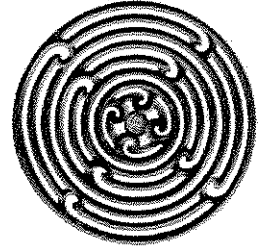


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Te Roopu Waiora Trust

26 June 2009

Auckland Governance Legislation Committee
Select Committee Office
Parliament Buildings
WELLINGTON

Submission on the Local Government (Auckland Council) Bill by Te Roopu Waiora Trust

Te Roopu Waiora Trust with a philosophy of 'placing the direction of life back into the hands of whanau' is a unique service working with Maori disability communities in the Auckland region. Founded and governed by whanau with a range of impairments, the trust has expanded its role of providing disability information to include engaging whanau haau with Maori communities, providers, agencies and government.

As a small organization, Waiora works through strong partnerships and extensive community support to grow its initiatives. Waiora draws its knowledge for this submission as representatives and members of:

1. DIAS – member of the Auckland Disability Information Advisory Services Collective
2. POU – Maori governance committee for the Counties Manukau DHB
3. Tamaki Ngati Kapo Inc: Auckland Maori community of vision impaired/blind members and whanau
4. Mana Tangata Turi: Auckland Maori deaf community
5. Arau Ora – Counties Manukau Maori health and disability collaborative network
6. Te Piringa: National Steering Group of Maori Disability Services – Executive member
7. Tamaki Makaurau collective of Maori Disability Services – Executive member
8. Aotearoa Whanau Carers Network – Executive member
9. Te Ora o Manukau – executive member
10. Manukau City Council Disability Steering Group
11. CMDHB Maori Disability Steering Group
12. Auckland Spinal Unit – Consumer Advisory Committee

We wish to appear before the committee to speak to our submission in the Manukau region if possible. We require a trilingual interpreter (Maori, English, NZ Sign language) and disability access for wheelchair users. We also require any correspondence to us in a form accessible to those who are vision impaired or blind (word documents or Braille – not scanned or pdf please). Those appearing on our behalf include:

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Tania Kingi
Dr Huhana Hickey
John Puhara
Patrick Thompson
Henare Heta

Te Roopu Waiora Trust opposes the intent of this bill because:

1. Mana Whenua rights are extinguished in proposing no Maori seats on council
2. Whanau Haua (whanau with disabilities) are less likely than all others to be represented, participate or be included at all levels of the new Auckland Council.

We wish to make the following comments:

1. Te Roopu Waiora Trust supports Mana Whenua who make up numerous ahi kaa iwi within Tamaki Makaurau. It is well documented that Mana Whenua gifted significant lands to support the establishment of immigrant populations before and after the signing of Te Tiriti o Waitangi. Refusal to recognise decision making rights of Mana Whenua by the descendants of these immigrants is abhorrent; and all too frequently attempted by governments throughout history. Furthermore, Maori are constantly relegated to the position of advisors to the system, where their advice is subject to the good will of the usually more numerous, non Maori decision makers. More often than not, that will is absent.

Tactics are regularly employed by both local and central governments that result in Maori communities disagreeing and fighting each other over representation issues. This is certainly the case with the Auckland Council structure and concerns over representation for non Mana Whenua Maori populations. The Royal Commission's recommendation of only three Maori seats provides the perfect vehicle for dissonance among Maori groups. 'Divide and rule still operates as a basic strategy for dealing with indigenous peoples. It still operates because unfortunately it still works.'¹

It is ignorant to suggest that Maori may secure seats on the Council because the residents of Auckland will vote for the best people to represent their issues. Representation is determined from a commonality of values and philosophy. As there are clear differences between Maori and Pakeha ideologies, it is highly unlikely that kaupapa Maori practitioners will gain seats through an election process dominated by Pakeha voters.

2. Statistics published by the Ministry of Health in 2001 identify Maori disabled experiencing the highest deprivation levels of all populations in Aotearoa, with Maori non-disabled, the next most deprived group. It is within this context that whanau haua exist and are disparately represented in all economic-socio indices. Attempts to eliminate local government responsibility for Community Outcomes will manifest disproportionately among Maori disability populations. Whanau

¹ Smith LT (1999) p99. Decolonizing Methodologies: Research and Indigenous Peoples. Zen Books Ltd, London

haua are mostly situated in South Auckland and any centralised system is likely to overlook the barriers experienced by this group; as well as the solutions.

As NZ has ratified the UN Convention on the Rights of Persons with Disabilities (CRPD), there are clearly obligations to ensure equity of access and participation in all areas of local and central government responsibility. Nation States that ratify the Convention are to ensure their current and future legislation and policies are consistent with its articles and treat disabled people on the same basis as other people. As an international law, the convention can be referred to by courts in their decision making.

Of particular note in relation to whanau haua is the Preamble of the CRPD which considers:

...that Persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,

...the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status.²

These issues need to be considered when looking at any structure being devised for the new Auckland Council.

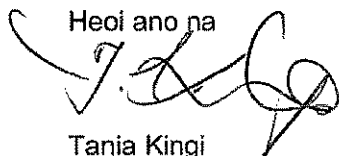
Recommendations

It is recommended that:

1. Maori seats on the new Auckland Council that reflect the autonomy and responsibility of all ahi kaa iwi be allocated by right and in accordance to Contra Preferentum that recognises the indigenous version of the Treaty of Waitangi.
2. A more inclusive and Treaty specific mode of operation be developed to support Mana Whenua governance for all Maori residing within the Tamaki Makaurau district. This structure should be established for Maori by Maori and not for Maori by Pakeha.
3. Whanau Haua have direct influence and full participation in all decision making processes at all levels of the Auckland Council
4. the free swimming and recreational facilities available in South Auckland are retained and not privatised or centralised - including transport and water as it will create further barriers of financial liability to already marginalised Maori disability populations

² UN Convention on the Rights of Persons with Disabilities signed by NZ Government on 30 March 2007

5. We retain our regional identities evident by the strength of Pacific and Maori communities of South Auckland which maybe lost under a super city centralised system
6. We retain and improve structures that can respond locally, immediately and adequately (with appropriate resource authority). It is doubtful that any centralised governance will look after the needs of the local networks and identities.
7. It is recognised that inequality exists in Auckland and there are clear lines between those who have resources and those who do not. Centralised rating systems and similar mechanisms will perpetuate inequalities and impact on all government agencies as well as local authorities. It is recommended that policy is developed to ensure local authorities do not abdicate their Community Outcome responsibilities but effectively work with other government departments to collectively improve the wellbeing of those most at risk by the new Auckland Council.

Heoi ano na

Tania Kingi
Kaiwhakahaere

NB: As there are only two trilingual interpreters in NZ please make the booking well in advance. Contact Stephanie Awheto - nakisfinest@gmail.co.nz or phone: 021 02934200. If you need any assistance, please contact Natasha Smith at Te Roopu Waiora Trust.