



ANGLICAN DIOCESE OF AUCKLAND

SOCIAL JUSTICE COUNCIL

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Submission to the government appointed Constitutional Advisory Panel

Submissions,
Secretariat, Constitutional Advisory Panel,
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Wellington

From: The Auckland Social Justice Council of the Anglican Church in Aotearoa, New Zealand and Polynesia.

The Auckland Social Justice Council is appointed annually by the Diocesan Council. We do not claim to speak for the Council or everyone in the Diocese of Auckland. However, we take into account any relevant re-structuring of the Anglican church and policy statements, as well as opportunities to hear the voices of the people of the Diocese at ministry unit, regional and synodical levels.

As the Social Justice Council of the tikanga Pakeha Diocese of Auckland we are committed to the five-fold Mission Statement of the Anglican Communion -

- (I) To proclaim the good news of the Kingdom;
- (ii) To teach, baptise and nurture new believers;
- (iii) To respond to human needs by loving service;
- (iv) **To seek to transform unjust structures of society;**
- (v) To strive to safeguard the integrity of creation & sustain & renew the life of the earth [1988,1994]

As the Social Justice Council of the Auckland Diocese we are committed -

- **To help the church to recognise the importance of Social Justice as a Gospel imperative;**
- **To encourage the Church to make a strong, costly & prophetic stance for justice;**
- To speak to the Diocese when it discriminates on grounds of gender, race or sexual orientation, or is marginalising in other ways that are contrary to the Gospel;
- **To promote structural analysis as a vital way of understanding the roots of injustice;**
- To find out who is working on social justice and support and work with them;
- **To re-affirm the partnership with Te Pihopatanga o Aotearoa within the Diocese of Auckland. The basis of this is our commitment to Te Tiriti o Waitangi;**
- To work in partnership with the Care of Creation Council.

(Note: We draw attention to the highlighted parts of both Mission Statements that are relevant to our submission to the Constitutional Advisory Panel.)

Background to our local Anglican Constitution:

The Constitution of the Anglican Church in this country was formed in 1857. It was basically an English parliamentary type document: its uniqueness was that it was and continues to be a voluntary compact between Bishops, priests and lay people. One outcome of this voluntary arrangement has been that one party cannot override another's wishes by majority vote.

Hopes for a similar partnership relationship between Maori as tangata whenua and all others who have come to Aotearoa, New Zealand eventually culminated in major changes to the Constitution of our Anglican Province in 1992. The changes also took into account the Diocese of Polynesia that is part of the Province and had recently moved from a Missionary Diocesan status to that of a fully fledged Anglican Diocese.

A major consideration as the re-structuring unfolded was the belief that Te Tiriti invited us to create a bi-cultural relationship in Aotearoa, New Zealand between Maori as tangata whenua and all others who have come to this country. Hence the importance of the comma between the two words Aotearoa and New Zealand in the revised title of the Province.

We are aware that indigenous self-determination was a principle of Church Missionary Society thinking in the early 19th century and believe it needs to be taken into account when exploring both the Declaration of Independence and Te Tiriti.

The Social Justice Council continues to update its exploration of Treaty based Constitutional Arrangements and related social justice issues from-

- its on-going experience in Treaty based constitutional change and bi-cultural education in which we affirm Te Tiriti as a bi-lateral agreement between hapu and the Crown that reflects the 1835 Declaration of Independence;

- its on-going relationship with the Anglican Social Justice Commission based in Wellington;
- its ecumenical contacts, especially with the Catholic Justice & Peace Commission and the Methodist Mission and Ecumenical Secretariat based in Auckland, and the Methodist Public Issues Network and the New Zealand Council of Christian Social Services based in Wellington;
- the wide range of lay and ordained ministries in our own membership, including in urban and rural areas, in Auckland City Mission and Housing New Zealand neighbourhoods, and in post-graduate theological studies.

We support the 'Nature of the relationship and mutual commitments Ngapuhi were assenting to in signing Te Tiriti o Waitangi' as expressed in the Independent Report on the Ngapuhi Nui Tonu Claim (p243, Te Kawariki and Network Waitangi Whangarei, 2012):

'Broadly speaking, Ngapuhi and the Queen were committing to a framework of understanding, which outlined their respective responsibilities for ensuring prosperity and good order into the future. The Queen, through her governor, was committed to exercising an effective authority over her people. She was to uphold the full authority of hapu, especially with regard to land and taonga. She was to see that the hapu's customary way of life was respected. Her governor was to work cooperatively with the rangatira and help them advance their international trade. The rangatira were committed to recognising the governor's authority as leader of the Queen's people resident among them, to supporting him in his duties and to working cooperatively with him. They were committed to the safety of Pakeha on their lands. Both the rangatira and the Queen were committed to supporting one another for the betterment of their peoples and the securing of peace'.

ASPIRATIONS for a Treaty-based Constitution and society in Aotearoa, New Zealand were identified at a workshop on 26th May 2013 that we initiated:

Our CORE VALUES were:

Fairness (3)
 Compassion (3)
 Justice (3)
 Care of creation (3)
 Honesty (2)
 Respect (2)
 Dignity (2)
 Tolerance (2)
 Humility (2)
 Openness to others (2)
 Kindness
 Valuing people's stories
 Spirituality

Hope
Supporting the Common Good
Equal opportunity: celebrating diversity, mutual learning & participation
Acceptance of responsibility
The right to peaceful protest

(Note: the numbers indicate the highest frequency of priority choices.)

Our desired OUTCOMES from Constitutional Arrangements based on such values were:

Respect (3): tolerance of viewpoints, partnership, dignity of each person.
Equitable access to economic rights; eg health, housing-safe & healthy(2), healthy food for all.

The Common Good is consistently sought (2).

Protection of land (2), water, resources & environmental diversity.

Every human being is equal, & treated as such – Civil Rights evidenced for all: equity in housing, education, health, Living Wage, access to employment and transparent & fair justice system.

Equality of outcomes for all - providing support where needed – diversity treasured.

Fair tax system.

Checks by authoritative groups - structures of power.

Te Tiriti is honoured as the basis of Constitutional Arrangements.

Maori treated as tangata whenua

Grass-roots-led decision-making

Participation by those most affected by policies be in decision-making at appropriate levels. Sound & responsible stewardship of our resources for future generations.

National pride in citizenship.

Freedom of the Press.

Right to peaceful protest.

Young people protected from drugs, alcohol, labour laws; all kids are happy.

Vulnerable are protected.

All are valued.

Constitutional Arrangements that could achieve our desired outcomes were:

Changes at both Constitutional and grass-root levels

Constitutional Arrangements based on Te Tiriti

An over-arching inclusive, representative body, and direct democracy at various levels.

A Second House

Select Committee processes concerning legislation being mandatory.

A recourse to judicial review of any political decisions.

A partnership between leaders and the people.

Decision-making at the most appropriate levels (local/national).

Real participation by those most affected, with adequate resources (to do so).

One group suggested two alternative models:

(a) WRITTEN CONSTITUTION: the basic document with values, rights and (commitment to) Te Tiriti

that rights be protected with accountability,
and

that there be a power separation between -

the Constitution

and

the Representative Body, the Courts, and the People

(b) an UPPER HOUSE

In summary, our aspirations for New Zealand include :

- That the political, non-governmental, corporate and voluntary structures of society express a just and honourable relationship based on Te Tiriti o Waitangi;
- That we engage in a longer, more in-depth conversation in order to develop a values based Treaty based Constitution in a process that includes in-depth study of the Independent Report 'Ngapuhi Speaks' and its recommendations;
- That we pay particular attention to the work and recommendations of Aotearoa Matike Mai, and that as Pakeha and Taiwi we not assume how Maori will see their structural relationship to the Crown/ the government.

Our responses to specific questions about the Treaty in the Panel's Discussion Document:

Concerning the future, what role do you think the Treaty of Waitangi could have in our constitution?

He Wakaputanga (the Declaration of Independence) and Te Tiriti o Waitangi provide the fundamentals for governing this country. The Declaration is at least as important to our deliberations as Te Tiriti, because Te Tiriti relates so closely to what was being recognised in the signing of the Declaration and its approbation by the British monarch. The common understanding of the status of Maori in the two documents needs to be the starting point for developing our constitutional arrangements.

Te Tiriti provided a framework for an on-going relationship between Maori and all others who have come here to settle. In that sense, both documents are not only covenants, but timeless. The increasingly multi-ethnic, multi-cultural nature of this country makes the two documents even more central to the search for a just way forward. It is not difficult for refugees and migrants who come from countries where indigenous rights are not respected to see and appreciate the importance of both these documents. We applaud and support the educational work of Network Waitangi among these new settlers.

This conversation about constitutional arrangements is also an opportunity for all Pakeha/tauiwi to honour the New Zealand government's statement of support for the UN Declaration on the Rights of Indigenous Peoples that our government. In this regard, we note the June 2013 signing of the Settlement with Tuhoe as a major sign of a peaceful way forward in which new relationships of mutuality can be formed between iwi and the Crown. We recognise that the Crown has much more work to do.

Do you think the Treaty should be made part of our constitution? Why?

Yes, because it is absolutely central to how we work out our relationships as a nation. We believe it is an essential foundation of our constitution, and that the entire process for determining our constitution needs to be based on Te Tiriti rather than trying to fit Te Tiriti into our existing constitutional framework.

As members of Tikanga Pakeha in the Anglican Church in Aotearoa, New Zealand and Polynesia, we understand that Te Tiriti provided for the establishment of a government which allowed our ancestors to come here. It is important to our identity and status that this document is the basis for our constitution.

We believe that Te Tiriti benefits all New Zealanders and enriches us as a country, and that a commitment to it can form the basis for long-term relationships in which the sharing of power and resources can be explored. We commend the Diocesan Council of the Auckland Anglican Diocese for participating in a joint working group with Te Tai Tokerau to explore the sharing of resources in 2013.

We believe that such partnerships based on te Tiriti mean that each shares in regional and local government, and that this is not a power that one can withdraw from the other.

We believe that such forms of partnership would be able to be fair and just, particularly to disadvantaged people and groups.

We wish the Panel well in its deliberations, and look forward to hearing from the Alternate Maori Working Group: Aotearoa Matike Mai.

Rev Jean Brookes
for the Auckland Social Justice Council

27 June 2013