

**PRESENTATION OF NEW ZEALAND'S 18TH, 19TH AND 20TH
CONSOLIDATED REPORT UNDER THE CONVENTION ON THE
ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**

OPENING STATEMENT

Hon Judith Collins

Minister of Justice, Minister for Ethnic Affairs and Minister for ACC

21 February 2013

Good afternoon and warm greetings to you all.

Mr Chairman, members of the Committee and guests, it is my pleasure to be here on behalf of the New Zealand Government to present our 18th, 19th and 20th Report under the *International Convention on the Elimination of All Forms of Racial Discrimination*. My name is Judith Collins and the Minister of Justice and Minister for Ethnic Affairs of New Zealand.

New Zealand is a multi-racial, multi-cultural nation that prides itself on the promotion of human rights and equal treatment for all of our citizens.

Regardless of a person's race, colour or ethnic background, we are *all* equal in the eyes of New Zealand law.

As Minister of Justice I'm responsible for our primary human rights legislation: the *New Zealand Bill of Rights Act* and the *Human Rights Act*.

And as Minister for Ethnic Affairs I am responsible for the Office of Ethnic Affairs. The office works specifically to promote ethnic diversity and prosperity for every New Zealander.

Today I am joined by officials from various government agencies:

- Andrew Bridgman, Chief Executive and Secretary for Justice
- HE Dell Higgin: Head of Mission and Permanent Representative to the United Nations and Conference on Disarmament.
- Mervin Singham, Director Office of Ethnic Affairs
- Tipene Chrisp, Policy Director, Te Puni Kōkiri (Ministry of Māori Development)
- Austin Powell, Crown Counsel and Team Leader Human Rights, Crown Law
- Adam Dubas, Senior Policy Advisor, Ministry of Justice
- Carl Reaich, Deputy Permanent Representative, New Zealand Permanent Mission
- Alana Messent, Second Secretary, New Zealand Permanent Mission
- Megan Wallace

I thank the Committee for their 2007 *Concluding Observations* and *List of Themes* and I look forward to discussing the important matters raised by these documents further. I particularly thank Mr Vazquez for understanding our Southern hemisphere timetable and providing us with the *List of Themes* in early December.

I will begin with a brief history of New Zealand, what our Government is doing to settle Māori historical grievances under the Treaty of Waitangi, and what it means to live in a nation that celebrates diversity. I'll also discuss contemporary challenges New Zealand faces around ethnic equality in health, education, employment and criminal justice and what we are doing to meet these

challenges. Finally I will address some issues raised by the Committee in its *List of Themes*.

New Zealand is a relatively young country.

The ancestors of the indigenous Māori people arrived in New Zealand around a thousand years ago. By the late 18th Century there were over one hundred thousand Māori in New Zealand.

Europeans also started settling in New Zealand at this time and continued to arrive in increasing numbers during the 19th Century. Britain's desire to take possession of New Zealand with the consent of Māori chiefs led to representatives of the British Crown and Māori chiefs signing the Treaty of Waitangi in 1840.

This gave the British Crown the right to govern New Zealand and develop settlements. The Crown guaranteed Māori full protection of their interests and status, and full citizenship rights.

Māori were included in the political life of the Colony in the 19th Century and in 1867 the New Zealand Parliament established four Māori seats to give Māori a direct say in Parliament.

The Māori seats remain in Parliament today, and are now seven, and the Treaty of Waitangi is recognised as our nation's founding document.

Our national day – "Waitangi Day" – marks a holiday for all New Zealanders to recognise the importance of the Treaty.

In 1975 the Government established the Waitangi Tribunal to hear Māori grievances against the Crown for breaches of the Treaty of Waitangi.

The Waitangi Tribunal has authority to determine the meaning and effect of the Treaty of Waitangi; its decisions however do not bind the Government. The Treaty is referred to in more than 40 statutes, giving it far reaching recognition in national and local government

Since 1975, the Crown has accepted a moral obligation to resolve Māori historical grievances in keeping with the principles of the Treaty. Resolution of these grievances is achieved through Treaty settlements.

A Treaty settlement is an agreement between the Crown and a Māori claimant group to settle all of the group's historical claims against the Crown. Treaty settlements have the force of the law and are given effect by an Act of Parliament.

The settlements usually include an historical account of events, a Crown apology to the claimant group for the Crown's action or inaction, and cultural as well as financial and commercial redress.

Cultural redress may provide the claimant group with rights and access to customary food-gathering sources or provide recognition of traditional place names by facilitating name changes to sites. For example, our highest mountain was known for many years as Mount Cook. It has now been renamed Aoraki/Mount Cook to acknowledge the original Māori name and the primacy of Māori settlement.

Financial and commercial redress is made up of an overall quantum or value in dollar terms.

Since the historic claims settlement process began in 1975, a total of 59 Deeds of Settlement have been signed between the Crown and iwi – iwi is the Māori term for tribe.

When the treaty settlement is implemented, the Māori claimant group establishes a governance entity to hold, manage and develop its settlement assets. All Māori governance entities will have ongoing relationships with the Crown and exert significant influence on government.

We have seen the great things that those who have settled are achieving with their settlement assets. Wise investments are clearly paying off for many groups and the benefits are flowing to beneficiaries. Iwi, through their Treaty settlements are becoming significant contributors to the New Zealand economy.

An example is Ngāi Tahu, an iwi in the South Island.

Since settlement in 1997, Ngai tahu has grown its assets from \$170 million to over \$747 million, including property, seafood interests, and tourism enterprises. It is a vital player in the economy of New Zealand's South Island and is intimately involved in the rebuild of Christchurch following the earthquakes in 2010 and 2011.

Iwi are ideal cornerstone investors in infrastructure, property and farmland since they take a genuinely long term view of involvement in their areas of influence. A number of iwi are partnering with private and state-owned energy generators to develop the geothermal assets of the Central North Island.

The Government has also recently settled one of New Zealand's most significant grievances with Ngāi Tuhoe with the Crown providing redress to the iwi to the value of \$170 million.

Historically, the Crown wrongly confiscated and purchased large areas of Tuhoe land in New Zealand's Urewera region.

In this settlement, the Crown has acknowledged wrongdoing and given the Urewera National Park its own legal identity.

Urewera National Park will be managed by a governance board with equal numbers of Tuhoe and Crown members and decisions will be made by consensus, meaning that both parties will have veto rights.

These settlements don't necessarily represent an answer but rather a means by which each iwi moves on and creates their own wealth and their own sense of security.

In 2008, this Government set an aspirational goal of settling all historical Treaty of Waitangi claims by 2014. I'm pleased to say over half of all Treaty settlements were completed by the end of 2012 – around 60 are yet to be settled and settling these claims remains a priority for this Government.

I now turn to immigration and the impact immigration has on New Zealand society.

We are a nation of immigrants.

After the first Māori people arrived, migrants arrived in New Zealand from all corners of the world – predominantly from England, Scotland, Wales, France and Ireland, and many from China.

From the mid-1960s, Pacific people started coming to New Zealand. They came primarily for work opportunities – from Samoa, Tonga, the Cook Islands and other Pacific islands. At the last official count, our Pacific population was around 230,000.

New Zealand's immigration policy changed in 1975 and again in 1987. Our Government started admitting people on the basis of their qualifications rather than where they came from. Since then, there has been a large flow of migrants from Asia.

Today New Zealand is a truly multi-ethnic and multi-cultural country.

We are an open, tolerant and fully integrated society with peoples of different ethnic backgrounds living and working peacefully alongside each other – in our neighbourhoods, communities, businesses, in our classrooms, courtrooms, hospitals and serving in our police and armed forces.

Nearly a quarter of New Zealanders are born overseas and our largest city, Auckland is home to 200 different ethnic groups.

Auckland also has the largest resident Pacific Island population in the world. This is forecast to grow considerably over the next 15 years.

Significant growth is also predicted for our Asian population.

Many New Zealanders identify with more than one ethnicity and relationships and marriage between different ethnicities are very common.

New Zealand is proud of the role it takes in the Pacific region and our contribution to international organisations.

For New Zealand, the Pacific island region is integral to our national identity and to our foreign policy. We led the drive in the region for self-determination. A considerable proportion of New Zealand's diplomatic resources are invested in the South Pacific; understanding and engaging in the region is vital to our interests.

And the maintenance of democracy, the rule of law and human rights in the Pacific matter greatly to New Zealand. The Pacific is famous for finding Pacific solutions and adapting traditions to suit the Pacific context. New Zealand helps in that regard.

New Zealand actively supports human rights capacity building efforts at the regional level spearheaded by the Office of the High Commissioner for Human Rights. Through the New Zealand Aid Programme we contribute to the work of the UN Office of the High Commissioner for Human Rights (which has two regional offices in the Pacific) through a series of Voluntary Funds. Among the Office's priorities are the development of national human rights institutions, adoption of national plans of action, and increased human rights education and awareness-raising. They provide advice and training to government agencies in the region regarding good practices and also train civil society actors on how to document human rights violations, and use available complaint mechanisms.

New Zealand is also reducing barriers to education by funding schools to waive primary school fees in the Pacific. This has led to increased primary school enrolment. We are providing sustainable and equitable access to safe water and sanitation to Pacific peoples to support improved public health and promote sustainable economic development in the Pacific.

In terms of international peace and security efforts, New Zealand remains actively engaged. New Zealand Police and peacekeeping and reconstruction teams have recently been deployed in Afghanistan, Papua New Guinea, Solomon Islands, Timor Leste and Tonga and are sought after not only for their ability to do the job, but also for their ability to engage effectively with minority groups.

The New Zealand Police is part of the Pacific Prevention of Domestic Violence Programme along with New Zealand Aid and the Pacific Islands Chiefs of Police. We have also recently announced more funding for the Extraordinary Chambers in the Courts of Cambodia also known as the Khmer Rouge Tribunal.

New Zealand has put in place a comprehensive resettlement strategy for refugees and accepts 750 people per year for resettlement, plus or minus ten percent. This quota allows women at risk, people with disabilities or people with family already in New Zealand, as well as refugees in general, to settle with us.

Before discussing some of the contemporary challenges facing New Zealand's minority ethnic groups, it's important I touch on New Zealand's legal and political system.

New Zealand is a constitutional monarchy. The Governor General is the representative of the Sovereign in the Realm of New Zealand, and as such, our head of State. Our current Governor General is Lt Gen Rt Hon Sir Jerry Mateparae and is a member of the Ngati Tuwharetoa tribe. He is our second Governor General of Maori descent.

The Governor General takes the advice of the Prime Minister or other Ministers while exercising his or her powers and cannot act without that advice.

Our political system is a unitary parliamentary democracy with a single government and legal system. People can vote in New Zealand once they have been resident for a year.

Three of our twenty Cabinet Ministers are of Maori descent. Our House of Representatives has 121 members with 21 members identifying as Maori and 6 as Pasifika. Our current Government is led by the New Zealand National Party with the voting support in Parliament of the Maori Party, ACT Party and the United Future Party

Māori representation in our Parliament is representative of New Zealand's population and underscores our commitment to Māori integration.

For the 7th year in a row, New Zealand has either tied or topped the Transparency International index for having the most open, transparent Government and public sector.

New Zealand does not have a written constitution. However, many of our constitutional arrangements are reflected in legislation and historical precedents.

Aspects of our constitutional arrangements are currently under review. In our report at paragraph 23, we identified that public engagement on a range of constitutional matters was scheduled to begin in 2012. The review, known as the "*Consideration of Constitutional Issues*", is now underway.

As part of this review, an independent Constitutional Advisory Panel has been appointed. This Panel is considering a range of topics including the possibility of a written constitution and entrenchment of the New Zealand Bill of Rights Act. It is also considering the way Māori are represented in Parliament and in local

government, and the role of the Treaty of Waitangi within our constitutional arrangements.

The Advisory Panel has strong Māori representation. The co-chair is a significant figure in the Māori community and four other members of the Panel are Māori.

The Panel will report to the Deputy Prime Minister and the Minister of Māori Affairs by the end of the year.

The “*Consideration of Constitutional Issues*” is a key opportunity for government to continue public discussions about the status of the Treaty of Waitangi, as suggested by your Committee in its 2007 *Concluding Observations on New Zealand*.

Let me turn now to the contemporary challenges around ethnic inequality facing New Zealand society and the initiatives the Government has underway to address these challenges.

The New Zealand Government is committed to addressing the disparities between different ethnic groups in collaboration with local communities.

We are well aware that Māori and Pacific peoples tend to fare significantly worse than the general population in terms of health, education and employment outcomes, and are over-represented in the criminal justice system.

Partly in response to these concerns, but also to improve public services overall, the Government has identified ten key result areas for the public service under the banner of “*Better Public Services*”. These key result areas fall under five themes:

- Reducing long-term welfare dependency
- Supporting vulnerable children
- Boosting skills and employment
- Reducing crime, and
- Improving interaction with Government.

Better Public Services is focussed on delivering results. Ministers and public sector chief executives have been appointed to lead each of the key result areas. They will have to show that real progress is being made.

While most Better-Public-Services targets are not specifically aimed at Māori or Pacific people as such, they do have a focus on improving the condition of those who have the greatest need for help. Since Māori and Pacific people are over-represented in this demographic across a range of indicators, they will benefit from the Better Public Services focus.

As part of our focus on Better Public Services, we are seeking to ensure that the programmes and services provided to Māori are ‘fit for purpose’ and that they

reflect the service delivery preferences and cultural values and norms of Māori people in terms of service delivery, as far as possible.

To this end, the New Zealand Government supports ‘by Māori, for Māori’ services in a number of sectors, including education, health, social support and justice. These services are delivered by Māori organisations -including tribal authorities - using approaches that are designed, developed and delivered by Māori. The Government provides funding for these services, and maintains ongoing relationships with the Māori organisations.

In addition to Better Public Services, the Government has a range of programmes and services focused on improving the status of Māori and Pacific people.

Good health is important to the positive outcomes of ethnic groups. In New Zealand, health outcomes for Māori and Pacific people are improving and the gap between Māori and Pacific people and the rest of the population is narrowing.

Life expectancy at birth is one key measure of health wellbeing. Māori have experienced greater gains in life expectancy than non-Māori in recent years, although significant gaps remain. Non-Māori live on average seven years longer than Māori, and four years longer than Pacific people.

A range of interventions at different stages in life contribute to improved mortality. One of the areas that the government has prioritised is immunisation.

New Zealand has a free widely available immunisation programme. Despite this, Māori and Pacific children have lower rates of immunisation compared to the rest of the population, although rates have improved in recent years. In June 2011, 73 percent of Māori children and 82 percent of Pacific children aged 8 months old had completed scheduled vaccinations compared to a national average of 83 percent.

To improve public services for Māori and Pacific people under the “*Better Public Services*” programme, the Government aims to increase infant immunisation rates so that 95 percent of all eight month old babies are fully immunised by December 2014.

We will achieve this by linking pregnant Māori and Pacific women into maternity services earlier, assisting them to enrol with a doctor before their baby is born, and by speeding up enrolment of new-born babies into primary healthcare.

Another area of concern is rheumatic fever. This is a serious illness where the body’s defence mechanism reacts strongly to a throat infection, causing the heart, joints, brain and skin to become inflamed and swollen. It largely affects school-aged children and young adults. In 2010, rheumatic fever rates were about 20 times higher for Māori and 37 times higher for Pacific people than for people of other ethnicities.

This Government has allocated \$24 million to reduce the incidence of rheumatic fever by two thirds by June 2017. This will be done by a five year programme focusing on early diagnosis and treatment of people in vulnerable communities.

The Government is aware of a range of other health problems which are over-represented in Māori and Pacific communities. Mental illness, drug and alcohol problems, suicide, cancer, diabetes, obesity and cardiovascular disease are more often found among Māori and Pacific communities than the general population.

New Zealand's District Health Boards are the government bodies that provide health services. Each Board is required to have a strategy in place to address each of these areas including a particular focus on improving the health of their Māori and Pacific populations.

Although disparities still exist, we have seen improvements in recent years with improved life expectancy rates and constructive engagement between the health system and Māori and Pacific communities.

I will now turn to education. This is another key area of focus for the New Zealand Government to improve outcomes for Māori and Pacific peoples.

New Zealand has a high performing education system by international standards. However the gap between high performing and low performing students is one of the widest in the OECD. Māori and Pacific students, particularly those who live in lower socio-economic communities, are over-represented among low performing students.

The good news is that the pattern is changing. Over the past decade, participation in education has increased significantly for Māori and Pacific people. We have improved rates of participation in early childhood education and more Māori and Pacific people are gaining qualifications.

However, the gap between ethnicities is still significant. In 2010, 73 percent of 18 year old Europeans left school with a relevant qualification compared to only 50 percent of Māori and 57 percent of Pacific students.

Ninety-one percent of Māori and 87 percent of Pacific children attend early childhood education. This is moving closer to the 98 percent rate of European children.

Truancy is a key problem for Māori and Pacific children. The Ministry of Education has identified improved retention and engagement in education, particularly for Māori and Pacific learners. To do this it has developed an improved attendance service to help schools monitor attendance and work with Māori and Pacific communities to keep young people in school.

The Government has introduced National Standards. National Standards set clear expectations that students need to meet in reading, writing, and maths in

the first eight years at school. The standards help schools identify those falling behind more effectively, inform parents how their child's achievement compares with others' and indicates what areas need improvement.

As part of the "*Better Public Services*" programme, the Government has set specific targets to improve educational outcomes:

- 98 per cent of children will be in early childhood education by 2016
- 85 per cent of all 18 years olds will have a secondary school qualification by 2017.

To achieve this we will have to improve the way in which we engage Māori and Pacific parents and children.

The Government is committed to supporting agencies and NGOs that already show success in supporting vulnerable children to participate in early childhood education. We are developing new approaches that will improve the way that we meet the needs of vulnerable families.

The Government is increasing the supply of Trades Academies, Service Academies and fees-free tertiary places to make it easier for young people to move from secondary school to tertiary programmes.

Those who leave school early or without qualifications are at particular risk of future failure in work and social settings. The government is developing programmes that will work with schools and communities to re-engage these learners in education. All of these initiatives will help Māori and Pacific young people who are over-represented among students leaving school without qualifications.

By 2017, the Government also aims to have 55 percent of 25 to 34 year olds with an advanced trade qualification or diploma or degree. I will discuss this target in more detail shortly when I address employment issues.

Some New Zealand schools have Māori Immersion Units. These allow Māori students to work within a model that has a strong focus on Māori values and culture which allows them to engage more productively in the learning environment.

Teaching of Māori language (te reo Māori) and culture is a part of the general school curriculum. All New Zealand children are expected to have a basic understanding of Māori language and culture. This is a significant change from a hundred years ago when Māori were not allowed to speak their native language in the classroom.

Te reo Māori is one of New Zealand's official languages – the others being English and sign language. Te reo is spoken in our Parliament, and in Court

proceedings. Māori Television is New Zealand's national indigenous broadcaster and plays a major role in fostering goodwill for te reo Māori.

All of these initiatives are helping to reduce the gap in educational outcomes between Māori and Pacific people and the rest of the population. Although there is a lot more progress to be made, strong foundations have been laid and the Government is committed to working with Māori and Pacific communities to improve outcomes.

I would now like to discuss disparities in rates of employment among different ethnic groups.

The Global Financial Crisis has had a profound effect on economies in the developed world, including New Zealand's. The effects of the crisis have been felt most strongly in New Zealand through increased rates of unemployment. New Zealand's unemployment rate has increased from 3.7 in 2007 to 7.3 percent in 2012, although it is forecast to reduce to 6.2 percent by the end of next year.

Māori and Pacific people are disproportionately represented in unemployment statistics. Māori have an unemployment rate of 15.1 percent and Pacific people 15.6 percent.

Of particular concern are rates of unemployment among Māori and Pacific young people. For example, 23 percent of Māori 15 to 20 year olds are not in education, employment or training. For Pacific youth, 18 percent are not in education, employment or training. This compares with 11 percent of European young people.

Unemployment creates a dependency on welfare. The significant number of Māori who are on Government benefits is an area of concern. At the end of 2010, approximately 31 percent of all working age Māori aged between 18 and 64 years were receiving a benefit compared with 10 percent of the rest of the population. Approximately 41 per cent of all women receiving the Domestic Purposes Benefit are Māori. This benefit is for parents with dependent children under 18 years of age who do not have a partner or have lost the support of their partner.

One of the specific focus areas within the "*Better Public Services*" programme is to reduce long-term welfare dependency.

Our aim is that, by June 2017, the number of people receiving working-age benefits will be reduced by 30 percent. This is an ambitious target, but a necessary one if we are to see a reduction in rates of poverty.

To achieve this target, employment services and support will be targeted to those with the greatest risk of being on a benefit long term. More childcare services will be provided to help sole parents into employment. There will also be better access to health services, including drug and alcohol rehabilitation.

Improving outcomes for individuals is important – given that those with higher qualifications tend to have better economic outcomes than those with low qualifications.

To increase the number of 25 to 34 year olds with advanced qualifications, Government will work closely with education providers and communities, particularly Māori and Pacific communities, to attract students and to provide them with the qualifications needed by industry employers.

In 2011, the Government established a Youth Employment Package, investing \$55 million over four years. This package includes the provision of 3000 places for on-the-job training. Employers are given a \$5000 subsidy to provide an employment opportunity to a young person aged between 16 and 24 years, who is receiving a benefit and has low or no skills or work experience.

Employers will also receive a subsidy to contribute to training costs if they employ a young person in a permanent position and commit to supporting that person to achieve a qualification relating to the industry they are employed in.

All of these initiatives will help to improve the employment prospects of Māori and Pacific young people and reduce the level of inequality present in New Zealand society.

The final challenge I would like to address is Māori and Pasifika over-representation in the criminal justice system and as Minister of Justice, it's a matter I take very seriously.

While our crime rate and prison population are both falling, over-representation remains a major concern.

Māori apprehension rates are generally three to six times higher than European apprehension rates. The difference in apprehension rates is particularly striking in the younger age groups.

For more than a decade, Māori have comprised around half of the prison population, while only comprising 15 percent of the general population. Three percent of 25 year old Māori men are in prison; over seven times the rate of 25 year old European men.

Pasifika are slightly over-represented in the prison population. They comprise about seven percent of the general population but account for 11 percent of the prison population.

I would also note that Māori and Pasifika are also over-represented as victims of Crime. This is particularly so with family violence. Government programmes to address this serious issue recognise that this is a complex area and requires specific solutions so that Māori and Pasifika can own and address the issues in collaboration with the wider community.

The New Zealand Government has set ambitious “*Better Public Services*” targets for the justice sector. By June 2017, we intend to reduce overall crime by 15 percent, violent crime by 20 percent, youth crime by five percent, and reoffending by 25 percent.

In 2011 the recorded crime rate reached a 30-year low. Reducing the crime rate by a further 15 percent is a challenge, but one that we are well placed to achieve.

The Government plans to meet these targets by reducing opportunities for crime, targeting vulnerable youth and youth offenders, reducing alcohol and drug abuse, and reducing reoffending.

We have a particular focus on reducing offending and re-offending and victimisation among Māori and Pacific people.

Over the next two years young Māori offenders will be a priority. We will work with local iwi to develop joint responses and explore opportunities to coordinate youth justice service delivery. We have already set up a range of Rangatahi courts. These take part of the court process on to the Marae (the Māori meeting house) where the monitoring of non-custodial sentences is done within a culturally appropriate setting.

We will reduce Māori and Pacific youth crime rates by focusing on the underlying drivers of crime. Criminal offending among Māori and Pacific peoples is the result of a range of complex factors, requiring multi-faceted solutions.

Providing early parenting support in the community and programmes to treat and manage behavioural problems with at-risk children and young people will help to keep them out of the criminal justice system. We support programmes that draw on and strengthen Māori and Pacific cultures and communities.

We have increased funding for alcohol and drug treatment services to help cut down on the significant proportion of crime that is attributable to harmful drug and alcohol consumption, particularly among Māori. Earlier this year I launched New Zealand’s first Adult Alcohol and Drug Treatment Court. The Court gives offenders the opportunity to confront the drug and alcohol dependency that has fuelled their offending and gives them the tools and support they need to free themselves from a life of addiction.

Looking more widely at the Justice system, the New Zealand Police have adopted an ethnic strategy that has improved the way Police engage with and respond to, ethnic communities. As part of this strategy, Police have doubled the number of their ethnic staff.

The New Zealand Police operate on a community policing model. Community policing aims to prevent crime by being visible, accessible and familiar to their community. Police appoint Maori Iwi Liaison officers who provide culturally appropriate engagement. New Zealand Police are routinely unarmed and New

Zealanders continue to have high and increasing levels of trust and confidence in Police. The community policing model is also a significant part of Police's international involvement. New Zealand police have adopted policies to recruit from ethnic minorities and women.

Restorative justice practices have operated in New Zealand for over two decades. As well as having positive outcomes with the general population, such practices align well with Māori and Pacific values such as reconciliation, reciprocity and extended family involvement.

Our prisons are also improving the way that they respond to ethnic diversity. Māori Focus Units and Pacific Focus Units operate in some New Zealand prisons. These Units draw on Māori and Pacific traditions and cultural practices and adopt a therapeutic approach to addressing the causes of offending.

Currently, a record number of prisoners are in employment training. Well over a third of all prisoners are engaged in formal training and employment activities. We are looking to expand opportunities for prisoners to learn skills. Prisoners that learn new work skills have a much greater chance of employment on release and are less likely to reoffend. Educational opportunities for prisoners have been expanded with particular emphasis on younger prisoners aged 18-24 years old. In summary, the New Zealand justice system has made significant progress in recent years to improve its responsiveness to Māori and Pacific people. Reducing offending rates is an ongoing challenge. However, the groundwork has been laid through partnerships with Māori and Pacific communities. We plan to make even more significant progress in reducing rates of offending in the next few years.

I now turn to issues raised by the Committee in the *List of Themes* that were not already addressed.

Let me talk first about the concern expressed by the Human Rights Commission that Asian New Zealanders experience higher levels of discrimination and harassment than other groups. We agree there is a problem.

For its figures, the Commission relies on the results of an annual survey on perceived discrimination.

In this survey, about 75 percent of respondents identified Asian people as suffering "a great deal" or "some" discrimination.

Similarly in another study one in five Asians report that they have experienced discrimination and that most of this is in work settings.

In that same study 89 percent of New Zealanders agreed that it is good for society to be made up of people from different ethnicities, religions and cultures, and 81 percent of New Zealanders agreed that immigrants make an important

contribution to New Zealand. Similar numbers consider that Asian migrants contribute significantly to society, and add valuable diversity to the country.

The Office of Ethnic Affairs is funded by Government. It seeks to address discrimination in employment settings by offering strategic advice on how to manage diversity in the workplace through intercultural awareness and communication training.

I now turn to an issue the Committee has raised about the Mixed Ownership Model Act and some Māori claims of water rights under the Treaty of Waitangi.

The Mixed Ownership Model Act has been passed into law. The Act allows an element of private ownership of four major State Owned Enterprises in the energy sector:

At present, the Crown has full ownership of these assets. Under the mixed-ownership model, shares in a company will be sold but the Crown will hold at least 51 percent of the voting rights in the company. Moreover, no shareholder other than the Crown may have an interest in more than 10 percent of the voting rights in the company.

The model reflects the Government's objective of ensuring that control of the companies stay in the hands of the Crown.

Prior to the introduction of the Bill, the Government consulted with Māori on the proposed legislative changes. Some Māori have raised concerns about their rights over water. One of the enterprises under discussion, Mighty River Power, generates electricity through tapping the flow of water and so its business depends on water.

Currently the New Zealand Supreme Court is considering a case put forward by the New Zealand Māori Council, challenging the Crown's plan to the partial sale of shares in the Mighty River Power Company. This case is still before the Courts – however it underscores that New Zealand has a robust process for considering these sorts of claims.

The Government's position on water has always been clear:

- In common law no one owns water.
- Māori do have rights and interests in water. These will continue to be addressed through a range of processes such as Treaty settlements, and dialogue with Māori leaders.
- The partial sale of Mighty River Power does not impact on the Crown's ability to recognise Māori rights and interests in water.

The Crown is committed to honouring its obligations under the Treaty of Waitangi and will continue to do so through the mixed ownership model.

The Committee has raised the possibility of structural discrimination, as reflected in persisting inequalities in health, education, justice and economic prosperity.

The issue of structural discrimination was raised by New Zealand's Human Rights Commission. Structural discrimination occurs "when an entire network of rules and practices disadvantages less empowered groups while serving at the same time to advantage the dominant group".

As I have made clear, the New Zealand Government is well aware of the persisting inequalities between ethnic groups in health, education, justice and economic prosperity.

We have put in place initiatives to improve outcomes for Māori and Pacific peoples as part of our "*Better Public Services*" programme and through a range of other initiatives. In many areas, such as health and education, these initiatives are successfully reducing the gap between Māori and Pacific people and the rest of the New Zealand population.

In the Justice system, as I have already outlined, we have made significant changes to improve outcomes for Māori and Pacific people through Police strategies, culturally-specific courts initiatives and units in prison that focus on addressing criminal behaviour within Māori and Pacific culture and traditions.

The best means to address persisting ethnic inequalities is the path the Government is taking. The Government supports evidence-based programmes targeted at improving outcomes for Māori and Pacific peoples and actively seeks to build partnerships with Māori and Pacific communities. The Government also recognises the value of Māori and Pacific cultures.

Addressing inequalities is an iterative process focussing on real change for disadvantaged people in our communities. It is a process that takes time and must be addressed through evidence-based incremental change.

Mr Chairman and members of the Committee – I would like to conclude my remarks emphasising some of the key messages of this Statement.

First, the New Zealand Government acknowledges New Zealand's colonial history and that there were historical breaches of the Treaty of Waitangi by the Crown. For this reason we seek to, where appropriate, apologise to Māori and provide cultural and financial redress for Māori through the Treaty settlement process. The present Government has considerably accelerated the Treaty settlement process.

Second, the New Zealand Government is aware of and is addressing the poorer outcomes for Māori and Pacific people in the key areas of health, education, employment and the criminal justice system.

The Government has put in place ambitious targets through the “*Better Public Services*” programme. A range of initiatives are underway to meet these targets. We will monitor progress against these targets and the Government is committed to making the investments needed to improve outcomes for Māori and Pacific as well as for the general population.

Third, we recognise that New Zealand has a way to go before outcomes for all ethnicities, and Māori and Pacific people in particular, are fair and acceptable. We believe, however, that we are on the right path.

Finally, we draw your attention to the overall reality of New Zealand society. We are an ethnically diverse society that is stable, tolerant and modern.

Members of a range of diverse ethnic groups are visible in senior positions in all aspects of NZ life – political, professional, government, social and in business.

The New Zealand Government is committed to improving the living standards and opportunities available to all New Zealanders.

I look forward to the initial statement of the rapporteur and the Committee’s questions. – THANK YOU.