



19 December 2024

Submission on the Principles of the Treaty of Waitangi Bill

Submitted by Louisa Wall, Chair, on behalf of Tūwharetoa Iwi Māori Partnership Board (IMPB)

Introduction

The Iwi Māori Partnership Boards (IMPBs) were established within Aotearoa NZ's public health landscape to enhance Māori leadership and influence in health and wellbeing initiatives. Representing their respective Iwi, IMPBs serve as a vital interface between Iwi aspirations and Crown entities in health governance.

As Chair of the Tūwharetoa IMPB, I submit this response to the Principles of the Treaty of Waitangi Bill on behalf of Tūwharetoa IMPB. This submission reflects our collective view that the proposed bill, in its current form, fails to uphold the intent of Te Tiriti o Waitangi and undermines the mana of Iwi and Hapū as Treaty partners.

The bill does not adequately acknowledge the authority (tino rangatiratanga) of Iwi and Hapū to govern their people, resources, and futures, nor does it provide the necessary mechanisms to ensure a genuine partnership between Māori and the Crown.

Key Concerns and Recommendations

This submission identifies four key areas requiring significant attention. These recommendations aim to align the bill with the principles of Te Tiriti o Waitangi, ensuring Iwi and Hapū are empowered to fulfil their obligations and aspirations for their people.

1. Recognition of Iwi and Hapū as Treaty Partners

The bill must explicitly affirm the tino rangatiratanga of Iwi and Hapū, recognising them as co-equal Treaty partners alongside the Crown. Te Tiriti o Waitangi guarantees this partnership, yet the bill's current framing dilutes the Treaty relationship and risks marginalising Iwi and Hapū in critical decision-making processes.

Recommendation:

Include provisions in the bill that formally establish Iwi and Hapū as statutory Treaty partners, with equal standing to the Crown. This must include a clear requirement for all Crown entities to:

- Consult meaningfully with Iwi and Hapū,
- Obtain free, prior, and informed consent for decisions impacting their rohe, resources, and people.

This recognition should serve as the foundation for all Crown policies, programmes, and initiatives affecting Māori communities.

2. Investment in Iwi and Hapū-Led Initiatives

Self-determination cannot exist without the resources to implement it. The bill should prioritise sustained investment in Iwi and Hapū-led initiatives across health, education, economic development, and environmental stewardship. These investments are vital for Iwi and Hapū to design and deliver culturally grounded solutions that address the unique needs of their communities.

Recommendation:

Introduce clauses that:

- Mandate the direct allocation of funding to Iwi and Hapū, bypassing intermediary entities to ensure resources reach the communities they are intended for,
- Prioritise funding for the design, development, and delivery of services by Iwi and Hapū to enable autonomous and effective self-determination.

3. Accountability Mechanisms for Treaty Compliance

The absence of enforceable mechanisms in the bill undermines its ability to uphold Treaty obligations. Without robust accountability structures, Iwi and Hapū remain sidelined in decision-making processes, and breaches of Te Tiriti principles go unchecked.

Recommendation:

Establish an independent Treaty oversight body with the authority to:

- Monitor and enforce Crown compliance with Te Tiriti principles,
- Investigate breaches and provide binding resolutions,
- Serve as a forum for Iwi and Hapū to raise claims and seek redress.

Such a mechanism is essential to ensure transparency, accountability, and adherence to the commitments enshrined in Te Tiriti o Waitangi.

4. Co-Design in Legislative Processes

The bill was developed without substantive engagement with Māori, reflecting a failure to uphold the principles of partnership and participation guaranteed under Te Tiriti o Waitangi. A co-design approach, led by Iwi and Hapū, is essential to ensure future legislation genuinely reflects Māori perspectives and priorities.

Recommendation:

Insert a provision requiring all future legislation affecting Iwi and Hapū to be co-designed in partnership with Māori. This process should include:

- Widespread consultation led by Iwi and Hapū across Aotearoa,
- Genuine collaboration between Iwi, Hapū, and Crown representatives to ensure Māori voices are central to legislative outcomes.

If the current bill cannot be amended to reflect these principles, it should be withdrawn, and a new co-design framework established to guide future legislative processes.

Conclusion

In its current form, the Principles of the Treaty of Waitangi Bill undermines the foundational relationship between Iwi, Hapū, and the Crown. It fails to recognise the mana of Iwi and Hapū, provide sufficient resources for self-determination, or include mechanisms to ensure accountability and partnership.

Given these significant flaws, we urge the Select Committee to return the bill to the House with a recommendation that it not proceed. Such an approach will go some way to honour the aspirations of Iwi and Hapū, align with Te Tiriti o Waitangi, and ensure future legislative frameworks uphold the mana and tino rangatiratanga of Māori.

Ngā mihi,
Tūwharetoa Iwi Māori Partnership Board

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