

Citizens Advice Bureau

Ngā Pou Whakawhirinaki o Aotearoa



December 2024

Submission to: the Justice Select Committee

Principles of the Treaty of Waitangi Bill

Please find here the submission of Citizens Advice Bureau | Ngā Pou Whakawhirinaki o Aotearoa (CABNZ) on the Principles of the Treaty of Waitangi Bill. Please contact us if you have any questions or want any clarification about our submission.

Please note that we wish to appear before the Committee to speak to our submission.

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CAB submission on the Principles of the Treaty of Waitangi Bill

Introduction

Citizens Advice Bureau | Ngā Pou Whakawhirinaki o Aotearoa is a nationwide, and locally based, community organisation that provides a free, confidential, and independent service to the public of information, advice, and advocacy. We work to empower people to resolve the issues for which they seek our help. We use the insights gained from our work with clients to advocate for legislation, policy, and services that protect people's human rights and wellbeing and speak out against those which have an adverse effect.

Our service is provided from over eighty locations around Aotearoa New Zealand by our 2,000 trained CAB volunteers. In the past financial year, CABs helped with around 336,000 client interactions across the range of issues that affect people in their daily lives, including employment problems, tenancy rights, relationship issues, immigration processes, problems relating to faulty goods and services – and many more.

Every time a CAB volunteer assists a client with their question or issue, the volunteer enters the detail of the enquiry, and the help they provided the client, into our enquiry database. This information gives us a rich insight into the issues impacting people across our society.

Why Citizens Advice Bureau opposes the Principles of the Treaty of Waitangi Bill and requests that it be abandoned immediately

The CAB in Aotearoa has always recognised Te Tiriti o Waitangi as the founding document of our nation and this is reflected in the fundamental documents of our organisation in the following ways:

1. We recognise Te Tiriti within the constitution of our national organisation and every CAB in Aotearoa has the following commitment in their constitution:

The Bureau supports the principle of partnership reflected in the Treaty of Waitangi.

E tautoko ana Te Pou Whakawhirinaki o Aotearoa i te mātāpono o te pātuitanga e ai ki Te Tiriti o Waitangi.

2. Under our Code of Ethics everyone in the CAB makes the commitment to:

Acknowledge the principle of partnership as embodied by the Treaty of Waitangi, and make a commitment to reflect a bi-cultural understanding at all levels of the organisation.

This forms part of the volunteer agreement that every CAB volunteer must sign to be accepted as a volunteer.

3. Under our Membership Principles, every CAB agrees that:

We are committed to supporting an on-going and mutually beneficial relationship between the Treaty partners.



4. CAB has a kaupapa (set of principles, goals, and plans) called Mauri Manaia, which is the foundation of our commitment to:
 - acknowledging Māori as tangata whenua, and te ao Māori (Māori world view) as the indigenous culture of Aotearoa New Zealand.
 - supporting te reo Māori to grow as it is unique to New Zealand and one of our official languages.
 - understanding about tikanga Māori and practice of this in the CAB.

The fundamental values and commitments of our organisation, particularly to the principle of partnership under te Tiriti, compel us to oppose the Principles of the Treaty of Waitangi Bill as it was developed without the agreement or involvement of Māori as signatories and partner to te Tiriti. This alone means that the Bill should be immediately abandoned.

Summary of our key concerns

Our deeply held concerns are:

1. The Bill was developed without the agreement of Māori as signatories and partner to te Tiriti.

We consider this to be wrong and unjust and are deeply concerned that the current Government, acting as the Crown (one Treaty partner) have developed and proceeded with this legislation without the agreement and involvement of the other Treaty partner. Given the history of breaches of te Tiriti by the Crown, we consider that extreme care should be taken to engage meaningfully and in good faith with Māori as Treaty partner in regard to anything that has the potential to limit and change their indigenous rights under the established meaning of te Tiriti. The fact that this has not happened is deeply disappointing and proceeding with this Bill risks severely damaging the Crown's relationship with Māori, undermining trust and breaking down social cohesion in our country.

We note that the Waitangi Tribunal says of the Bill that it would “reduce the constitutional status of the Treaty/te Tiriti, remove its effect in law as currently recognised in Treaty clauses, limit Māori rights and Crown obligations, hinder Māori access to justice, impact Treaty settlements, and undermine social cohesion.” (Waitangi Tribunal, [‘Tribunal releases report on Treaty Principles Bill](#), 16th August 2024, para 4).

A Select Committee process and a referendum as the means for Māori to engage with this Bill does not recognise and respect their status as a Treaty partner.

We consider that the Government, acting as our representative and the Crown, has not acted in good faith in relation to Māori as the Treaty partner to the Crown and therefore the Bill should not proceed.

2. Te Tāhū o te Ture | the Ministry of Justice has advised that the Bill may lead to discriminatory outcomes for Māori and outcomes that are inconsistent with New Zealand's obligations under international human rights conventions. (Ministry of Justice, [‘Principles of the Treaty of Waitangi Bill](#)’, (Departmental Disclosure Statement) 24th October 2024).



In the mahi we do with our Māori clients, we see evidence of the inequity and hardship already experienced by Māori. We are concerned that unless this Bill is abandoned, inequity for Māori will get worse. Analysis of CAB client enquiry data shows the inequity and hardship experienced by Māori in accessing essentials such as food, shelter, and financial resources. It reveals difficulties for Māori whānau in navigating systems that do not uphold their mana or meet their needs. It also shows that Māori face significant barriers in access to justice in relation to knowing and acting on their rights. These issues exist in a context where the experience of inequity for Māori today is grounded in the ongoing impacts of colonisation, structural racism, and the Crown failing to uphold the rights promised to Māori under te Tiriti. (Citizens Advice Bureau New Zealand, 'Māori engagement with Citizens Advice Bureau', July 2024).

Te Kāhui Tika Tangata | The Human Rights Commission, in its submission on the Principles of the Treaty of Waitangi Bill, points out that “the Bill’s selective focus on some rights, while actively overriding others, most particularly the rights of Indigenous peoples that are fundamental to Te Tiriti, is an unhelpful and erroneous approach to human rights” which, far from advancing human rights, will serve to undermine them. (Human Rights Commission, 'Principles of the Treaty of Waitangi Bill: Submission', 8th November 2024, p. 3).

We see this attempt, through the Principles of the Treaty of Waitangi Bill, to undermine the place of Te Tiriti o Waitangi within Aotearoa, as an urgent social justice issue for our nation and reiterate our call for this Bill to be abandoned immediately.

We ask to speak to our submission.