



PO Box 11543  
Wellington  
New Zealand  
Ph 04 385 8722  
[www.commmunityhousing.org.nz](http://www.commmunityhousing.org.nz)

7 January 2025

Committee Secretariat  
Justice Committee  
[TreatyPrinciples@parliament.govt.nz](mailto:TreatyPrinciples@parliament.govt.nz)

**RE: Submission on the Principles of the Treaty of Waitangi Bill**

**Who we are**

1. Community Housing Aotearoa (CHA) is an Incorporated Society and a peak body for the community housing sector. To achieve our vision of ‘all New Zealanders well-housed’, we have a strategic focus on supporting a responsive housing system underpinned by Te Tiriti o Waitangi and the Right to a Decent Home. We are also mindful of the broader institutional and regulatory context within which our members and other community organisations operate.
2. Our member organisations provide homes for nearly 30,000 people nationally across 26,000 homes, and our partner members include developers, consultants, and local councils. Community Housing Organisations are primarily not for dividend entities that develop, own and/or manage social and affordable housing stock, with a variety of tenure offerings.
3. CHA is a proud Tangata Tiriti organisation and works closely with national Māori housing advocate Te Matapihi, which also represents iwi-based and Māori community housing organisations.

**Key submission points**

**The Principles of the Treaty of Waitangi Bill should not progress any further.**

4. We believe the proposed Bill breaches Te Tiriti o Waitangi, undermines mana whenua and weakens the human rights landscape of Aotearoa New Zealand. We oppose the Bill and call on the Select Committee to recommend the Treaty Principles Bill not be referred to a second reading.

5. The Waitangi Tribunal has indicated the proposed Bill is in breach of the Treaty, reducing its constitutional status, removing its effect in law and limits Māori rights and Crown obligations, hinders Māori access to justice, impacts on Treaty settlements, and undermines social cohesion in Aotearoa New Zealand<sup>1</sup>.
6. Further, the principles outlined in the proposed Bill contain inaccurate representations of the text and spirit of Te Tiriti o Waitangi. As reported by the Waitangi Tribunal, confused interpretations of te reo Māori from Te Tiriti o Waitangi is a serious breach of the duty to act in good faith and reasonably.

**CHA believes that honouring Te Tiriti o Waitangi is critical to upholding human rights in Aotearoa New Zealand.**

7. In 2021, Community Housing Aotearoa provided evidence to the Wai 2750 – Waitangi Tribunal on Housing Policy and Services Kaupapa Inquiry on Māori Homelessness. Our statement of evidence clearly demonstrated the relationship between upholding Te Tiriti o Waitangi and the human right to housing for all. CHA believes that “homelessness is the most egregious breach of [the right to a decent home]” and continues to prolong the severe impacts of colonisation, land and home confiscation, for iwi and hāpu Māori<sup>2</sup>.
8. Wai 2750 claimants alleged that the Crown breached the treaty because its legislation, policies, and national strategies since 2009 ‘fail to adequately address homelessness and severe housing deprivation and fail to meet the needs of Māori under Te Tiriti o Waitangi’.
9. The Wai 2750 Kāinga Kore report states “the Crown breached the treaty by its failure to adequately consult Māori over its definition of homelessness in 2009. Then, over the following seven years, the Crown did little to address Māori homelessness. It developed a Māori housing strategy that it did not implement, allowed the relative provision of social housing (on which Māori heavily rely) to decrease, and toughened access to the social housing register” (p. xiii).
10. Te Tiriti provides a framework for all New Zealanders to make decisions together and have these important discussions about our history as a nation through the Waitangi Tribunal. As a key part of our housing system, CHA and the community housing sector understand that Te Tiriti o Waitangi is crucial to how we approach and solve our housing challenges today. We believe Te Tiriti is foundational to our work and guides us in fostering positive relationships across all the diverse communities we serve.

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<sup>1</sup> <https://www.waitangitribunal.govt.nz/en/news-2/all-articles/news/tribunal-releases-report-on-treaty-principles-bill>

<sup>2</sup> [https://forms.justice.govt.nz/search/Documents/WT/wt\\_DOC\\_169447136/Wai%202750,%20B017.pdf](https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_169447136/Wai%202750,%20B017.pdf)

11. In contrast, the proposed Bill causes division between us instead of focusing on how to help all of us live good lives together.

12. To conclude, we draw inspiration from the words of Moana Jackson who said, Te Tiriti gives “people from somewhere else a chance to make a home in this land” and when we realise the aspirations of Te Tiriti, “not only will everyone be housed, they will be homed in this place<sup>3</sup>”.

Ngā mihi,



Paul Gilbert, CEO, Community Housing Aotearoa – Ngā Wharerau o Aotearoa



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<sup>3</sup> <https://e-tangata.co.nz/comment-and-analysis/moana-jackson-what-it-means-to-be-at-home-in-this-land/>