

To the Justice Select Committee,

About us

Aviva is a family and sexual violence charity established over 50 years ago. Our vision is a violence-free Aotearoa. Until then, we work to support people to overcome its effects and make families and communities safer. We work with people of all ages, genders and experiences of violence. It is only by breaking the cycles of abuse and trauma, which have plagued generations, that we will create safe futures for tamariki, in a world where all children can reach their potential.

One of our core values is our commitment to honouring Te Tiriti o Waitangi. Central to this is consciously and continuously upholding the true meaning of partnership. This means that when working with any whai ora (clients), we do “with” and not “to.”

Our position on the Bill

Aviva strongly opposes the Treaty Principles Bill.

As an organisation with fifty years of experience in family and sexual violence, we are well equipped to recognise an imbalance and abuse of power. This has already happened, by virtue of the lack of consultation with hapū and iwi. Furthermore, the Bill in its current form, would perpetuate an imbalance of power between the Crown and Tangata Whenua. This already exists, because of the negative impacts of colonisation, and the Crown’s repeated breaches of its Treaty promises.

Aviva was one of the first family violence organisations to work with users of violence. This is because central to our work with families and communities is our belief that all people have the potential to be a better partner, no matter what has gone before. The people of Aotearoa NZ are better than this.

The bill emphasises equality. Currently, Māori people have poorer outcomes in health, economics, education, and just about every measure of wellbeing. This is the impact of colonisation. It is the same in every colonised country where the indigenous people have been subjugated. While the Waitangi Tribunal has made positive strides in beginning to break the cycles of harm perpetuated by the Crown on Māori, we have not yet restored the balance.

Te Tiriti and its current principles offer us a pathway forward. However, this Bill, if passed in its current form, will do more than set us back.

Principle 1’s “full power to govern” would enshrine the existing power imbalance into law. As today’s Executive Government of New Zealand is significantly more representative of the Crown, it would effectively give all the authority to one side. This is not in the spirit of the original treaty. Moreover, this principle disregards the guarantee of tino rangatiratanga. Far from equality, the real-world consequence of this would be further division.

Similarly, Principle 2 erases tino rangatiratanga from the law and reduces the rights of iwi and hapū to only those outlined in legislation or Treaty settlements. It is not dynamic and, as such, does not allow for Māori self determination to be enduring. Any attempt to limit other people’s agency is a form of psychological violence. This will perpetuate cycles of intergenerational trauma.

Principle 3 does not add anything to existing law. There are already ample mechanisms within the New Zealand legal system that are aimed at protecting all citizens from discrimination and ensuring

equality before the law. All this Principle does is remove Māori from the treaty, rendering it effectively meaningless. Its emphasis on homogeneity, in a country whose very foundation was biculturalism, is both ethnocentric and rooted in colonialism. The word “equality” does not truly represent the spirit of Te Tiriti, which emphasises equity. Equal treatment, when applied ubiquitously, with no recognition of difference, perpetuates systemic disadvantage.

Our recommendations

- It is our recommendation that this Bill does not pass its second reading.
- It is our recommendation that any and all legislation related to Te Tiriti principles, now and in the future, is co-created with robust, meaningful consultation with hapū, iwi, and Māori experts.
- It is our recommendation that the select committee take seriously the feedback of the Ministry of Justice and Waitangi Tribunal and heed their caution about its impact.

Aotearoa New Zealand has very real and significant challenges. Our rates of family and sexual violence and child abuse are a national shame. Far from addressing these issues, this Bill not only uses resources which could be put towards them, but – if passed – risks worsening them.

This Bill causes real harm, which will be felt for generations.

In failing to consult meaningfully with hapū and iwi, it has already repeated abuses of the past.

Should it go to referendum, it is fundamentally violent, invasive and inhumane to put real peoples' identity, whakapapa and place in the world to a public vote. Especially when those people are outnumbered.

Should the proposed Principles be passed, by perpetuating inequity, they will hurt all Māori who continue to feel the effects of 180 years of historic injustice. By sowing division, they will hurt all New Zealanders. By contributing to the State's power to sell and use natural resources, they will compromise the whenua on which we all live, and which is central to Māori identity.

We have the opportunity to instead pass legislation which will create real equity, honour our whakapapa, and protect this land for future generations. Only by doing that, will we create a world where our mokopuna can enjoy equal opportunities, feel safe in the country they call home and thrive.