

# Community Constellation Submission on the Treaty Principles Bill

The Community Constellation is a group of peak bodies representing thousands of community organisations

- A Community Constellation of over twenty community peak bodies and infrastructure organisations came together in 2024 to collaborate more closely and is hosted by Hui E! Community Aotearoa. Te Tiriti o Waitangi (Te Tiriti) provides a foundation for the relationships between the organisations, and the work that we do together.
- The focus of the Community Constellation’s work includes:
  - Give effect to Te Tiriti
  - Weave a network for community infrastructure collaboration and advocacy
  - Amplify collective action towards transformational systems-change.
- In writing this submission, we draw on collective views and experiences of Constellation members and their extensive networks in the tangata whenua, community and voluntary sector, recent sector research and Te Tiriti journeys of Constellation member organisations.
- The following organisations are a part of the Community Constellation and jointly make this submission:
  - Ara Taiohi
  - Community Networks Aotearoa
  - Environment Hubs Aotearoa
  - Hui E! Community Aotearoa
  - Inclusive Aotearoa Collective Tāhono
  - Inspiring Communities
  - LEAD Centre for Not for Profit Governance & Leadership
  - New Zealand Council for Christian Social Services

- o NZ Navigator Trust
- o Platform Trust
- o REAP Aotearoa
- o Socialink
- o Tangata Whenua, Community and Voluntary Research Centre (Community Research)
- o Te Pai Ora SSPA
- o The Methodist Alliance
- o Volunteering New Zealand – Tūao Aotearoa

### The tangata whenua, community and voluntary sector works to support community wellbeing, social cohesion and whānau outcomes

- The tangata whenua, community and voluntary sector includes iwi, hapū, voluntary organisations, faith-based groups, health and social service delivery organisations, sports groups and community-led organisations.
- The term "sector" is dynamic and inclusive, encapsulating the diverse array of networks, groups and organisations that collectively shape the fabric of our communities in Aotearoa New Zealand. Māori, community, and voluntary groups that make up the sector are overwhelmingly kaupapa-driven.
- Although hugely diverse, the organisations and groups that make up the sector have in common a shared commitment to community wellbeing. This is what attracts many Kaimahi (staff), Mema Poari (board members) and Kaitūao (volunteers) to the sector, and what contributes to the sector's remarkable ability to understand and respond to the wide range of communities they serve.
- Across these diverse entities, participants shared connections, values, and collaborative efforts that define the sector's role in fostering social cohesion, cultural preservation, and community wellbeing.
- There are over 115,000 community organisations in Aotearoa, made up of 5% of the country's paid workforce and 1.6 million volunteer hours each week.

### This submission makes 3 recommendations to the Justice Committee

- The Community Constellation recommends:

- This Bill be rejected outright by the Justice Committee and not reach second reading
- The Government apologises for the harm caused by the introduction of this Bill, including correcting false and misleading interpretations of Te Tiriti that the Bill presents
- The Government commits to giving effect to Te Tiriti, which is essential for building a fair society, achieving equitable outcomes, and enabling flourishing communities.

## The Community Constellation opposes this Bill in its entirety

- We oppose this Bill in its entirety. As the Waitangi Tribunal stated: *"If this Bill were to be enacted, it would be the worst, most comprehensive breach of the Treaty/te Tiriti in modern times<sup>1</sup>."*
- Summary of our submission:
  - This Bill is divisive and has caused harm to the Māori/Crown relationship
  - This Bill will undermine Māori rights and Crown responsibilities
  - Te Tiriti is foundational and important to the tangata whenua, community and voluntary sector
  - This Bill will reduce clarity for our sector.

## This Bill is divisive and has caused harm to the Māori/Crown relationship

- Te Tiriti o Waitangi, along with He Whakaputanga, is a founding document of New Zealand.
- This Bill is divisive. Its introduction, to first reading and now select committee, has caused harm to the Māori/Crown relationship. This harm includes the spreading of misinformation about Te Tiriti and the exclusion of Māori, as one of the Tiriti partners, from the rewriting of the principles.

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<sup>1</sup> Waitangi Tribunal (2024) *Ngā Mātāpono/The Principles: Part II of the Interim Report of the Tomokia Ngā Tatau o Matangireia – The Constitutional Kaupapa Inquiry Panel on The Crown's Treaty Principles Bill and Treaty Clause Review Policies.*

- As a sector committed to, and working to advance, social cohesion, this is both disappointing and undermining of tangata whenua and tangata tiriti efforts to grow relationships between communities. The specific targeting of Māori will compound already unacceptable inequities for Māori, which include resourcing, supports and outcomes.

## This Bill will undermine Māori rights and Crown responsibilities

- This Bill will undermine Māori rights and Crown responsibilities by removing all recognition of, and provision for, Tino Rangatiratanga.
- The proposed principles do not reflect the agreement made in Te Tiriti o Waitangi, as outlined in the Ministry of Justice's regulatory impact statement. This includes provision for tino rangatiratanga, the self-determination of Māori to live as Māori, and the preservation of Te Ao Māori, in the only land to which Māori are indigenous.
- In the 2023 Kōrerotia Sector Wellbeing report, Hui E! found that Māori providers and groups report a lack of funding for the provision of rongoā, hauora and cultural services. Many providers rely on koha to provide services, meaning that they are only partially or nominally funded. Māori providers and groups reported concerns related to the cultural capability and capacity to respond to fund and resource kaupapa Māori organisations, communities and services.

## Te Tiriti is foundational and important to the tangata whenua, community and voluntary sector

- Te Tiriti is foundational and important to community and voluntary organisations, both in how they are governed, and in how they operate.
- National conversations about the tangata whenua, community and voluntary sector and its relationship to government were held twenty years ago, with the establishment of the Community Sector Taskforce. This included its relationship with Te Tiriti and tangata whenua, and the publication in 2006 of a report, *A new way of working for the tangata whenua, community and*

*voluntary sector in Aotearoa/New Zealand*, which outlines a two-house model of working for the sector.

- Some members of the Constellation have co-governance arrangements, with tangata whenua and tangata tiriti caucuses and co-chairs that have operated successfully over the long-term. This includes the Tangata Whenua, Community and Voluntary Research Centre, established as a Te Tiriti-based NGO in 2008, and Hui E! Community Aotearoa, established in 2014. SocialLink moved to a co-governance model in 2020.
- Despite inequitable access to resources, including funding, tangata whenua organisations and groups are successfully exercising Tino Rangatiranga and working by-Māori-for-Māori across the sector, such as hapū health and social service organisations, Marae (including collective work across Marae) and kaupapa Māori groups.
- There is strong support for Te Tiriti in community organisations and high demand for support with how to give effect to Te Tiriti operationally. In this year's State of the Sector survey 2024, 70% of respondents viewed the existing Te Tiriti principles positively, 23% were neutral, and 7% negative.
- Many organisations surveyed, both Māori and non-Māori, described Te Tiriti as essential for delivering culturally responsive services, achieving equitable outcomes, and building a fair society.
- The Community Constellation recently hosted Minister Willis for a webinar on Social Investment and Communities. Questions from the 990 people registered included how this Government will uphold their responsibilities under Te Tiriti in the social investment approach, how kaupapa Māori frameworks and indicators will be valued and how this approach will ensure equity of access to funds.
- There is still a long way to go for our sector to realise the potential of Te Tiriti, including capability building and equitable funding. We are interested in having genuine and inclusive national conversations how Te Tiriti can be given effect to for a community-powered Aotearoa.

## This Bill will reduce clarity for our sector

- This Bill will reduce clarity and guidance for tangata whenua, community and voluntary organisations and groups.
- As the Waitangi Tribunal notes, *"the Bill will completely change the meaning and effect of every Treaty clause in legislation... in a manner that is highly prejudicial to all Māori<sup>2</sup>."* The Ministry of Justice's regulatory impact statement also outlines that the status quo provides a higher degree of certainty about what the Treaty principles are and how they operate in New Zealand.
- This Bill, if enacted, would create uncertainty in the law, impacting on the tangata whenua, community and voluntary sector.

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<sup>2</sup> Waitangi Tribunal (2024) *Ngā Mātāpono | The Principles. The Interim Report of the Tomokia Ngā Tatau o Matangireia – the Constitutional Kaupapa Inquiry Panel on the Crown's Treaty Principles Bill and Treaty Clause Review Policies*