



**TE KĀHUI RARAUNGA**

**SUBMISSION TO THE JUSTICE COMMITTEE ON THE DATA AND  
STATISTICS (CENSUS) AMENDMENT BILL**

**14 April 2026**

**SUBMITTER INFORMATION**

**Name:** Data Iwi Leaders Group

## INTRODUCTION

1. This submission is made on behalf of the Data Iwi Leaders Group (the **Data ILG**).
2. The Data ILG is a group established by the National Iwi Chairs Forum in 2016. In 2019, Te Kāhui Raraunga Charitable Trust (**Te Kāhui Raraunga**) was established to lead action on behalf of the Data ILG. The purpose of Te Kāhui Raraunga is to enhance the social, cultural, environmental, and economic wellbeing of Māori people by enabling iwi, hapū, and whānau Māori to access, collect, and use iwi-Māori data.
3. The structure of our submission is:
  - (a) executive summary;
  - (b) background to the Data ILG and Māori Data Governance;
  - (c) background of the Bill;
  - (d) overview of the Data ILG's submissions on the Bill;
  - (e) substantive submissions on the Bill; and
  - (f) recommendations.
4. The Data ILG is available to provide further detail on the matters outlined in this submission either to the Select Committee or to officials supporting or advising the Select Committee.
5. The Data ILG wishes to be heard by the Justice Committee on this submission.

## EXECUTIVE SUMMARY

6. The Data ILG rejects the Data and Statistics (Census) Amendment Bill (**Bill**) in its entirety, including the supplementary amendments required to the Electoral (District Boundaries) Amendment Bill.
7. The Bill falls short of complying with the Crown's obligations under te Tiriti o Waitangi (**Te Tiriti**) and Statistics New Zealand's (**Stats NZ**) obligations under the Mana Ōrite agreement.
8. In addition, the changes proposed by the Bill will significantly and disproportionately disadvantage iwi-Māori.
9. Accordingly, the Data ILG recommends the Bill is not progressed and is not considered again until:
  - (a) **Independent review**: Parliament has considered the results of an independent review into the ability of the 'admin data-first model' to meet the needs of current and future uses of population statistics;
  - (b) **Māori Data Governance Model (MDG Model)**: Stats NZ has committed to

implementing the MDG Model across the government data system in a transparent manner;

- (c) **Funding for iwi-led solutions:** the Crown has set aside adequate, long-term funding for iwi-designed and iwi-led solutions to address the issues created by this change in census model; and
- (d) **Electoral rights assurances:** Parliament and the wider public have been given independent assurance that the electoral rights of all New Zealanders (including Māori), will not be impacted by the shift in census model as proposed by the Bill.

## BACKGROUND TO THE DATA ILG AND MĀORI DATA GOVERNANCE

### Mana Ōrite agreement

10. The Data ILG and Stats NZ entered into a Mana Ōrite agreement in October 2019. The Mana Ōrite agreement recognises the parties have equal explanatory power, requiring the parties to acknowledge each other's perspectives, knowledge systems, and world views as equally valid.
11. The Mana Ōrite agreement sets whāinga (goals) for the parties to pursue, including:
  - (a) equitable outcomes for iwi-Māori across the public data ecosystem;
  - (b) ensuring that data and statistics strategies and policies provide for the current and future data needs and aspirations of iwi-Māori;
  - (c) embedding a te ao Māori lens in decisions; and
  - (d) opportunities for co-design of governance systems and datasets.

### Māori data

12. Māori data refers broadly to digital or digitisable data, information or knowledge (including mātauranga Māori) that is about, from or connected to Māori. It includes data about population, place, culture and environment.
13. As set out in the MDG Model, it is integral for Māori to make decisions about how, when, and why Māori data is defined and classified, collected, stored, accessed, analysed, used, and shared.<sup>1</sup>
  - (a) Māori Data Governance is closely connected to the concept of Māori data sovereignty, being the inherent rights and interests iwi-Māori have in relation to the collection, ownership, and application of Māori data.<sup>2</sup> Māori Data sovereignty expresses and enables iwi and hapū tino rangatiratanga and mana motuhake, focusing on collective rather than individualistic rights.<sup>3</sup>

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<sup>1</sup> Tahu Kukutai and others *Māori Data Governance Model* (Te Kāhui Raraunga, 2023) at 4.

<sup>2</sup> At 4.

<sup>3</sup> At 4.

- (b) To facilitate Māori Data Governance and Māori data sovereignty, it is essential to give effect to Te Tiriti by recognising the equal but distinct roles of iwi-Māori and the Crown.<sup>4</sup> In particular, this approach should be formed upon shared power and decision-making to transform from a government-controlled system to a Tiriti-led system.<sup>5</sup>

## BACKGROUND TO THE BILL

14. As a high-level summary of the changes introduced under the Bill to the Data and Statistics Act 2022 (the **Act**), the Data ILG understands that Stats NZ is replacing its five-yearly full enumeration census with an abridged approach known as the “admin data-first” approach. The new approach relies upon:

- (a) administrative data collected by government agencies;<sup>[OBI]</sup>
- (b) an annual survey of a small sample of the population (around 5%);<sup>6</sup> and
- (c) tailored targeted surveys for priority communities (Māori being one of six communities identified as “priority”).

## OVERVIEW OF THE DATA ILG’S SUBMISSIONS ON THE BILL

15. The Data ILG makes the following submissions on the Bill, each of which are explored in-turn below:

- (a) **The Data ILG oppose the proposed shift to an admin data-first census:** The Data ILG has concerns about the fundamental aspects of the proposed change, including the low-quality nature of admin data when demand for high-quality, trusted, data is high and growing;
- (b) **Māori mistrust:** iwi-Māori have a well-documented mistrust in Crown information gathering practices and the admin data-first approach will further erode Māori trust in the Crown’s information gathering practices;
- (c) **These amendments will materially disadvantage iwi-Māori:** The shift to admin data-first will result in material data loss on key variables important to iwi-Māori, as well as decreased data quality and data delays;
- (d) **Process concerns:** Iwi-Māori have been effectively excluded from the decision-making process in this Bill – data is a taonga and building a true partnership approach (including investment into iwi-Māori-led solutions) is the only viable way forward;
- (e) **Electoral concerns:** The outcome of the Bill will negatively impact the quality of Māori descent population statistics which are a key data input into the setting of Māori electoral boundaries and the number of Māori electorates and seats – this means Māori electoral representation and Māori voting rights are relying on lower quality

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<sup>4</sup> At 7.

<sup>5</sup> At 7-8.

<sup>6</sup> Statistics New Zealand, *Regulatory Impact Statement: modernising the census*, (28 April 2025), at [11].

data;

- (f) **International obligations:** The proposed approach in the Bill is also in direct conflict with the Crown's international obligations, including under the United Nations Declaration on the Rights of Indigenous Peoples (2007) (**UNDRIP**).

### **Shift to admin data-first census**

16. The Data ILG does not support the shift from a full-enumeration census approach (supplemented with admin data) to an admin data-first approach (supplemented with surveys).
17. The Data ILG considers the admin data-first approach to be inherently flawed, and that the data system in Aotearoa is not ready for this shift. There is a real possibility that the changes proposed by the Bill will create a more expensive system that produces inferior quality data.
18. It is well established that full enumeration methods suit smaller populations better than the proposed admin data-first model.
  - (a) The proposed admin data-first model will invisibilise Māori individuals, whānau, iwi, and smaller population groups such as takatāpui, and Māori with lived experiences of disability.<sup>7</sup>
  - (b) The need to fill gaps in the admin data-first approach means the quality of data obtained from such an approach is low. This approach disproportionately exacerbates data quality limitations and issues for smaller population groups.
  - (c) Many of the nuances that could be found under the full enumeration approach will no longer be visible in the admin data-first approach. The removal of the ability to properly count iwi-Māori communities is a significant disadvantage of this change.
19. The admin data-first approach largely uses data that is collected through interactions with government services. Many Māori are not visible in government service data. Where they are visible, Māori are often represented in deficit-based contexts, creating bias in the information collected.
20. Another issue the Data ILG has identified about the use of Crown service data is that this data is not always self-reported.
  - (a) Often Crown agencies collect data about individuals from third parties (such as other individuals, entities, or Crown agencies).
  - (b) This collection process means that a proportion of data being collected about iwi-Māori is being collected without free, prior, and informed consent – as well as it being stored and used without the ability and/or prompted opportunity for individuals to correct or delete information, especially in cases where individuals are not aware the

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<sup>7</sup> Statistics New Zealand, above n 7 at 88.

information exists in Crown databases.

21. Demand for high-quality, trusted data is higher than ever, both for iwi-Māori and the wider population.
  - (a) This demand will continue to grow as Aotearoa New Zealand continues to shift to a data-led reality.
  - (b) The need for iwi-Māori data will continue to exponentially grow as iwi-Māori autonomy, the Māori economy, and the Māori population grow.
  - (c) It is in the context of this increased demand that the Data ILG expresses its deep reservations in the shift in data collection to one that will create lower quality data pertaining to iwi-Māori.
22. Lastly, there is a real possibility that this change in data collection method creates a more expensive system that delivers inferior quality data for iwi-Māori and other priority communities.
  - (a) Managing this transition well will require significant updates to the proposed collection processes and material investment in iwi-Māori-led solutions.
  - (b) The Data ILG considers that in weighing the proposed approaches from a financial standpoint, Stats NZ has not factored in the level of investment required to implement the proposed change in a way that will give proper effect to iwi-Māori interests.

### **Māori mistrust**

23. Māori have a well-documented historic mistrust in the Crown's information gathering practices.
  - (a) The Crown's colonial influence over iwi-Māori permeated throughout the Crown's early data gathering and use practices.
  - (b) Initially, the census began as a colonial tool designed to monitor assimilation of iwi-Māori populations.<sup>[66]</sup> This whakapapa (history) has created an overall culture of mistrust towards the census among iwi-Māori as iwi-Māori have experienced a history of the Crown using iwi-Māori information to colonise and subjugate its people.
  - (c) This mistrust continues today when iwi-Māori are asked to provide information to the Crown when engaging with Crown Services.
24. Data ILG, iwi-Māori populations, and other priority groups have low trust and confidence in Stats NZ's ability to manage the shift from full enumeration to admin data-first without continuing to disenfranchise, invisibilise, and disadvantage iwi-Māori and other priority communities.

### **Material disadvantage for Māori**

25. The proposed shift to an admin data-first approach will have a negative impact on the quality of Māori data, both in terms of the data quality, and the reliability and usefulness of such data. This reduction in data quality will in turn have a negative impact on Māori outcomes more broadly.
26. Despite the past misuses of census data by the Crown,<sup>[OEB]</sup> iwi-Māori have turned census data into a tool for us rather than about or against us. In particular, census data has become a critical tool for iwi-Māori visibility, advocacy and planning.
27. Admin data-first is not a minor adjustment to the current system. Instead, this adjustment turns the system on its head and restructures who has power to define iwi-Māori populations from iwi-Māori (through their participation in the census) to the Crown (who have control over how admin data is collected, and therefore who will be counted in our iwi-Māori populations).

#### *Data loss and data quality*

28. It is widely accepted the shift to the admin data-first model under the Bill will result in material data loss on key variables that hold importance to iwi-Māori.<sup>8</sup> These important variables include Māori descent and iwi affiliation, as well as te reo Māori. This data is particularly important as it is whakapapa data, which is of high relevance and importance to iwi-Māori.
29. The Data ILG considers that Stats NZ's Regulatory Impact Statement<sup>9</sup> underplays the material issue of data quality. Instead, the Data ILG considers that the data produced by the admin data-first approach will be of an inferior quality than the status quo. The Crown has no credible plan for implementing the admin data-first approach to address and mitigate the issue of inferior quality data to an acceptable level.
30. The Regulatory Impact Statement does not give the Data ILG confidence that Stats NZ has a credible plan to address the loss of key iwi-Māori variables such as te reo Māori and Māori descent, but especially iwi affiliation.
  - (a) The avenues that have been proposed to address these issues, such as increased consultation, are not transformative. While increased consultation may address aspects of the admin data-first model at the margins, it will not solve the fundamental structural issues the admin data-first approach. Nor will it adequately address the underlying issues of reduced accuracy in data collection and data quality.
  - (b) These fundamental structural issues should be addressed before embarking on a significant change in the collection of this important data for iwi-Māori.
31. The Crown has legislative obligations under the Act to provide quality data that gives effect to Te Tiriti.<sup>10</sup>

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<sup>8</sup> Statistics New Zealand, above n 7.

<sup>9</sup> Statistics New Zealand, above n 7.

<sup>10</sup> Data and Statistics Act 2022, ss 3 and 4.

- (a) The Data ILG is not satisfied the admin data-first model, particularly by the ways the Bill engages with iwi-Māori data, comply with these obligations.
  - (b) Particularly, the changes under the Bill will create less timely and less accurate data in relation to iwi-Māori.
32. The revision of the Census release date from 2028 to 2030, under the admin data-first approach will disrupt important iwi-Māori time series data. In particular it will disrupt:
- (a) te reo Māori usage trends;
  - (b) monitoring of iwi-Māori health and social outcomes; and
  - (c) production of important iwi statistical trends such as iwi population growth, migration, and demographic change.
33. In addition, Stats NZ’s Regulatory Impact Statement has noted that:
- “For smaller populations, CAS [census attribute survey] data would be pooled across multiple years to improve precision. However, for population groups that are very small (for example fewer than 5,000 members) the quality of data from even a large sample survey like the CAS will remain poor in comparison to the counterfactual, especially when cross-tabulated with other variables”.<sup>11</sup>

*Wide ranging material flow on impacts*

34. The impacts of the Bill in creating the admin data-first approach are wide ranging and have material flow on effects that will negatively impact iwi-Māori in tangible and long-lasting ways.
- (a) Inferior quality data will hamper Crown resourcing and policy decisions. It will likely lead to the systemic underfunding of priority iwi-Māori related issues (e.g. health, housing, etc), and the underfunding of regions where there are high Māori populations – with serious implications (e.g. emergency management settings).
  - (b) The Bill’s proposed timeframe changes will mean iwi-Māori, and smaller iwi in particular, may have to wait considerably longer to get useful and reliable data about their people. This delay will significantly hinder iwi ability to invest strategically for their people.
  - (c) The admin data-first approach will make it more difficult for iwi-Māori to accurately monitor the impact Crown policies have. The reduction in an effective monitoring tool will limit the ability for iwi-Māori to adopt supplementary or counter policies and strategies to address the negative implications of government policies, and hinder the ability of iwi-Māori to bring claims before the Waitangi Tribunal for breaches of Te Tiriti.

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<sup>11</sup> Statistics New Zealand, above n 7 at 88.

## Process concerns and need to invest in iwi-Māori-led solutions

### *Māori Data Governance*

- (a) It is well settled that the Crown have clear obligations in relation to the active protection of taonga under Te Tiriti.<sup>12</sup> Data is an essential taonga to iwi-Māori due to the value iwi-Māori place on Māori data in monitoring, analysing, planning, and realising iwi-Māori outcomes.
35. The Crown have been provided with clear examples as to how the Crown can meet its obligations in relation to iwi-Māori data in a Tiriti-centric way, namely through:
- (a) the findings of the Waitangi Tribunal in the CPTPP Report;<sup>13</sup> which required:
- “engagement and discussion in the spirit of shared decision-making”;<sup>14</sup> and
  - the Crown to “develop a good understanding of what is at stake for Māori in digital governance matters”.<sup>15</sup>
- (b) the implementation of the MDG Model published by Te Kāhui Raraunga in 2023.<sup>16</sup>
36. The Bill has not been drafted with careful consideration of either of these reports.
- (a) In particular, the admin data-first approach proposed under the Bill fails to recognise the Crown’s obligations to protect Māori data, embed Māori Data Governance practices and provide for meaningful co-designed governance structures.
- (b) The census, both historically, and under the proposed Bill, have been designed to meet the needs of the majority population, while the needs of smaller population groups are addressed as add-ons.
37. Redesigning the data system without protecting Māori data and giving iwi-Māori actual decision-making powers will not be enough to effect change for iwi-Māori in a way that is compliant with Te Tiriti.
38. As currently drafted, the Bill falls short of adopting the MDG Model and meeting the Crown’s obligations under Te Tiriti.
- (a) There is no credible plan to resolve the multiple points of disadvantage, nor adequately protect Māori Data as a taonga.
- (b) The engagement provisions in the Bill fall significantly short of the minimum standards of co-design and co-governance set out by the Waitangi Tribunal.

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<sup>12</sup> Waitangi Tribunal, *Muriwhenua Fishing Claim Report* (Wai 22, 1988) p 26.

<sup>13</sup> Waitangi Tribunal Report *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (Wai 2522, 2021).

<sup>14</sup> At 54 and 66.

<sup>15</sup> At 54 and 66.

<sup>16</sup> Tahu Kūkutai and others, above n 1.

- (c) Rather than ensuring the Crown engages directly with iwi in partnership, the Bill continues to treat iwi as merely interested parties, priority communities, or advisers and not as Te Tiriti partners.
39. To properly facilitate the protection and flourishing of iwi-Māori data interests, the Bill should:
- (a) explicitly provide for the implementation of the MDG Model and investment in iwi-designed and iwi-led data infrastructure; and
  - (b) adequately provide for iwi-led collection, storage, and use of Māori data by:
    - building trust with Māori in a data gathering environment, enabling higher rates of responses;
    - protecting Māori data and information; and
    - ensuring that Māori data collection, storage, and use is facilitated by iwi-Māori, for iwi-Māori.
40. Creating this infrastructure would:
- (a) mitigate issues around the unwillingness of Māori to provide information to the Crown under the census; and
  - (b) ensure that information can be stored and cared for appropriately, and used in a way that will tangibly benefit iwi-Māori communities.

#### *Māori-led solutions*

41. Waitangi Tribunal findings have found that the Crown owes obligations to be in genuine conversation and consultation with iwi-Māori about changes to the gathering and treatment of data.
42. For the Crown to gather and treat data effectively, the Crown will need to ensure:
- (a) Māori participation in governance structures that influence the census design and implementation;
  - (b) ongoing investment into iwi-Māori data capabilities as a priority, with long term infrastructure support and the facilitation of the collection of data variables which are important to iwi-Māori;
  - (c) continued support for iwi-Māori-led data infrastructure to enable self sufficiency and mana motuhake over data collection, storage, and use;
  - (d) the Data ILG and iwi-Māori are given genuine partnership-based decision-making in the Bill preparation process and development of the new admin data-first model, as well as the ability to provide more than the current non-binding advice; and

- (e) engagement for the Bill and development of the new admin data-first model is had at the iwi level. This should particularly include engagement with smaller iwi, who will be disproportionately affected by the changes proposed in the Bill.
43. The Data ILG opposes the Bill unless:
- (a) there are significant updates made to address the concerns set out in this submission, including our recommendations set out at paragraph 51 below; and
  - (b) there is a strong commitment to progressing iwi-led solutions, as set out in paragraph 46 below.
44. The Data ILG has developed a suite of investment proposals addressed to the Minister of Statistics (**Investment Proposal**),<sup>17</sup> which the Data ILG considers will go some way to addressing our concerns about the Bill, the data quality issues associated with the new census model.
45. The Investment Proposal suggested the following initiatives:<sup>18</sup>
- (a) **Māori Descent Population File** – to provide a robust count of the Māori descent population, to create a reliable population sampling frame, and to provide a high-quality input for the calculation of electoral boundaries;
  - (b) **Iwi-Māori Survey Programme** – to provide a richer statistical picture of iwi-Māori population attributes over time, and to grow iwi collections capability; and
  - (c) **Māori Descent Census** – to maintain a 10-year time series of iwi affiliation counts and deliver data and insights about our people, for our people, and in ways that matter to us.

### **Electoral Concerns**

46. Māori electorates are determined from Māori descent population data in the Census. Any changes that result in a reduction in the quality of that data will impact on the rights of Māori to participate in Aotearoa New Zealand's democratic process. In particular:
- (a) **Timeline shift:** The shift in Census release dates being pushed from 2028 to 2030 means that 2029 General Election will be based off outdated data (from the 2023 Census). The Māori population is growing rapidly, and therefore, the delay will mean the real-life increase in the Māori descent population will not result in an increase in Māori electorate seats until the 2032 General Election.
  - (b) **Electoral boundaries:** The inferior quality data derived from the admin data-first approach will create concerns in relation to the accuracy of the Māori electoral boundaries and erode Māori trust in democratic processes and decisions.

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<sup>17</sup> Te Kāhui Raraunga, Investment Proposal to Minister of Statistics, which is available upon request.

<sup>18</sup> Te Kāhui Raraunga, above n 17 at [7].

47. The Data ILG wishes to make it clear that it also opposes the proposed changes to the Electorate (District Boundaries) Amendment Bill.

### International obligations

48. Not only is the Crown falling short of its domestic obligations regarding Māori data, it is also falling short of its international obligations regarding the treatment of indigenous data.
49. Such international obligations include those asserted by UNDRIP, the Committee on the Elimination of Racial Discrimination, and the UN Expert Mechanism on the Rights of Indigenous peoples.
- (a) Of particular importance here, as a signatory to the UNDRIP, the Crown has clear obligations around the control, consent, ownership, participation, and protection of iwi-Māori data.
  - (b) UNDRIP requires the Crown to (i) obtain free, prior, and informed consent before collecting, using, or sharing iwi-Māori data;<sup>19</sup> (ii) ensure that iwi-Māori have the right to iwi-Māori data sovereignty;<sup>20</sup> (iii) provide mechanisms to respect iwi-Māori ownership of knowledge and cultural materials and protect intellectual property;<sup>21</sup> (iv) establish mechanisms to prevent breaches of iwi-Māori data;<sup>22</sup> and (v) enable iwi-Māori participation in iwi-Māori data decision-making.<sup>23</sup>
  - (c) The Data ILG considers that the Bill's proposed approach continues to fall short of the Crown's obligations under UNDRIP.

### RECOMMENDATIONS OF THE DATA ILG

50. The Data ILG recommends the Bill is not progressed and is not considered again until the following points are meaningfully implemented and/or addressed.
- (a) **Independent review:** Parliament must consider the results of an independent review into the ability of the proposed changes to the census model to meet the needs of current and future uses of population statistics.
  - (a) **MDG Model:** Stats NZ has committed to implementing the MDG Model across the government data system in a transparent manner.
  - (b) **Funding for iwi-Māori-led solutions:** The Crown has set aside adequate, long-term funding for iwi-designed and iwi-led solutions to address the issues created by the change in census model.
  - (c) **Electoral rights assurances:** Parliament and the wider public have been given independent assurance that the electoral rights of all New Zealanders (including Māori), will not be impacted by the shift in the census model as proposed by the Bill.

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<sup>19</sup> See Articles 10, 11, 19, 28, 29, and 32.

<sup>20</sup> See Article 31.

<sup>21</sup> See Articles 11 and 31.

<sup>22</sup> See Articles 8, 11, 28, and 31.

<sup>23</sup> See Articles 18 and 19.

