



SocialLink – Tūhono Pāpori is the umbrella peak body for the social and community sector in the Western Bay of Plenty. Its vision is a resourced, skilled and cohesive for purpose sector enabling communities to flourish. Its purpose is to build the capability, confidence, sustainability and voice of community organisations in the Western Bay of Plenty.

SocialLink walks alongside social service providers, community and Māori organisations to build their capability as they deliver services to their communities, as well as advocates for the sectors interests, social justice and equity of opportunity for all people living in the WBOP.

www.sociallink.org.nz

Submission on the Principles of The Treaty of Waitangi Bill

December 2024

SocialLink strongly opposes the Bill and asks that the Justice Select Committee recommends the Principles of the Treaty of Waitangi Bill is abandoned in its entirety and does not reach the Second reading.

Legislation introduced to remove reference to the Treaty of Waitangi in legislation is stopped and where it has occurred that it is retracted.

Preamble

SocialLink's submission is informed by:

- our acknowledgement and understanding of Te Tiriti as a foundational constitutional document for developing positive and constructive relationships between tangata whenua and tangata Tiriti.

- Recognise Māori as the indigenous people of Aotearoa New Zealand and partner to Te Tiriti o Waitangi, so do hold a distinct status, not just as an ‘individual New Zealander’
- our knowledge and work with the tangata whenua, social and community sectors

SociaLink opposes the Bill in its entirety because it will have a negative, detrimental impact on tangata whenua, social and community sectors and the work they do with communities, for the reasons outlined below:

- The Bill’s draft principles do not reflect the intent of Te Tiriti and will undermine Māori autonomy and agency to have control over their resources, therefore breaching Te Tiriti;
- It is socially divisive and contrary to good government in that it is not evidence-based, has not been adequately tested nor consulted on and fails regulatory standards¹;
- It was drafted without consultation with one of the two te Tiriti partners, breaching the principle of partnership, the Crown’s good-faith obligations, and the Crown’s duty to actively protect Māori rights and interests².

The Bill will have the effect of undermining and reversing the progress being made by the tangata whenua, social, health and community sectors in honouring and applying Te Tiriti of Waitangi to their work.

The tangata whenua, social and community sectors provide a much valued and wide range of essential welfare, community support and development services throughout the country, comprising around 4% of the workforce as well as over 170,000 volunteers volunteering 1.4 million hours to charities every week.

Governments depend on these sectors to provide many essential services through paid and voluntary efforts. The tangata whenua, social and community sectors also act as the invisible but vital glue that brings communities together and significantly contributes to social cohesion. As a sector committed to, and working to advance social cohesion, this Bill 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.

There is a lot of concern that the Bill if it becomes law will have the effect of seriously undermining iwi, hapū and whānau agency and their ability to practice tino rangatiratanga for their people.

¹ <https://www.waitangitribunal.govt.nz/en/news-2/all-articles/news/tribunal-releases-chapter-6>

² Ibid

Over the past 40 to 50 years, many tangata Tiriti organisations and individuals in the social, community and health sectors have worked to improve their understanding of te Tiriti o Waitangi and te Ao Māori.³

This is an ongoing and dynamic process and has significant benefits for the development of policy, practice and beneficial outcomes for individuals, whānau and communities. Existing principles, as well as the important work of the Waitangi Tribunal, courts and other agencies have helped inform this endeavour.

This dynamic process has helped non-Māori organisations understand and support culturally and tikanga informed approaches which are integral for successful outcomes for individuals, whānau and communities.

It has also helped recognise and understand that there is significant inequity and disparity in health and other social indicators for iwi, hāpu and whānau, because of Tiriti breaches and the impact of colonisation.

The Bill's principles privilege an individual rights perspective in its draft principles and reduce Māori to individuals, no different to anyone else, rather than as partners in a Treaty. This is completely contrary to Te Tiriti which was signed by Rangatira mandated by hāpu or iwi.

Te Tiriti enables and provides for Māori to have tino rangatiratanga over their culture and resources, but the Bill will change this at huge cost for Māori in particular and for all New Zealanders by association.

Also, the emphasis on individuals in the Bill as being equal ignores the reality that people are not born with equal opportunity. Long observed and documented political and socio-economic determinants of health and wealth that have major negative impact include colonisation, environmental pollution, racism, inherited wealth and so on.⁴

The focus on individuals also ignores the importance of population-based decisions, based on evidence, that support improved outcomes for particular groups of people, whether age based 0 to five year olds, gender based (eg women who are pregnant) or for men suffering from prostate cancer, or for groups disproportionately impacted by the social determinants of health and wellbeing.

³ See for example *TUHA-NZ, A Treaty Understanding of Hauora in Aotearoa -New Zealand* developed in 2002 and the Community Sector Taskforce's report a new way of working for the tangata whenua, community and voluntary sector in Aotearoa/New Zealand.)

⁴ eg Marmot M and Wilkinson R. *Social Determinants of Health* Oxford University Press, 2006

The Bill's undermining of tangata whenua will have huge negative implications for addressing inequity in health and social issues, government policy and funding decisions for the tangata whenua, social and community sectors.

Programmes and services which seek out, understand and value people's language, cultural norms and customs and expectations are more likely to be accessed, used and have a positive impact.

Supporting good lives and thriving, productive communities cannot be separated from enabling cultural agency, customs, values, knowledge and expertise to thrive.

Kaupapa Māori services are vital for good outcomes⁵ as are tangata Tiriti organisations continuing to do the mahi to understand and uphold their part in the obligations and relationships Te Tiriti embraces.

The Bill should not proceed because of its detrimental intent and provisions.

SocialLink wishes to speak to our submission.

⁵ Eg Reweti A (2023) Understanding how whanau-centred initiatives can improve Māori health in Aotearoa New Zealand, Health Promotion International, Vol 38 (4).