December 2024

Submission of the PSA Local Government Sector Committee to the Justice Select Committee on the Principles of the Treaty of Waitangi Bill

About the PSA Local Government Sector Committee

1. The PSA Local Government Sector Committee is a formal part of the PSA’s governance structure and represents the over 12,000 PSA members working in local government across the country.
2. The PSA is the largest trade union in New Zealand with over 96,000 members. Of our total membership the PSA represents 11,000 Māori members.
3. We are a democratic and bicultural organisation representing people working across the country in public and community services. We are committed to advancing the Tiriti o Waitangi of partnership, protection and participation through our work. Te Rūnanga o Ngā Toa Āwhina is the Māori arm of the PSA membership.

Our recommendations

1. We **oppose** this Bill and recommend the Select Committee report back to Parliament that it is **not progressed**.
2. We also **oppose** the plans announced by the Government to remove reference from other legislation to Te Tiriti o Waitangi. This would have a significant and have a negative effect on the Crown’s ability to fulful its obligations under Te Tiriti. We recommend that the Select Committee also reports back to Parliament that the Government **should not proceed** with these plans.
3. The Sector Committee agrees with the Waitangi Tribunal findings and recommendations outlined in 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. We recommend that the Select Committee takes into account the recommendations made in this report when making its decision.

Why we oppose this bill

We **oppose** this Bill because:

1. The Bill does not honour or enhance a true partnership between Local Government and Māori.
2. Our members deliver public and community services governed by legislation that provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes. Commitments to Te Tiriti o Waitangi / Treaty of Waitangi make a meaningful difference to our members work, and steps towards delivering equal public services to Māori. Any backward steps in the government’s commitment to Te Tiriti is a further attack on the work our members do.
3. Te Tiriti o Waitangi is an agreement between the Crown and Māori and is New Zealand’s founding document. The Bill proposes that one party unilaterally defines the terms of an agreement, which is not acceptable in any agreement. The breach is exponentially serious in such an important constitutional document.
4. The principles in the Bill bear no relationship to either the English or the Māori text of Te Tiriti.
5. The Bill is divisive and emboldens those who have racist views to express them openly, and discourages those who are seeking to build their cultural competency, strengthen relationships and act as good treaty partners. With regard to employment relations the Bill makes it harder to negotiate terms that support cultural competency.
6. Over many years work in the Te Tiriti o Waitangi space has attempted to address the imbalances in things such as Māori health outcomes, life expectancy, pay gap (esp. for

wāhine). Refining the treaty principles would make it easier to sweep these imbalances under the table.

1. This Bill is part of a wider pattern of legislation that undermines the Māori voice in decision making such as the Local Government Act Amendment Bill regarding Māori Wards, deprioritisation of Te Tiriti in the Education Act, and the disestablishment of Te Aka Whai Ora.
2. The proposed Bill deliberately attempts to undo the progress of many legislative decisions to date by reimagining the original purpose of the Treaty principles, replacing them with the ideology that Te Tiriti o Waitangi is an agreement within a single people when in reality it is a covenant of two sovereign nations.
3. There is a lack of clear structures in the proposed Bill for co-governance, where Māori are fully engaged in decision-making processes alongside local authorities.
4. The Bill does not recognise Māori rights and interests in the context of local governance. While the Treaty guarantees Māori the protection of taonga and cultural practices, the Bill lacks sufficient provisions to safeguard these rights. Māori have distinct and irreplaceable relationships with the land, water, and natural resources within local government jurisdictions, and these relationships must be respected and protected in the Bill.
5. There is a lack of meaningful consultation and participation with Māori. Māori are often consulted in a tokenistic manner or after key decisions have been made. The Bill disregards processes for engaging Māori in decision-making, ensuring that Māori are not just informed but genuinely involved in shaping policies and services that affect them.
6. This Bill makes it difficult for those with established co-governance arrangements to continue those in good faith.
7. Many local authorities are not sufficiently equipped to understand Māori customs, tikanga, and te reo (language), nor are they always able to create the conditions for effective engagement. The effect of this Bill undermines the requirement of local authorities to build competency and capability within the workforce. Overall, this Bill limits the effectiveness of consultation and partnership processes.
8. Many iwi, hapū, and Māori organisations are under-resourced, making it difficult for them to participate effectively in consultation or co-governance processes. This Bill will make it more difficult to participate and undermines the ability for iwi, hapū and Māori organisations to access funding.
9. There is little in the Bill about how local authorities will be held accountable for upholding Treaty principles. Māori need to be assured that there will be real consequences for local authorities that fail to uphold the Treaty and their obligations to Māori communities.
10. We believe enhancing the status quo and confirming the commitment of a true partnership that honours Te Tiriti o Waitangi is a better course of action.

We request an opportunity to speak to this submission.

**For further information about this submission please contact**:

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