers arrived on residence visas, 7% arrived on temporary work visas and a further 1% were on student or working holiday visas.
- 48 Similarly, in 2013 MBIE identified that on average Māori who ran their own business had a lower level of formal qualifications than the total population of people who ran their own business, with only 17.5% of Māori who ran their own business having a Bachelor's degree or higher formal qualification (compared to 23.7% of the total population of people who ran their own business) (Ministry of Business, Innovation and Employment, 2015). However, when BERL looked at the 'skill level' (as opposed to the level of formal qualifications) of Māori in business as employers in 2018, over 50% of Māori in business as employers and over 40% of self-employed Māori were in the level one skill category (jobs for which a person generally requires a Bachelor's degree or higher qualification to gain employment) (Reserve Bank of New Zealand & BERL, 2018). 'Skill level' was determined by the Australia and New Zealand Standard Classification of Occupations (ANZSCO) which calculates skill level based on the relevant qualifications or equivalent experience generally required to obtain employment in a given occupation.
- 49 This process removes the seasonal component present when dealing with quarterly data. Seasonal patterns obscure the underlying behaviour of the series.
- 50 While these projections will have been made before some large infrastructure projects were cancelled, the Government has signalled that its Government Policy Statement on Land Transport will deliver significant investment in transport, it will take decisions on measures to increase investment in renewable energy generation and it will establish a Regional Infrastructure Fund (NZ Government, 2024)..
- 51 A holistic Māori model of wellbeing which has four aspects – Te Taha Wairua (spiritual wellbeing), Te Taha Hinengaro (mental and emotional wellbeing), Te Taha Tinana (physical wellbeing) and Te Taha Whānau (family and social wellbeing).
- 52 NCEA is the main qualification for secondary school students in New Zealand.
- 53 Individuals can nominate more than one ethnicity.
- 54 Firecone and Sawtooth Economic's sensitivity analysis suggested that they could only state with 95% confidence that Māori household infrastructure spending sat somewhere between \$10,410 and \$20,950 per year (relative to a range of \$9,700 to \$19,540 for an average non-Māori household). Given such a wide range of possible values for the true level of infrastructure spending by each household type, an estimated difference in spending levels between them of only \$810 was too small to allow then to conclude with confidence that there was a true difference between the spending levels of Māori and non-Māori households.
- 55 (Te Ture Whenua Māori Act, 1993, sec. 129(2)(a)).
- 56 (Te Ture Whenua Māori Act, 1993, sec. 129(2)(b)).
- 57 "Land (other than Māori freehold land) that has been alienated from the Crown for a subsisting estate in fee simple while that estate is beneficially owned by a group of persons of whom a majority are Māori (Te Ture Whenua Māori Act, 1993, sec. 129(2)(c)).
- 58 (Local Government Act, 2002, sec. 101B).
- 59 (Local Government Act, 2002, sec. 101B(3))
- 60 (Local Government Act, 2002, sec. 93(2) and (5) and 93A).
- 61 (Local Government Act, 2002, sec. 83(1)(d) and (e)).
- 62 (Local Government Act, 2002, sec. 14(1)(d) and 81).
- 63 As well as for repairing and improving whānau Māori-owned homes, building homes for Māori (including on papakāinga), and boosting skills and resources so organisations can deliver Māori-led housing solutions.

- ⁶⁴ Specifically, a local authority's revenue and financing policy sets out the extent to which operating expense and capital expenditure will be funded through each of general rates, targeted rates, lump sum contributions, fees and charges, interest and dividends from investments, borrowing, proceeds from asset sales, development contributions, financial contributions under the RMA, grants and subsidies, regional fuel taxes, and other sources (Local Government Act, 2002, sec. 103).
- ⁶⁵ Mr Smith (Ngāpuhi, Ngāti Kahu) has filed claims in Court against seven companies which are either involved in greenhouse gas emitting industries or supply products which release greenhouse gases when burned. The claims seek orders requiring those companies to cease materially contributing to the adverse effects of climate change (including orders requiring those companies to reduce their emissions to net zero by 2050). Among other things, Mr Smith claims the sea level rise arising from climate change will irrevocably damage a Māori land block which is his family land. The New Zealand Supreme Court recently reinstated the proceedings after they were previously struck out by the Court of Appeal (*Smith v Fonterra Co-operative Group Limited & Ors*, 2024).
- ⁶⁶ In December 2023, Te Puni Kōkiri published research on the projected risks of climate hazards on Māori households. The Te Puni Kōkiri analysis defined a 'Māori household' as households where at least one occupant self-identified as Māori but StatsNZ statistical areas with 30 or less Māori households were excluded from the analysis. However, that analysis did not explore the impact of climate hazards on infrastructure, including wāhi tapu (sites of cultural significance) or the subsequent impact on community resilience (Te Puni Kōkiri, 2023b).
- ⁶⁷ (Te Ture Whenua Māori Act, 1993, sec. 326B(5) and 326C).
- ⁶⁸ Local Government Act 1974, section 316 and Government Rounding Powers Act 1989 section 44.
- ⁶⁹ (Te Ture Whenua Māori Act, 1993, sec. 317 to 318).
- ⁷⁰ The Far North District Council has notified a Proposed District Plan and will be holding hearings in relation to submissions on that plan throughout 2024.
- ⁷¹ Places of assembly designed to have a maximum attendance of less than 10 people at any one time are also provided for under the Plan rules but very few, if any, marae would meet that restriction.