

Aide mémoire

Te Pūkotahitanga – implementation of options 1 and 2

Date: 3 December 2024

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Security level: In confidence

Action sought: Direction

To: Hon Karen Chhour, Minister for the Prevention of Family and Sexual Violence

From: Allanah Andrews, Manager System Policy

Attachments: 2024-09-12 Briefing on the scope and purpose of Te Pūkotahitanga (114723)

Purpose

1. This aide mémoire responds to your request for advice about how to implement options from our briefing dated 12 September 2024 (114723).
2. In preparation for this aide mémoire, we have also sought advice from the Public Service Commission (PSC) and Treasury.

Background

3. On 12 September 2024, we briefed you on options for expanding the scope and purpose of Te Pūkotahitanga – your tangata whenua Ministerial advisory group (Te Pūkotahitanga).
4. We presented two main options for you to consider:
 - a. Option 1: keep the group's tangata whenua focus but change the group's structure (e.g. reduce its size, review the terms of reference)
 - b. Option 2: dissolve the group and create a new general advisory group.
5. We have now consulted with PSC and Treasury, and both agree these options are the main ones for you to consider. Treasury has also given advice about how to implement these options.
6. We also suggest some variations within Option 1 (keep current focus but change the group's structure) that may interest you.

Current funding arrangements for Te Pūkotahitanga

7. Te Pūkotahitanga funding (\$1.950 million per year) comes from a named category within the initiative called "Building partnerships and collaboration to transform the system: Māori-Crown relationships". The Chief Executive of Te Puna Aonui is the delegated fund holder.

8. As advised in September, initiative funding must be used for the purpose stated in the original budget bid (in this case to effect the Māori-Crown relationship). This has been confirmed by Treasury.

Consultation with PSC: agreed with the options presented

9. PSC reviewed the full briefing and had no concerns with the options presented. It didn't identify any new options.

Consultation with Treasury: advised us to seek Cabinet approval for any changes

10. We also met with Treasury to review the options in our briefing and talk about how they could be implemented. Treasury didn't identify any new options.
11. Treasury confirmed our advice that funding must always be used for the purpose stated in the original Budget bid. It is not possible, without Cabinet approval, to turn Te Pūkotahitanga into a general advisory group using its current funding.
12. Treasury explained that any changes to the group (e.g. from a Māori-focused advisory group to a general advisory group) would constitute a 'significant policy change', which requires agreement from Cabinet. This is set out in sections 5.11 and 5.12 of the Cabinet Manual 2023¹.
13. It is possible to make minor changes that do not change the scope or purpose of Te Pūkotahitanga. However, the Cabinet manual does not clearly define what constitutes a 'significant' change. Treasury recommends you seek Cabinet approval for any variations within Option 1 (keep current focus but change the group's structure).
14. Treasury said there are two ways to proceed if you want Option 2 (dissolve the group and create a new one).
 - a. The first way is you can bring a paper to Cabinet that proposes a new use for the \$1.95 million currently allocated for Te Pūkotahitanga. This paper would need to explain what is being proposed and why, any risks and mitigations, and why funding should be repurposed instead of returned to the Crown. There is always a possibility that Cabinet agrees to dissolve the group but doesn't agree to repurpose the funding towards a new group. Despite this risk, we recommended this over the alternative in paragraph 14b below.
 - i. In the interests of completeness, Treasury also notes another pathway to consider: repurposing the funding for something else that aligns with the original intent of the appropriation. This would be appropriate if you wanted to dissolve Te Pūkotahitanga but do something else to improve Māori-Crown relations.

¹ <https://www.dpmc.govt.nz/sites/default/files/2023-06/cabinet-manual-2023-v2.pdf>

- ii. There are different ways this new group could look; you might consider a blended advisory group where you keep some current members² and appoint new members to broaden the range of advice. We can help you draft suitable appointment criteria for this. For instance, specifying a minimum number of tangata whenua ^{9(2)(f)(iv)} (and/or any other diverse perspectives and specific subject matter expertise you think would be useful).
- b. The second way to implement Option 2 (dissolve the group and create a new one) is to return the \$1.95 million to the Crown as baseline savings. Following that, you can (in theory) bid for funding to establish a new advisory group. Our September briefing said that would be difficult in the current fiscal environment. Treasury confirms Budget 25 is by invitation only and Te Puna Aonui has not been invited.

Variations within Option 1 (keep current focus but change the group's structure)

15. Our September briefing covered two main variations within Option 1 (keep current focus but change the group's structure). These involved reducing the size of the group and/or refining its terms of reference. This was not an exhaustive list of all the possible changes you could make.
16. You might like to consider other variations. For instance, stopping commissioned projects (i.e. Te Pūkotahitanga could continue giving advice but costs can be minimised to just members' fees and overheads) or making changes to the group's reporting and accountability mechanisms (e.g. more specific deliverables or measurable outcomes).
17. These variations all need Cabinet approval (see paragraph 13).

Timing and practical considerations of each option

18. If Option 1 (keep current focus but change the group's structure) is your preference, you can ask Cabinet to approve reappointments at the same time as you ask it to approve variations to the group. Below is an estimated timeline.

Timeline	Option 1 process (keep current focus but change the group's structure)
Before Jan 2025	<ul style="list-style-type: none"> • identify desired future state • undertake recruitment process (including advertising within the sector, seeking nominations from colleagues) • engage with Te Pūkotahitanga co-chairs and FVSV Ministers • identify potential reappointments (if any)
Feb-Mar 2025	<ul style="list-style-type: none"> • longlist of candidates assessed against a skills and knowledge matrix • shortlist of new appointments and any reappointments
Mar-May 2025	<ul style="list-style-type: none"> • draft paper to go to Appointments and Honours Committee (APH) • allow 6 weeks for this, which includes 2 weeks Ministerial consultation

² This assumes members are receptive, which may not be the case as noted in our September briefing.

Jun-Jul 2025	<ul style="list-style-type: none"> • paper goes to APH then Cabinet • advise Te Pūkotahitanga and make public announcement • allow 2-4 weeks for this
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19. If Option 2 (dissolve the group and create a new one) is your preference, it would make sense to dissolve the group when current members' terms are due to expire on 30 June 2025. The following timeline assumes we are invited to bid for funding in Budget 26.

Timeline	Option 2 process (dissolve the group and create a new one)
Before Mar 2025	<ul style="list-style-type: none"> • draft paper to Social Outcomes Committee (SOU) to either repurpose current funding or return funding to the Crown as baseline savings • allow 6 weeks for this, which includes 2 weeks Ministerial consultation
Mar-Apr 2025	<ul style="list-style-type: none"> • advise Te Pūkotahitanga co-chairs of plans to dissolve the group • if Cabinet agrees to repurpose the current funding, you can begin recruiting members for a new advisory group • if Cabinet doesn't agree to repurpose funding, you are advised to seek support from the Minister of Finance to bid for new funding in Budget 26
May-Jul 2025	<ul style="list-style-type: none"> • allow 12 weeks to establish a new advisory group if funding can be repurposed (includes recruitment period and appointments via APH)
Jun 2025	<ul style="list-style-type: none"> • current appointments end and Te Pūkotahitanga ceases to exist
Oct-Nov 2025	<ul style="list-style-type: none"> • draft bid for Budget 26 if supported by the Minister of Finance*
Dec 2025	<ul style="list-style-type: none"> • bid submitted to Treasury*
Feb-Mar 2026	<ul style="list-style-type: none"> • confirmation re: any new funding*
Mar-Jun 2026	<ul style="list-style-type: none"> • recruitment and appointment process for any new advisory group*

**only necessary if current funding can't be repurposed*

Next steps

20. Confirm whether you want to proceed with Option 1 (keep current focus but change the group's structure) or Option 2 (dissolve the group and create a new one) as outlined in our briefing dated 12 September. This could include any of the variations suggested in this aide mémoire.
21. Consider the timelines presented in paragraphs 18 and 19 and let us know your preferred approach to implementation.
22. Te Puna Aonui officials are available to have a free and frank discussion with you about options and next steps. Please let us know if this would help your decision.

Attachment

2024-09-12 Briefing on the scope and purpose of Te Pūkotahitanga (114723)

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