



Principles of the Treaty of Waitangi Bill 2024

Submission to the Justice Select Committee

The Salvation Army Te Ope Whakaora New Zealand, Fiji, Tonga, and Samoa Territory

20th December 2024

Summary

- The Salvation Army Te Ope Whakaora strongly supports Te Tiriti and opposes this Bill that is inconsistent with Te Tiriti. We ask that the Select Committee recommend that Parliament does not proceed with this legislation.
- The Salvation Army sees the Te Tiriti o Waitangi as making binding promises including recognising the rangatiratanga of iwi Māori in Aotearoa. The history of the Christian churches' involvement with the signing of Te Tiriti includes understanding that commitment in terms of a biblically based covenant. This Bill is intended to undermine rangatiratanga and does not honour the covenantal nature of the Te Tiriti relationship.
- The Te Tiriti vision is partnership of equals between iwi and Crown, but equality has been undermined by our nation's history of active dispossession of resources and exclusion of Māori from decision making across all levels of governance. This Bill would embed this disempowerment in legislation and make it even harder to overcome the social disadvantage experienced by Māori.
- The Bill is based on a flawed understanding of the text of Te Tiriti, as identified by the Waitangi Tribunal report on the Bill.
- It is important to have a good quality and informed debate about the future shape of government and constitutional relationships under Te Tiriti but this Bill is not the way to have the debate and any resulting referendum is not the way to make such fundamental constitutional decisions.

Background

1. The mission of The Salvation Army is to care for people, transform lives and reform society by God's power. The Salvation Army is a Christian church and social services organisation that has worked in New Zealand for one hundred and forty years. It provides a wide range of practical social, community and faith-based services nationwide.
2. The Salvation Army employs almost 2,000 people in New Zealand, and the combined services support around 135,000 people annually. In the year to June 2024, these services included providing around 88,000 food parcels and vouchers to families and individuals, providing some 2,300 people with short- or long-term housing, around 4,400 families and individuals supported with social work or counselling, around 5,300 people supported to deal with alcohol, drug, or gambling addictions, around 3,500 families and individuals helped with budgeting, and court and prison chaplains helped 4,000 people.

3.

General Comments

4. The Salvation Army Te Ope Whakaora strongly opposes this Bill and asks that the Select Committee recommend that Parliament does not proceed with this legislation. In September Territorial Commander, Commissioner Mark Campbell, along with other senior leaders of The Salvation Army in Aotearoa New Zealand, Fiji, Tonga and Samoa, signed the Open Letter from Christian Leaders to members of Parliament opposing the Treaty Principles Bill.
5. The Salvation Army sees the Te Tiriti o Waitangi as making binding promises including recognising the rangatiratanga of iwi Māori in Aotearoa. The history of the Christian churches' involvement with the signing of Te Tiriti includes understanding that commitment in terms of a biblically based covenant. The Christian church played a key role in negotiating and supporting Te Tiriti in 1840 and while The Salvation Army was not established in this country until the 1880s, it is still part of this shared legacy of the Christian faith in Aotearoa.
6. Te Tiriti o Waitangi guarantees tino rangatiratanga to Māori. This Bill is intended to undermine rangatiratanga and does not honour the covenantal nature of the Te Tiriti relationship. The lack of any meaningful consultation with Māori in the lead up to introducing this bill is a clear breach of this covenant partnership relationship. Waiting until Select Committee stage to offer wider input is not a democratic approach to such a bill. Consultation processes and exposure drafts of proposed legislation are examples of good process for developing new legislation.
7. The Te Tiriti vision is partnership of equals between iwi and Crown, but equality has been undermined by our nation's history of active dispossession of resources and exclusion of Māori from decision making across all levels of governance. This Bill would embed this disempowerment in legislation and make it even harder to overcome the social disadvantage experienced by Māori.
8. In our *State of the Nation Report 2024 The Things We Inherit Ngā Tukunga Iho*¹, we emphasise that Māori continue to face significant societal challenges. Rising unemployment has been impacting Māori more heavily, with rates that are more than twice that for the whole population and the disparity has been increasing. Imprisonment rates for Māori are seven times higher than for non-Māori and this disparity is not reducing. But when looking at educational outcomes we can see that Māori students learning predominantly in Te Reo achieve education outcomes that show little or no disparity compared to all students. This shows that an approach that honours language and culture helps provide the means to greater equity and equality in outcomes.
9. There is a fundamental difference between the surface level assertions about 'equal rights' in this Bill and the reality in the lives of people in the communities where The Salvation Army works, where equity in social outcomes such as health, education and housing require different ways of working and levels of resourcing to achieve equal outcomes that express

the needs and aspirations of Māori.

10. It is hugely disappointing that the Government has decided to proceed with bringing this Bill into Parliament against the advice of iwi leaders and the findings of The Waitangi Tribunal. Bringing a Bill into Parliament with no intention of allowing it to be passed into law defies common sense and is an appalling waste of the resources of parliament. This further deepens the hurt and insult of this process by taking away valuable resources from the real work that is needed to ensure that the tanagata whenua can thrive in their mana and identity and enjoy cultural and social wellbeing.
11. The Salvation Army Te Ope Whakaora welcomes debate about the meaning of Te Tiriti and the principles that inform the day-to-day work of our church and social services. But debate needs to take place with respect and reciprocity that has been absent to this point in the approach taken by the coalition government to this Bill. A treaty requires a good faith approach to public discussion grounded in good information where both parties are involved. A 'yes or no' referendum is not an appropriate vehicle for a complex constitutional and legal discussion.
12. The Waitangi Tribunal has issued a damning report on the approach being taken to the Bill – Ngā Mātāpono² saying the Crown has failed to engage with Māori and that the Bill:
 - lacked a policy imperative justifying its development;
 - was based on flawed policy rationales;
 - was 'novel' in its Treaty interpretations;
 - was fashioned on a disingenuous historical narrative; and
 - distorted the text of Te Tiriti o Waitangi.The recommendation of the Tribunal is to establish a Cabinet Māori-Crown relations committee that has oversight of the crown's Te Tiriti policies.
13. The Tribunal finding is that the principles included in this Bill while supposedly based on articles of Te Tiriti "do not reflect the texts or the meaning of the Treaty/re Tiriti"³ so such clearly inaccurate translation of key terms should not be put into legislation.
14. The Salvation Army Te Ope Whakaora is going through a process of restructuring governance and operations to be better aligned with a Te Tiriti-based approach to decision-making in our organisation. This means sharing of resources as well as the practice and delivery of our mission and social services. For a tangata tiriti organisation this is a challenging but hugely rewarding journey that will take time but is already delivering benefits for Māori who TSA works with as well as Māori working in the organisation.
15. **Part 2 Clause 6: Principles of Treaty of Waitangi:** The principles as set out in the Bill are a complete departure from the past 50 years of judicial and scholarly interpretation. They are so different from the currently accepted principles, that its implementation would require a complete realignment of the work of government agencies and departments, and the iwi/hapu relationships already established through the process of working with Te Tiriti under current set of principles. This would add a further administrative burden on agencies

when interpreting or complying with legislation that in turn impacts The Salvation Army Te Ope Whakaora and other organisations supporting and working with whānau Māori in communities on a daily basis.

¹ <https://www.salvationarmy.org.nz/research-policy/social-policy-parliamentary-unit/state-nation-2024>

² Waitangi Tribunal, 16 August 2024 <https://www.waitangitribunal.govt.nz/en/news-2/all-articles/news/tribunal-releases-report-on-treaty-principles-bill>

³ Ngā Mātāpono The Principles, Waitangi Tribunal Report 2024, 5 November 2024, p.xv <https://www.waitangitribunal.govt.nz/en/news-2/all-articles/news/tribunal-releases-chapter-6>