

Hui E!

Community Aotearoa

Submission on the Treaty Principles Bill

Hui E! is a tangata whenua, community and voluntary sector peak body

- Hui E! Community Aotearoa was established as a co-governed organisation almost 10 years ago when two community network organisations merged. We weave collective voices and drive equitable systems change so that communities, hapū and iwi can do what they do best.
- The tangata whenua, community and voluntary sector that Hui E! Works to support includes hapū, voluntary organisations, faith-based groups, health and social service delivery organisations, sports groups and community-led organisations.
- Guided by the Spheres of Influence model from Matike Mai, Hui E! is located in the Kāwanatanga sphere and is oriented toward the Relational sphere.
- While our board is governed using a Te Tiriti co-governance model, and we affirm Tino Rangatiratanga in the work that we do, Hui E! operates in a Western system.
- The focus of Hui E!'s work includes:
 - Give effect to Te Tiriti in all our work and collaborations
 - Weave a network for community infrastructure collaboration and advocacy
 - Amplify collective action on specific issues towards transformational systems-change
 - Innovate for community-powered futures through strategic engagement, research and collective visioning.

- In writing this submission, we draw on our own Te Tiriti journey and recent sector research.

We make 3 recommendations to the Justice Committee

- In line with the broader Community Constellation, Hui E! 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.

Hui E! 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 times¹."*
- 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 us and the tangata whenua, community and voluntary sector
 - This Bill will reduce clarity for us and 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.

¹ 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.*

- 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.
- As an organisation 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 us and to the tangata whenua, community and voluntary sector

- Te Tiriti is foundational and important to us and our sector.
- 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.

- At our inception this two-house model was adopted, with co-governance arrangements including equal members of tangata whenua and tangata tiriti trustees, shared co-leadership and agreed tikanga for collective decision-making.
- 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.
- 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 Māori²."* 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.

² 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*

- This Bill, if enacted, would create uncertainty in the law, impacting on the tangata whenua, community and voluntary sector.