

House of Representatives

Supplementary Order Paper

Tuesday, 2 July 2013

State Sector and Public Finance Reform Bill

Proposed amendments

Te Ururoa Flavell, in Committee, to move the following amendments:

Clause 5

In *clause 5, new section 1A(h)* replace “stewardship.” (line 27 on page 17), with “stewardship; and”

In *clause 5, after new section 1A(h)*, (after line 27 on page 17) insert:

- (i) recognises, provides for, and gives effect to the principles of the Treaty of Waitangi.

Clause 162

In *clause 162(1), new section 107(1)(c)*, after “capability” (line 20 on page 123), insert “, including capability to deliver better services and results for Māori and to improve outcomes across ethnic groups.”

Clause 181

In *clause 181, new section 141(2)(b)* after “intentions” (line 18 on page 131), insert “, including Treaty of Waitangi strategic objectives.”

In *clause 181, new section 141(2)(c)* after “capability” (line 20 on page 131), insert “, including equal employment opportunities capability.”

In *clause 181, new section 141(2)(d)* after “performance” (line 22 on page 131), insert “, including for relevant entities how they propose to assess performance in delivering better services and results for Māori and to improve outcomes across ethnic groups.”

Explanatory note

This Supplementary Order Paper amends the State Sector and Public Finance Reform Bill to strengthen the place of the Treaty of Waitangi in Aotearoa New

Zealand's constitutional arrangements. The practical effect will be to strengthen the Government's levers to deliver on its Treaty obligations in delivering public services and, in so doing, improve outcomes for Māori and across ethnic groups. These amendments include reference to the Treaty of Waitangi in the State Sector Act 1988, the Crown Entities Act 2004 and the Public Finance Act 1989 to make explicit and underline the obligation of chief executives and their agencies to consider and report on how they will give effect to Treaty principles in delivering public services and in particular the obligation to deliver better services and results for Māori and improve outcomes across ethnic groups. The amendments to *clause 5* include in the purpose of the State Sector Act 1988 providing for a State sector system that recognises, provides for, and gives effect to the principles of the Treaty of Waitangi. The amendments to *clause 162* enable but do not oblige the Government to give whole of government directions to Crown entities for the purpose of supporting better outcomes for Māori and across ethnic groups. The amendments to *clause 181* oblige Crown agencies to explain in their statements of intent how they will assess performance in delivering better services and results for Māori and improve outcomes across ethnic groups. They include an obligation to include reference to equal employment opportunities in their explanation of how they will manage organisational health and capability. This will help ensure measures to guarantee equitable outcomes for Māori and across ethnic groups within their staff structure are also considered. The 3 principal Acts are part of our constitutional framework and it is anomalous that they contain no reference to the Treaty. Legislation providing the governance and administration framework for other arms of the Crown, including the Local Government Act 2002, the Public Records Act 2005, and the New Zealand Public Health and Disability Act 2000 do include Treaty wording. These amendments will give effect to a recommendation from the Human Rights Commission to examine constitutional arrangements, and review laws that make up our constitutional framework to ensure the Treaty, indigenous rights, and human rights are recognised and provided for, and consider entrenching them as constitutional norms.
