

22 February 2012



The Catholic Agency for Justice, Peace & Development

Submission

to the

Mixed Ownership Model: Consultation with Māori

Summary:

- We support the retention of Section 9 of the State Owned Enterprises Act 1986 as it relates to the new legislation being proposed under the Public Finance Act.
- Insufficient time has been allowed for meaningful consultation.
- The Constitutional Review provides a better opportunity and a more appropriate forum for any reconsideration of the wording of Section 9.

1. Caritas Aotearoa New Zealand is the Catholic agency for Justice, Peace and Development. We are mandated by the New Zealand Catholic Bishops Conference to work for the elimination of poverty and injustice through development and aid work internationally, and through advocacy and education for social justice in New Zealand. We are making this submission in consultation with Te Rūnanga o Te Hāhi Katorika ki Aotearoa.

2. The New Zealand Catholic Bishops said in 1995:

"To the Government: Please, keep trying to address the grievances of the past with integrity and consultation. The indigenous people of our country, the Maori, deserve better than unilateral arrangements and imposed settlements for genuine, acknowledged wrongs. Treaty of Waitangi issues are not about party politics. They are about honouring with goodwill the covenant entered into by the Crown and Maori, on which this nation is founded. They are about the right of the first occupants to land, and a social and political organisation which would allow them to preserve their cultural identity. They are about a people still searching for the sovereignty guaranteed them 150 years ago. We ask then that you look boldly to a new process of consultation on the meaning and application of tino rangatiratanga and kawanatanga as encompassed in Te Tiriti."

New Zealand Catholic Bishops Conference: A statement on the Treaty of Waitangi in today's perspective, 1995

3. At the Consultation Hui in Te Whanganui-a-Tara many of the speakers stated that the wrong questions were being asked. This submission supports that viewpoint. This consultation process does not try to resolve any grievances but in fact creates more problems due to the limited scope of engagement.

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4. Meaningful consultation would include the time and resources being made available to affected parties to enable dialogue on what is proposed. The media release on 27 January 2012 to the deadline for submissions on 22 February 2012 is too short a time to have meaningful dialogue with Māori as it gives no time for Iwi in particular to hui amongst themselves.
5. We are also mindful of other matters that would impact on the asset sale programme such as the NZ Maori Council claim to the Waitangi Tribunal, and the Constitutional Review. We believe there is both a need and an opportunity to review the wording of Section 9 of the State Owned Enterprises Act to capture significant legal decisions on the Treaty of Waitangi and the practical experience of working together for the past 25 years since the 1986 Act was passed. However, we believe the appropriate forum for that is the Constitutional Review.
6. In view of these considerations, we support the retention of the provisions of Section 9 of the State Owned Enterprises Act 1986 as it relates to the new legislation being proposed under the Public Finance Act.