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**SEARCHING FOR HOHOURONGO: FINDING BALANCE FOR  
MĀORI IN THE NEW ZEALAND SOCIAL WELFARE SYSTEM**

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*Kupu/word: “hohourongo” to bring about balance or peace through the healing of a violation to an individual or group through the shared efforts of both parties. Striking a balance<sup>1</sup>.*

## *I Introduction*

In New Zealand, it is no secret that those who identify as Māori predominantly make up the statistics of people on the Jobseeker Support Benefit (“JSB”). The position I take in this essay is to illustrate that despite some 180 years of legislative enactment and arguable advancement – that Māori are still at a disadvantage not so dissimilar to the position of our 19<sup>th</sup> century ancestors.

This paper will seek to contend the perspective that the current social security and welfare legislation in New Zealand affirms that the place of Māori is one of precarity, poverty and perpetual economic disadvantage. I argue that the precarity created, by some intentional inequitable legislation has also caused a substantial loss and a hara for Māori of which I think there needs to be a hohourongo for. My position is that Māori were effectively excluded from the consideration and creation of the welfare system for New Zealand and are still excluded now.

The focus within this paper will be to show the exclusion of Māori from the social security system over the years and the consequent economic disadvantage that has come from this. I explore this disadvantage by critically looking at the recent COVID-19 Income Relief Payment (“IRP”) and the eligibility criteria of this payment in comparison to the JSB. I then examine the disparity of the statistical data between eligible Māori on the IRP versus Māori who are on the JSB. The juxtaposition of the two showing the marked differences in eligibility, thus giving rise to the notion of the ‘two tier approach welfare system<sup>2</sup>’.

In part II I will seek to establish the foundation of what I think underlies the poor position of Māori in the New Zealand social security. I will do this by touching on historical events and legislation, judicial commentary and some social and political reasoning flowing eventually to current day.

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<sup>1</sup> Rangi Davis “Defining Mana Wahine Tapu and Mana” (paper presented to Te Runanga o Raukawa Pou Pou Karanga, Online, September, 2020).

<sup>2</sup> Bradford, Sue “Sue Bradford: Labour betrays its traditions - and most vulnerable - with two-tier welfare payments” Radio New Zealand News (online ed. New Zealand, 26 May 2020).

In part III I will give an overview of the current economic climate characterised by the COVID-19 epidemic and the government's response.

In part IV, I will analyse the eligibility criteria of the JSB against the IRP and refer to some social and political commentary about it. I will then contemplate the statistics of Māori and European that receive these payments and draw conclusions about what these statistics suggest about the position of Māori in the New Zealand welfare system.

Finally, I will explore whether modern approaches to address the inequities experienced by Māori through the advent of legislative development, policy and politics bring about hohouorongo. I will briefly touch on historical examples and will specifically look at Whānau Ora and the 2020 Budget announcements.

In conclusion of my discussion in this essay I will find that 180 years following the emergence of the initial colonial legislation and its application to Māori, that we are still in the same place, with laws discordant towards Māori and far off from achieving hohouorongo.

## *II The Beginning: A History of Māori Through a Legislative Lens*

### *A The 19<sup>th</sup> Century: The Arrival of the Colonials*

Pre 1840, from an economic standpoint, respective hapu and iwi tribal groups were able to trade and barter goods with whalers and early settlers with relative economic success<sup>3</sup>. The proverbial fruits of Māori trading were said to be shared not only amongst the Māori collectives, but also with the myriad of settler colonies - British and otherwise<sup>4</sup>. Despite Māori sharing their resources, their successful economic trade, production and profit was resented by many of the early colonials. The disgruntled view of early Māori economic success was that it resulted in a "reduced Māori appetite for selling land"<sup>5</sup> and that it posed a threat to the dominant economic paradigm that most colonial settlers were used to enjoying.

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<sup>3</sup> Delta King, Mohi Rua, Darin Hodgetts. "How Māori Precariat Families Navigate Social Services" in S.Groot, C. Van Ommen, B. Masters-Awatere, N.Tassell-Matamua (ed) *Prearity: Uncertain, Insecure, and Unequal Lives in Aotearoa New Zealand* (Massey University Press, Wellington, 2017 at 126

<sup>4</sup> *ibid* at 127

<sup>5</sup> *ibid* at 127

### ***B The Imposition of British/Eurocentric Governance and What It Meant For Māori***

Between the year 1840 and 1890 around half a million settlers arrived to the country. By those numbers alone, Māori became outnumbered 10:1<sup>6</sup>. With the signing of the Treaty of Waitangi in 1840, it heralded a substantial disruption to every facet of Māori life. The influx of settlers and the enactment and enforcement of regional and national governance schemes posed for the most part, insurmountable challenges to Māori. The parties angled to gain from the imposition of these structures were the settlers as the legislation was crafted to offer settlers more economic security than it would Māori<sup>7</sup>.

Regimes such as taxes, levies and land rates were new to Māori. Unfortunately, the subsequent lack of knowledge and support for understanding these new concepts would often result in Māori losing land or needing to sell it as a means to pay debts<sup>8</sup>. These debts more than often arising from these new regimes. What was more distressing for Maori, was that the land being lost, sold or confiscated was also generally the sole source of economic resource, trade, food, ancient familial history and of course, somewhere to live for entire whanau or family groups.

The creation of the ‘settler state’ would cause the loss of indigenous political sovereignty, economic autonomy and societal control as Māori identity and ways of life were eroded<sup>9</sup>. No longer able to trade or use resources that had been within communities for generations, Māori were forced to find new modes of resource creation and often would have to move into short term, unsustainable seasonal work<sup>10</sup>.

19<sup>th</sup> century attempts at furthering the economic dominance over Māori can be seen by such legislation as the passing of the 1862 Native Lands Act, which individualised land titles and made it easier for settlers to purchase Māori land. This was followed closely by the 1863 New Zealand Settlement Act (“Settlement Act”) which legalised land confiscations. The scope of ‘native’

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<sup>6</sup> John Reid, Matthew Rout, Te Maire Tau, Cherryl Smith *“The Colonising Environment: An Aetiology of the Trauma of Settler Colonisation and Land Alienation on Ngai Tahu Whanau”* (2017) at 31.

<sup>7</sup> Claudia Orange, *An Illustrated History of The Treaty Of Waitangi* (Wellington: Bridget Williams books, 2015)

<sup>8</sup> Delta King, Mohi Rua, Darin Hodgetts. “How Māori Precariat Families Navigate Social Services” in S.Groot, C. Van Ommen, B. Masters-Awatere, N.Tassell-Matamua (ed) *Precarity: Uncertain, Insecure, and Unequal Lives in Aotearoa New Zealand* (Massey University Press, Wellington, 2017 at 128

<sup>9</sup> John Reid, Matthew Rout, Te Maire Tau, Cherryl Smith *“The Colonising Environment: An Aetiology of the Trauma of Settler Colonisation and Land Alienation on Ngai Tahu Whanau”* (2017) at 35

<sup>10</sup> Delta King, Mohi Rua, Darin Hodgetts. “How Māori Precariat Families Navigate Social Services” in S.Groot, C. Van Ommen, B. Masters-Awatere, N.Tassell-Matamua (ed) *Precarity: Uncertain, Insecure, and Unequal Lives in Aotearoa New Zealand* (Massey University Press, Wellington, 2017 at 128

persons from whom land could be taken from was incredibly wide under the Settlement Act. Section II of the Act described the scope applying to; "...any Native Tribe or Section of a Tribe or any considerable number thereof<sup>11</sup>". It essentially could apply to every Māori.

Anne Salmond writes about the time period saying that "on every side, the rangatira were assailed by Europeans eager to buy their land, and treat it as private property as soon as the purchase was finalized<sup>12</sup>". It was a fact that many businessmen and settlers from overseas countries wished to come to New Zealand and secure their own plots of land<sup>13</sup>.

The 1860s themselves were characterized as the period of land wars between Māori and the Crown. There is much written about this time and while I do not explore this area of history in this paper, I would encourage any eager minds to conduct their own research into the area. Around this period, historians on the subject note that initially, it was the Waikato and Taranaki tribes that contributed to sparking the armed conflict that would later be known as the 'Land Wars'<sup>14</sup>. As mentioned previously about the outcomes of the 'settlor state', it has been noted by history that the Waikato and Taranaki tribes were resistant to selling or having their lands confiscated – thus conflict between Maori and the Crown was imminent.

To summarise, during the first 50 years of settler colonisation, Māori were alienated from most of their lands<sup>15</sup>. As an example, 23 years after the signing of the Treaty of Waitangi, 99.9% of Ngai Tahu tribal lands were in Crown possession<sup>16</sup>. While it can be said that not all of those lands were confiscated, it was accepted by the Crown during the Tribunal hearings that the manner in which the Crown acquired those Ngai Tahu lands and the way they conducted themselves was not in the spirit of good faith<sup>17</sup>. This was a trend in the dealings between Crown and Maori during this time.

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<sup>11</sup> Delta King, Mohi Rua, Darin Hodgetts. "How Māori Precariat Families Navigate Social Services" in S.Groot, C. Van Ommen, B. Masters-Awatere, N.Tassell-Matamua (ed) *Precurity: Uncertain, Insecure, and Unequal Lives in Aotearoa New Zealand* (Massey University Press, Wellington, 2017) at 128

<sup>12</sup> Anne Salmond *Tears of Rangī: Experiments Across Worlds* (Auckland University Press, Auckland, 2017) at 250

<sup>13</sup> *ibid*

<sup>14</sup> Delta King, Mohi Rua, Darin Hodgetts. "How Māori Precariat Families Navigate Social Services" in S.Groot, C. Van Ommen, B. Masters-Awatere, N.Tassell-Matamua (ed) *Precurity: Uncertain, Insecure, and Unequal Lives in Aotearoa New Zealand* (Massey University Press, Wellington, 2017) at 128

<sup>15</sup> John Reid, Matthew Rout, Te Maire Tau, Cheryl Smith "The Colonising Environment: An Aetiology of the Trauma of Settler Colonisation and Land Alienation on Ngai Tahu Whanau" (2017)

<sup>16</sup> *ibid*

<sup>17</sup> Ngai Tahu Māori Trust Board, Evison, H *Ngai Tahu land rights and the crown pastoral lease lands in the South Island of New Zealand*. (Report, 1987).

Other examples of New Zealand Acts that continued the displacement of Māori were the:

1866 Oyster Fisheries Act - effectively cutting the ability of Māori to gather oysters for sales, trading and personal use or eating<sup>18</sup>. This included dredging spots where some Māori had gathered food for generations.

1907 Tohunga Suppression Act – removing a large component of Māori spiritual and cultural infrastructure<sup>19</sup>. Criminalising Māori spiritual leaders and practices and threatening enforcement action of fines and potential incarceration on the first offense<sup>20</sup>.

As a wider commentary, the imposition of European settlement and its effects on indigenous people had not gone completely unnoticed. The Parliamentary Select Committee on Tribes which was established in Britain in 1833 produced a report. The report observed that that countries where Europeans were allowed to live among the indigenous people generally resulted in misfortune for the indigenous<sup>21</sup>.

*Too often, their territory has been usurped; the property seized; their numbers diminished; their character debased; the spread of civilization impeded. European vices and diseases have been introduced among them....and our most potent instruments for destruction of human life...brandy and gunpower.*<sup>22</sup>

The report goes on to describe the effects felt by indigenous tribes in South Africa, Australia (Van Diemens Land) the Caribbean and the ‘islands in the Pacific’ amongst them, New Zealand. The Secretary of State for the Colonies; Lord Goderich wrote;

*...the unfortunate natives of New Zealand, unless by some decisive measures of prevention be adopted, I fear (will be) ...added to the number of those barbarous tribes who....have fallen sacrifice to...civilized men, who bear and disgrace the name of Christians.*

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<sup>18</sup> Oyster Fisheries Act 1866

<sup>19</sup> Tohunga Suppression Act 1907

<sup>20</sup> Delta King, Mohi Rua, Darin Hodgetts. “How Māori Precariat Families Navigate Social Services” in S.Groot, C. Van Ommen, B. Masters-Awatere, N.Tassell-Matamua (ed) *Prearity: Uncertain, Insecure, and Unequal Lives in Aotearoa New Zealand* (Massey University Press, Wellington, 2017)

<sup>21</sup> *Report of the Parliamentry Select Committee on Aboriginal Tribes* London: William Ball (1837) at 3

<sup>22</sup> *Report of the Parliamentry Select Committee on Aboriginal Tribes* London: William Ball (1837) at 3

*...the work of depopulation is already proceeding fast, I cannot contemplate the too probable results without the deepest anxiety. There can be no more sacred (a) duty than that of using every possible method to rescue the natives...from the further evils which impend over them....*<sup>23</sup>

The report lamenting the influence of European settlers and the overall effects suffered by Māori on their health, property, good character and the subsequent dwindling population numbers.

This time period can be characterized by the incalculable loss experienced by Māori and the unavoidable flow on effect which was widespread Māori poverty. Given that tribal resources had been depleted or cut off completely, the introduction of new diseases, deaths of many males following the land wars, and a lack of understanding of land tenure and its associated taxes and processes – the result was that Māori inadvertently found themselves in precarity and in poverty.<sup>24</sup>

### ***C The 20<sup>th</sup> Century: The Exclusion of Māori from the Social Security System***

Exclusionary legislation did not abate and in the 1892 the Old-age Pension Act (“OAP”) would further put economic space between Māori and their colonial peers. As historical irony would have it, eligibility for Crown initiated schemes were tough for Māori to satisfy even during this time period. Not surprisingly, 1800’s Māori would have difficulty in producing acceptable identification to prove their age<sup>25</sup> so would effectively ‘miss out’ on being able to claim government pensions.

Another exclusionary clause in the scheme was that Māori would be deemed ineligible for the pension if they held collective shares in Māori Land<sup>26</sup>. The idea being that owners of land must surely be securing monies, rent and/or food from their whenua. This proved to be a hard issue to overcome given the sheer number of some Māori Land beneficiaries. Notwithstanding that the manner in which Māori were now forced to deal with what land they had left was based off the legal constructs and land tenure system imposed upon them. Irrespective, one has to question whether such clauses were actions taken to purposefully exclude Māori from receiving pensions

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<sup>23</sup> *Report of the Parliamentary Select Committee on Aboriginal Tribes* London: William Ball (1837) at 17, 18

<sup>24</sup> Anderson, A., Binney, J., & Harris, A. *Tangata whenua: An illustrated history* (Bridget Williams Books, Wellington, 2014) at 340 - 341

<sup>25</sup> Māmari Stephens *Social Security & Welfare Law in Aotearoa New Zealand* (Thomson Reuters New Zealand Ltd, Wellington, 2019) at 35

<sup>26</sup> Old-age Pensions Act 1898 (62 VICT 1898 No 14) Section 66



or whether legislators at the time lacked the robust and effective ability to create legislation that met the needs of all its people. Suffice to say, settlers would not have had the same difficulty given their arguable familiarity with the ‘rights and privileges’ of being a ‘British subject’<sup>27</sup>.

The distaste for the collectivist values of Māori became palpable during this time also. To be specific, there was a distaste for the whanau-oriented, if not communal disposition of the Māori in contrast to the individual functioning of greater European/British society. In 1930 even prominent Māori leader and politician: Sir Apirana Ngata subscribed to the notion that Māori should not be encouraged to seek welfare assistance, nor should the state make it readily available to them<sup>28</sup>. He went as far as encouraging Departmental policy on the matter in relation to the Unemployment Act 1930<sup>29</sup>. Despite Sir Apirana being dismissed from his portfolio in 1932, the same thinking pertaining to Māori being able to communally support themselves was prevalent during the creation of the Social Security Act 1938<sup>30</sup>. Māori were deemed to “need less to survive on<sup>31</sup>” as they had communal resources such as tribal vegetable gardens and by colonial logic would therefore need less welfare support.

In 1937, Māori received a 5<sup>th</sup> lower pension<sup>32</sup> than their European counterparts under the OAP. In Prime Minister Michael Savages own words, Māori could not be trusted to oversee the affairs of their own money<sup>33</sup>. To dissuade Māori collectivism further, when the design for state housing was being created it was accepted that houses in the style of ‘whare pakeha’ would be ideal. Smaller dwellings with less room and space so as to discourage Māori attempting to live in them communally. Such measure would in any case, force Maori to adopt a more acceptable British style of living<sup>34</sup>.

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<sup>27</sup> Article 3, Treaty of Waitangi

<sup>28</sup> Māmari Stephens *Social Security & Welfare Law in Aotearoa New Zealand* (Thomson Reuters New Zealand Ltd, Wellington, 2019) at 35

<sup>29</sup> *Ibid* at 35

<sup>30</sup> *ibid* at 36

<sup>31</sup> *Ibid* at 36

<sup>32</sup> *Ibid* at 36

<sup>33</sup> *Ibid* at 36

<sup>34</sup> Raeburn Lange *May the People Live: A History of Māori Health Development 1900-1920* (Auckland University Press, Auckland, 1999) at 152

### *III Current Background*

Moving through the 19<sup>th</sup> and 20<sup>th</sup> century to present day, Māori are still actively working to come to some sort of equanimity in New Zealand. The loss of land, warfare against the Crown, disease, decimated population numbers and being largely excluded from the genesis of the Social Security Act does not make for easy grounds to work from.<sup>35</sup>

Despite the odds, Māori have still sought to create and establish systems and means of inclusion aimed at improving the proverbial lot of not only geographic iwi bases of Māori but for Māori overall. In the latter part of this paper I will explore more modern attempts at striking hohourongo, but it is worth mentioning at this point that Māori have sought to assist ourselves within the parameters of the Kings/Queens laws. Legislative examples such as: the Māori Councils Act 1900, the Māori Economic and Social Advancement Act 1945, and the Māori Community Development Act 1962 show that Māori have been working to gain some constitutional recognition from the Crown, and by all accounts are still seeking to do so today.<sup>36</sup>

#### ***A Global Pandemic: COVID-19***

The effects of the global pandemic known as COVID-19<sup>37</sup> have been tragic on both a domestic and global scale. As a measure to combat the economic effects, the Labour government sought to alleviate the national stress by producing a raft of response packages, relief payments and even loans to mitigate the repercussions to income and employment in New Zealand.

#### ***B The New Zealand Government Response***

On 25 May 2020, the finance Minister Grant Robertson announced that the government would be releasing a 12 week relief payment for people who had lost their jobs due to the economic impact of COVID-19. Eligible full-time workers who had lost their jobs could apply for \$490 a week and part-time workers could apply for \$250 per week. This new IRP would be untaxed and by comparisons sake - relatively easy to prove eligibility. Where the controversy arose is that the

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<sup>35</sup> Māmari Stephens “*To Work Out Their Own Salvation: Māori Constitutionalism and the Quest For Welfare*” (2015) 46(3) VUWLR 907 at 914

<sup>36</sup> Māmari Stephens “*To Work Out Their Own Salvation: Māori Constitutionalism and the Quest For Welfare*” (2015) 46(3) VUWLR 907 at 909.

<sup>37</sup> World Health Organisation “Naming The Coronavirus Disease COVID-19” <[www.who.int](http://www.who.int)>

existing JSB sits at \$250 per week, is taxed and has an array of conditions and unavoidable time considerations attached to it<sup>38</sup>. At the time the IRP was announced, nearly half of all JSB recipients were Māori making them the top ethnicity receiving the JSB<sup>39</sup>. Statistically, those who identify as New Zealand European are the top ethnicity receiving the IRP<sup>40</sup>.

#### *IV Following the Trail of Putea: The Current Situation*

##### *A New Zealand Social Security Structure Succinctly Put*

Māmari Stephens concisely describes the current Social Security system in New Zealand as relying “...on the concept of the individual who has been stopped from earning an income, or prevented from earning a full income due to the operation of a social contingency such as personal injury, child-rearing, disability or unemployment<sup>41</sup>.” As an echo of the thinking from the first labour government under Michael Savage, it is interesting to note the word ‘individual’ is prevalent in Māmari’s korero. It is important to note this at this point as it draws attention to notion that individualistic welfare is very much still the dominant, accepted status quo in New Zealand.

##### *B Jobseeker Support (JSB)*

The criteria for the Jobseeker Support is outlined under Section 20 of the Social Security Act 2018. Section 20 delineates that the eligibility for a person to receive the JSB under the Act has to satisfy the following:

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<sup>38</sup> Social Security Act 2019, Sections 127 - 136

<sup>39</sup> Parahi, Carmen, Fryers, Andy, Rodrigues Felipe and Kilgallon, Steve “*Unemployment Crisis COVID Economic Recovery – Part Three*” Stuff (online ed, New Zealand, May 2020).

<sup>40</sup> Ibid.

<sup>41</sup> Māmari Stephens *Social Security & Welfare Law in Aotearoa New Zealand* (Thomson Reuters New Zealand Ltd, Wellington, 2019).

- (a) has a work gap; and
- (b) is available for work; and
- (c) meets the age requirement; and
- (d) meets the residential requirement; and
- (e) has no or minimum income<sup>42</sup>.

The Act is also prescriptive about a raft of obligations for a potential recipient to satisfy in order to be able to attain and remain on the JSB<sup>43</sup>. Obligations relating to dependants<sup>44</sup> and whether the recipient is in a relationship in the nature of marriage<sup>45</sup>. Observing these obligations (or not) can affect the ability of a recipient to keep their JSB as well effect their ability to avoid penalties or enforcement action. In reality, the process for applying for a JSB can take up to six weeks<sup>46</sup>. The modern approach starts with an online application, generally followed by a ‘finding work’ seminar, finally leading towards a physical appointment with a case manager. The case manager who will then assess and establish the persons eligibility along with if there has to be a one to two week stand-down period<sup>47</sup>. It is by any measure, a long process to engage in.

In a 2017 Report produced by the Ministry of Social Development (“MSD”), it outlined that Māori were presently over-represented in the benefit system and that they are expected to spend more time receiving a benefit than other ethnicities. What was also concerning about this report was the conclusion saying that Māori are expected to cycle in and out of receiving the JSB more than other ethnicities<sup>48</sup>. Essentially saying, that despite Maori going through instances of getting off the JSB, that statistically more so than any other ethnicity they are more likely to return on it. The report also pointed out that as of 2017, that Māori represent about 15% of the general population and about 35% of main benefit clients<sup>49</sup>.

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<sup>42</sup> Social Security Act 2019, Section 20

<sup>43</sup> Ibid Section 125

<sup>44</sup> Social Security Act 2019, Sections 127 - 136

<sup>45</sup> Interpretation Act 1999, Section 29A (1)(2)

<sup>46</sup> Parahi, Carmen, Fryers, Andy, Rodrigues Felipe and Kilgallon, Steve “*Unemployment Crisis COVID Economic Recovery – Part Three*” Stuff (online ed, New Zealand, May 2020)

<sup>47</sup> *ibid*

<sup>48</sup> Ministry of Social Development *2017 Benefit System Performance Report June 2018* (June 2018)

<sup>49</sup> Ministry of Social Development *2017 Benefit System Performance Report June 2018* (June 2018)

### *C The COVID-19 Income Relief Payments (IRP) and JSB Comparisons*

The IRP payments were introduced by the labour government as a response to the flow on effects of COVID-19. Applications for the IRP were for people who had lost their last job or self-employment from 1 March 2020 to 30 October 2020 (inclusive) because COVID-19 impacts<sup>50</sup>. The eligibility was that an applicant had to: have normally worked 15 hours or more a week (for 12 weeks or more), were normally living in New Zealand when they lost their work, had New Zealand citizenship or the equivalent and were 18 or over (or were classed as a financially independent 16 or 17 year old)<sup>51</sup>. The IRP would also allow people in relationships to access support if they met the criteria and their partner earned less than \$2000 per week net<sup>52</sup>. The payments are also untaxed<sup>53</sup>.

In comparison, people on the JBS could only earn \$90 before they were penalised and the payments were most definitely taxed. A household of two on the IRP would bring in \$980 per week. However, if those two people were both on the JSB, they would only able to bring \$401 into a household after tax<sup>54</sup>. The strict and prescriptive legislation surrounding the status of a recipients relationships and the associated obligations relating to dependants (as there is for the JSB) were absent from the IRP's eligibility clauses.

There was some opportunity for a couple on the JSB, to apply to switch to the IRP if they could satisfy the requirements, though I am unsure of the willingness (given that the payment is time capped) or the real ability of JSB recipients to do so. Given that the eligibility requirement has a time factor to it (1 March 2020 – 30 October), it effectively says that someone who lost their job on February 29 2020 does not deserve the higher rate<sup>55</sup> as well as JSB recipients do not deserve a higher rate because they didn't necessarily lose their job in a 'eligible manner'. It is important to note here, as mentioned earlier in this paper, before the IRP was enacted, Māori were the dominant ethnicity on the JSB.

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<sup>50</sup> Work and Income "Income Relief Payments – Who Can Get It" <workandincome.govt.nz>

<sup>51</sup> *ibid*

<sup>52</sup> *ibid*

<sup>53</sup> Work and Income "Covid-19 Income Relief Payment Rates" <workandincome.govt.nz>

<sup>54</sup> Dann, Corin Sepuloni, Carmel "Welfare advocates not happy with Covid-19 unemployment benefit" Radio New Zealand News (online ed. New Zealand, 26 May 2020).

<sup>55</sup> Parahi, Carmen, Fryers, Andy, Rodrigues Felipe and Kilgallon, Steve "Unemployment Crisis COVID Economic Recovery – Part Three" Stuff (online ed, New Zealand, May 2020)

In comparing the uptake of the IRP by Maori in comparison to the JSB, it gives some rise to a repeat in history. Reminiscent of the issues Maori in the 1800's had with their ability to satisfy eligibility clauses for welfare pension schemes – it appears that years and years on from that period, that either Maori still have that same difficulty or that the predominant law makers are (still) making intentionally difficult to satisfy laws.

At the peak of the IRP applications in July 2020 the point in time data showed that there were 24,811 people receiving the IRP.<sup>56</sup> The data from MSD show that recipients by ethnicity of the IRP were (and still currently are) dominated by NZ Europeans<sup>57</sup>. In July 2020, there were 8937 NZ Europeans receiving the IRP in comparison to the 3446 Māori receiving it. In August 2020 there was an increase in uptake taking Māori to 4099 and NZ European recipients to 10,165.<sup>58</sup> What the metrics show us is that despite the relative ease of proving eligibility (in comparison to the JSB) is that Māori are for the most part, excluded from accessing the IRP. By looking at the numbers, in light of the respective eligibility comparison, the disadvantage to Māori is palpable.

Interestingly, in an MSD paper released in August 2020 about the impact of COVID-19 on benefit rates, it declined to include the IRP in its statistics because the IRP was not considered by MSD to be a 'main benefit'<sup>59</sup>.

*The COVID-19 Income Relief Payment (CIRP) can arguably be understood as a type of unemployment-related benefit, however, it has not been included in this report because CIRP is not considered a main benefit, but a payment aimed to provide financial support to those eligible, aged 16 years and older, during a specific timeframe only.<sup>60</sup>*

The 'financial support'<sup>61</sup> by MSD's own words, is only for those over 16 who have been affected within a certain timeframe. The subtext behind this that makes this an issue is that the data for the JSB has been readily available and the same for years. Yet there has been no movement for either

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<sup>56</sup> Ministry of Social Development *Data File Monthly Benefits Update October 2020* (October, 2020).

<sup>57</sup> Ministry of Social Development *Data File Monthly Benefits Update August 2020* (August, 2020).

<sup>58</sup> Ministry of Social Development *Data File Monthly Benefits Update August 2020* (August, 2020).

<sup>59</sup> Ministry of Social Development *Evidence Brief: The Impact of COVID-19 on benefit receipt rates in historic context* (August, 2020)

<sup>60</sup> Ministry of Social Development *Evidence Brief: The Impact of COVID-19 on benefit receipt rates in historic context* (August, 2020)

<sup>61</sup> Ministry of Social Development *Evidence Brief: The Impact of COVID-19 on benefit receipt rates in historic context* (August, 2020)

making it easier to apply for or meaningfully addressing why Māori are over represented in the statistics. However, seemingly overnight, the IRP ‘financial support’ was announced, rolled out and readily picked up. And as we have seen from the statistics, the main demographic supported by these payments are NZ Europeans, topping Māori recipients almost 3:1.

It should also be noted that the impacts of COVID-19 were also felt in the statistics for the JSB. According to MSD, as at the end of September 2020, the number of working-age people on the JSB had increased by 42.8%, in comparison with the 2019 September statistics<sup>62</sup>. While I was not able to find the ethnicity statistics for this, I do not imagine that the metrics would deviate much from the trend of Māori making up much of the increase.

#### **D Public and Political Commentary**

An interviewee on a Stuff piece shared their views on the IRP in comparison to the JSB: “...when more European people have been in need of help, the benefit almost doubled and became much easier to get. When it was mostly Māori who needed help prior to Covid-19, there was much less money available and it was an ordeal to obtain<sup>63</sup>. Economist Matt Roskrug comments in the same piece that: “it’s getting close to systematic racism. It’s knocking on the door of being blindly manufactured to disadvantage Māori disproportionately”<sup>64</sup>.

Early commentary from Green party member: Marama Davis said that the presence of the IRP itself signals that the rate of the (JSB) benefit is not enough to live on<sup>65</sup>. Where as the Labour Minister: Carmel Sepuloni assured Radio NZ host: Corin Dann in an interview that the IRP wasn’t specifically exclusionary to Māori but was to “...ensure that New Zealanders are looked after in an unsure time<sup>66</sup>. Later in a press release conference Minister Sepuloni comments that “unprecedented events require unprecedented actions<sup>67</sup>”.

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<sup>62</sup> Ministry of Social Development *Benefit Fact Sheet: Snapshot September 2020 Quarter* (September 2020).

<sup>63</sup> Parahi, Carmen, Fryers, Andy, Rodrigues Felipe and Kilgallon, Steve “*Unemployment Crisis COVID Economic Recovery – Part Three*” Stuff (online ed, New Zealand, May 2020)

<sup>64</sup> Parahi, Carmen, Fryers, Andy, Rodrigues Felipe and Kilgallon, Steve “*Unemployment Crisis COVID Economic Recovery – Part Three*” Stuff (online ed, New Zealand, May 2020)

<sup>65</sup> McCulloch, Craig “*Green Party says Labour broke promise to overhaul welfare system*” Radio New Zealand News (online ed. New Zealand, 26 May 2020).

<sup>66</sup> Dann, Corin, Sepuloni, Carmel “*Welfare advocates not happy with Covid-19 unemployment benefit*” Radio New Zealand News (online ed. New Zealand, 26 May 2020).

<sup>67</sup> *ibid*

The eligibility criteria of the IRP meets mostly European based demographics but by rights of the statistics - misses Māori. The ‘two tier approach’ effectively highlights that there is a dual standard of deserving and undeserving poor. One also wonders where the future vision of the *Whakamana Tangata* report stands in contrast to the IRP and whether this is a reflection of the ‘welfare system that ensures people have an adequate income and standard of living...and are treated with and can live in dignity and are able to participate meaningfully in their communities<sup>68</sup>’. From my perspective, the idealistic welfare system is just that. An ideal that needs work to be achieved. It is from this that the inference can be made that Māori outcomes and needs are not being met by the current standards of the law as they are still exclusionary and by all means still disadvantage Maori.

## *V Attempts to Strike Hohourongo*

### *A Whānau Ora Commissioning Agencies*

In 2010, Whānau Ora was launched as whānau-centered approach to supporting Māori wellbeing and development<sup>69</sup>. Being rolled out in two official phases from 2010, the scheme is now run by three non-government commissioning agencies and is contracted by Te Puni Kōkiri to invest into initiatives and social services in communities across the country<sup>70</sup>. The three commissioning agencies covering the north island (Whānau Ora), south island (Te Puhitanga o Te Waipounamu) and specifically Pasifika families (Pasifika Futures)<sup>71</sup>. The funding coming from the government and then is effectively distributed to the commissioning agencies.

Historian: Anne Salmond described the purpose of Whānau Ora as a way to “overcome the fragmentation of government agencies by introducing relational strategies into the state’s own operation, wrapping interventions around whanau or families, rather than vice versa...”<sup>72</sup>.

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<sup>68</sup> Welfare Expert Advisory Group *Whakamana Tāngata: Restoring Dignity to Social Security in New Zealand* (Report, February 2019) at 61.

<sup>69</sup> Te Puni Kokiri “Whānau Ora” <tpk.govt.nz>

<sup>70</sup> Te Puni Kokiri “Whānau Ora” <tpk.govt.nz>

<sup>71</sup> Te Puni Kokiri “Whānau Ora” <tpk.govt.nz>

<sup>72</sup> Anne Salmond *Tears of Rangī: Experiments Across Worlds* (Auckland University Press, Auckland, 2017) at 441



Whānau Ora described itself in its 2018-2019 Annual Report as “a culturally-based approach to wellbeing that focuses on whanau”<sup>73</sup>. It further unpacks that “the family group is considered as a whole rather than just the individual... Whānau Ora works with the collective and whanau capability to reach better outcomes (positive change) in areas such as health, education, housing, employment, improved standards of living and cultural identity.”<sup>74</sup>. Whānau Ora can therefore be construed as being a Māori approach for supporting Māori whanau to become self-determinative.

By the agency’s self-description alone, the Whānau Ora approach sits in stark contrast to the individualistic based approach of New Zealand’s current social security and welfare system. What raises further question, is that if the current system were meeting the needs of every ‘individual’ in New Zealand then why is there a demand for an agency to address inequalities in health, education, housing, employment, standard of living and cultural identity?

In its early phases, the commissioning agencies were accused of distributing funds to Māori whanau without keeping record of the outcomes or deliverables<sup>75</sup>. Pointed questions in 2015 were raised by politicians like New Zealand First leader: Winston Peters and directed towards the agency for spending some 31% on administrative costs<sup>76</sup>. There were also complaints that the funds were being unevenly allocated across the country and that high needs areas were receiving low amounts<sup>77</sup>.

The 2018 Review: *Tipu Matoro ki te Ao* spoke to some of the above issues within the executive summary. Under the specific section: ‘challenges within the commissioning model and within the wider environment in which it operates’<sup>78</sup>. The report spoke to difficulties with uptake and engagement among government agencies within Wellington. Saying that some were ‘hesitant and questioning’ as to the validity and robustness of Whānau Ora as an agreed government approach<sup>79</sup>.

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<sup>73</sup> Whānau Ora Commissioning Agency, *Annual Report 2018–2019* (2019)

<sup>74</sup> Whānau Ora Commissioning Agency, *Annual Report 2018–2019* (2019)

<sup>75</sup> Porteous, Debbie “*Claim report shows Whānau Ora failing*” Otago Daily Times (online ed, New Zealand, 16 November 2012).

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<sup>78</sup> Te Puni Kokiri, *Whānau Ora Review Tipu Matoro ki te Ao—Final Report to the Minister for Whānau Ora* (Independent Whānau Ora Review Panel, 2018) p7

<sup>79</sup> Te Puni Kokiri, *Whānau Ora Review Tipu Matoro ki te Ao—Final Report to the Minister for Whānau Ora* (Independent Whānau Ora Review Panel, 2018) p8

News reporting at the time commented that central government were “opting out of their responsibilities and expecting Whānau Ora partners to do their job for them”<sup>80</sup>. Chief Executive of Te Pou Matakana (now rebranded as Whānau Ora) John Tamihere said one of his key concerns was the lack of support from mainstream agencies<sup>81</sup>. The report also stated that the commissioning agencies had issues with reach, particularly reach into ‘rural areas and to deprived populations’<sup>82</sup>. The report also mentioned that the respective agencies had “bespoke administrative arrangements to support delivery and accountability of Whānau Ora” and that it recommended the agencies consider a co-invested approach to their administration in future<sup>83</sup>.

Despite the earlier criticism and the apparent lack of support from the Wellington head offices of government agencies, the report found that the ‘demand for Whānau Ora outstripped the funding and the resources available to partners, providers and whanau entities to provide support’<sup>84</sup>. More importantly, the conclusion from *Tipu Matoro ki te Ao* being that the overall approach of Whanau Ora was working well for whanau<sup>85</sup>.

In a recently released research paper focusing on a review of Oranga Tamariki – the author notes the efforts of Whānau Ora as a contributing partner to achieving outcomes for Māori families. The October 2020 paper comments that “the overall success of Whānau Ora direct speaks to the effectiveness of the model as a means of addressing family needs holistically”<sup>86</sup>. The 2018-2019 report showing that direct contact from Whānau Ora Kaiārahi or Navigators resulted in metrics at 86% - 95% for families achieving their family, social, health and relationship goals.<sup>87</sup>

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<sup>80</sup> McLachlan, Leigh-Marama “Government review finds its own agencies don’t buy into Whānau Ora” Radio New Zealand News (online ed, New Zealand, 21 February 2019).

<sup>81</sup> McLachlan, Leigh-Marama “Government review finds its own agencies don’t buy into Whānau Ora” Radio New Zealand News (online ed, New Zealand, 21 February 2019).

<sup>82</sup> Te Puni Kokiri, *Whānau Ora Review Tipu Matoro ki te Ao—Final Report to the Minister for Whānau Ora* (Independent Whānau Ora Review Panel, 2018) p8

<sup>83</sup> Te Puni Kokiri, *Whānau Ora Review Tipu Matoro ki te Ao—Final Report to the Minister for Whānau Ora* (Independent Whānau Ora Review Panel, 2018) p8

<sup>84</sup> Te Puni Kokiri, *Whānau Ora Review Tipu Matoro ki te Ao—Final Report to the Minister for Whānau Ora* (Independent Whānau Ora Review Panel, 2018) p7

<sup>85</sup> Whānau Ora Commissioning Agency, *Annual Report 2018–2019* (2019)

<sup>86</sup> Rachel Galanta, *Wrap Around a Little More* (Fullbright New Zealand, October 2020) at 22

<sup>87</sup> Rachel Galanta, *Wrap Around a Little More* (Fullbright New Zealand, October 2020) at 23

Interestingly, the Collective Impact component reported a much lower figure of 17% for the same areas mentioned above<sup>88</sup>.

From my discussion above, it appears that Whanau Ora was created to meet a vacuous need within the makeup of New Zealand society to, effectively, assist Māori and Pacific families to function. To quote the agencies own resources, effecting positive change in “health, education, housing, employment, improved standards of living and cultural identity”<sup>89</sup> covers almost every aspect of life. It is concerning to note that since its inception in 2010 that it has taken some 10 years for the agency to be afforded the recognition and resources it needs to achieve its outcomes. More so concerning that government agencies referred to specifically as the ones in Wellington, were unwilling and hesitant to engage with a mandated solution arguably from their own government. The data then showing that not only are the Whanau Ora commissioning agencies in high demand and not appropriately resourced but that their approach produces positive results. In short – it works.

On this basis, it suggests that there is, in fact, a government mandated and data supported solution for whanau and for Māori to have not only their welfare needs attended to, but their overall needs. I believe to strike hohourongo in recompence for the obvious economic and social disadvantage suffered by Māori, that the solution (such as Whanau Ora) would need to be more meaningfully supported by legislation, policy and politics. If Māori are still having difficulty functioning within the framework currently operating then perhaps it is time to reform the legislation that clearly does not cater to Māori needs. Whanau Ora’s approach shows in blazing contrast that individual approaches to welfare such as the JSB do not work for Māori, in fact it disadvantages us further.

In the next section of this paper I explore whether the 2020 Budget is another measure for striking hohourongo. Leading into this, it is interesting to note that the Annual 2018-2019 report showed that 5,893 whanau (made up of 14,229 whanau members) were assisted by Kaiārahi during this time period<sup>90</sup>. In May 2020, during a RadioNZ interview with the north island chair: Merepeka Raukawa-Tait, the interviewer raised that statistics had shown that over 15,000 new families had sought the assistance of Whānau Ora as a result of the flow on effects of COVID-19. This meant

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<sup>88</sup> Rachel Galanta, *Wrap Around a Little More* (Fullbright New Zealand, October 2020) at 23

<sup>89</sup> Whānau Ora Commissioning Agency, *Annual Report 2018–2019* (2019)

<sup>90</sup> Whānau Ora Commissioning Agency, *Annual Report 2018–2019* (2019)

that there was now just over 20,000 whanau in need, inclusive of the whanau already on the books. Based on the rough maths of the Annual 2018-2019 report – that is almost 75,000 individuals within whanau groupings wanting the agencies help. RadioNZ then goes to ask the question of whether the extra budget funding for Whānau Ora (\$136M) will be enough to meet the demand.<sup>91</sup> This is the proverbial ‘million dollar’ question, and while Merepeka speaks around the direct answer to that question – I unpack some of my own thinking about whether it meets demand in the next section of this paper.

### ***B The 2020 Budget***

The official 2020 Budget saw the Labour government commit some \$920 million to support whanau, hapu and iwi with the fallout of COVID-19<sup>92</sup>. The package roughly includes \$400m on Māori education, a \$136m boost to Whānau Ora, \$40m for a Māori and Iwi Housing and Innovation Fund, \$50m for Māori trades funding and \$200m on a Māori Employment Package targeted at the regional areas of New Zealand. The Labour Finance minister Grant Robertson commented that “the Budget recognises the significant impact of the virus on Māori, particularly in terms of employment where Māori are already over-represented<sup>93</sup>”. As a matter of context, it should be noted that out of the total Budget monies, the \$920m promised towards Māori only represents 2.1% of the entire new 2020 Budget spend<sup>94</sup>.

While the IRP arguably serves the ‘deserving poor’ which has been identified via the statistics as being predominantly European New Zealanders<sup>95</sup> – government measures such as the 2020 Budget employ the idea that large based group funding is the best approach and will (assumedly) eventually flow down to Māori. Meaningfully measuring the outcomes of such funding would be difficult, however it demonstrates the government is, on some level, attempting to employ a collective type approach at effecting economic change for Māori. The difficulty identified here as having large amounts of money pushed towards multiple entities does not necessarily equate to

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<sup>91</sup> Dunlop, Mani, Raukawa-Tait, Merepeka “*Will extra Whānau Ora funding be enough to meet demand?*” Radio New Zealand News (online ed and interview. New Zealand, 15 May 2020).

<sup>92</sup> McLachlan, Leigh-Marama “*Budget 2020: Māori to get \$900m to deal with Covid-19 fallout*” Radio New Zealand News (online ed. New Zealand, 14 May 2020).

<sup>93</sup> *ibid*

<sup>94</sup> Vanessa Cole *Budget 2020 Report* (ESRA, 14 May 2020)

<sup>95</sup> Parahi, Carmen, Fryers, Andy, Rodrigues Felipe and Kilgallon, Steve “*Unemployment Crisis COVID Economic Recovery – Part Three*” Stuff (online ed, New Zealand, May 2020).

said money meeting every single Māori (individually) or even collective whanau and their respective economic needs. As a separate matter of timeliness, seeing the flow on effect of that money reaching families would again be problematic to measure and one would have to question whether the aforementioned budget money would even be on path to meet the immediate poverty needs faced by Māori whanau. As an ode to policy thinking of the past, is the specific action of this labour government not allowing this money to make it directly to Maori families a nod to the ghost of Prime Minister: Michael Savage's original thinking? Primarily, that Maori cannot be trusted with the affairs of his own money<sup>96</sup>? Given the nature of our current system, one would also ask whether Māori will have to jump through more proverbial hoops like the ones stipulated for the JSB to access this new budget money.

Economic and Social Research Aotearoa ("ESRA") released an article following the 2020 Budget which had its own perspective on its perceived usefulness<sup>97</sup>.

*...as with any budget or government proposal, the devil is in the detail, and upon closer analysis, this is a very familiar devil indeed...the standout feature of Budget 2020 is how incredibly underwhelming it is...this budget represents the government's unwillingness to introduce impactful and meaningful change...*<sup>98</sup>

The ESRA notes that the 'biggest surprise' from the budget announcement was that there was nothing mentioned specifically about welfare<sup>99</sup>. Noting the rough numbers of 40,000 people who applied for the main benefits since the lockdown period and the 300,000 people MSD<sup>100</sup> were said to be preparing for, the article sorely noted the stark absence of direct welfare budgeting.

Despite the money announced to go towards Whānau Ora, the Māori and Iwi Housing and Innovation Fund and cadetship programme (amongst other Māori oriented things), the author still felt that the direct lack of action in this area (welfare) would disproportionately affect Māori and

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<sup>96</sup> Māmari Stephens *Social Security & Welfare Law in Aotearoa New Zealand* (Thomson Reuters New Zealand Ltd, Wellington, 2019) at 36

<sup>97</sup> Vanessa Cole *Budget 2020 Report* (ESRA, 14 May 2020)

<sup>98</sup> Vanessa Cole *Budget 2020 Report* (ESRA, 14 May 2020)

<sup>99</sup> *ibid*

<sup>100</sup> *ibid*

Pacific communities.<sup>101</sup> Further, that the budget itself lacked the vision for genuine partnership or the necessary funding to support Māori self-determination<sup>102</sup>.

Echoing my earlier commentary regarding the eligibility and timeframes for receiving the JSB in comparison with the relative ease of accessing the ISP, the ESR shares sentiments of their own that the;

*“...government’s response to benefits during the initial stages of the Covid-19 crisis made clear that many of the existing policies only served to make getting assistance unnecessarily difficult, such as the stand-down period between being out of work and beginning to receive benefit payments and tethering a beneficiary’s income level to their partner’s earnings”*<sup>103</sup>

The article piece ends on questioning the labour governments real priorities when on the face of things, they have been presented with an opportunity to ‘overhaul our tired and unnecessarily punitive welfare system<sup>104</sup>’, and assist the thousands of workers facing hardship – but have chosen not to directly deal with it. Thus, from my perspective it appears the notion of the deserving poor (NZ Europeans) and the undeserving poor (Māori) is perpetuated yet again.

As a modern attempt at striking hohourongo, I feel like the 2020 Budget leaves a lot to be desired. Such as the example of the Whanau Ora Commissioning agencies, it appears that attempts to assist Māori or right the wrongs of the past have a theme of being inadequately supported and funded. While money and resources can make some contribution, it does not meaningfully speak to or address generations of disadvantage, precarity and abject poverty suffered by Māori. More so, without any sufficient mandated measures such as the legislative rehaul the ESRA mentioned, I anticipate that the outcomes will remain like the statistics. Poor, and unsustainable just like the JSB rates.

## *VI Conclusion*

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<sup>101</sup> Vanessa Cole *Budget 2020 Report* (ESRA, 14 May 2020)

<sup>102</sup> *ibid*

<sup>103</sup> *ibid*

<sup>104</sup> *ibid*

The place of Māori in the social security and welfare space in New Zealand today is a direct reflection of the legislative and social history it was built upon. The presence of Māori mass poverty and incredibly high benefit statistics the blatant markers of a welfare system that even after almost 100 years since inception still does not meet Māori needs. Despite continued attempts from Māori ourselves in both the legislative and policy spaces – we still, for the most part, find much of our whanau present in a cycle of vicious precarity.

Even with the advent of new ‘financial support’ to meet unprecedented times of hardship, we still see that these types of measures only meaningfully meet the needs of some of this nations people – to be frank, the ‘deserving ones’.

In the search for hohourongo, I find that the modern attempts to strike balance still at its beginning and not yet coming to its end. Lacking the backbone of robust mandated legislation, policy thinking and political support these attempts speak to the beginning of the journey to balance the hara, but are yet still far from achieving a satisfactory end.

Maori have had a tumultuous journey through history from the past 180 years up until now. We went from being sovereign people on our own lands, clad in our own traditions and culture to being thrust through colonisation and having to struggle to survive let alone support ourselves. Despite all of this, we are still here pushing for our right to self-determinate, our right to be finally classed as ‘deserving’ and for our Article 3 given rights to be treated the same way under law as our colonial counterparts.

Whanau Ora shows us that there is a way to meet Maori needs on Maori terms, and that the demand for this approach is strong. The 2020 Budget shows us that while there is taste to put some amount of resource towards Maori, it still fails to significantly meet Maori needs in a timely and meaningful fashion. It also shows that despite what some might call a significant amount of money, the gesture lacks the long term thinking and thought that is required to address the root causes of Maori poverty.

In conclusion, 180 years post colonisation there is still mahi to be done.

Word count: The word count for this essay is 6769 words (excluding footnotes and bibliography).

***Glossary:*****hara**

crime, offense, to violate a law

**hohourongo**

to bring about balance or peace through the healing of a violation to an individual or group through the shared efforts of both parties. Striking a balance.<sup>105</sup>

**mahi**

work

**putea**

money

**whanau**

family, not necessarily constrained to immediate bloody family but inclusive of in-laws and extended family

**whenua**

land

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<sup>105</sup> Rangi Davis “Defining Mana Wahine Tapu and Mana” (paper presented to Te Runanga o Raukawa Pou Pou Karanga, Online, September, 2020).



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