

YWCA CONSULTANCY GROUP



TE TIRITI O WAITANGI  
AUDIT OF THE  
NEW ZEALAND  
PLAYCENTRE FEDERATION

April 1999

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# TE TIRITI O WAITANGI AUDIT

|   |           |
|---|-----------|
| <b>TE TIRITI O WAITANGI AUDIT</b>   | <b>1</b>  |
| <hr/>   |           |
| <b>EXECUTIVE SUMMARY</b>  | <b>2</b>  |
| FRAMEWORK   | 2         |
| METHODOLOGY   | 3         |
| SUMMARY OF AUDIT FINDINGS   | 4         |
| RECOMMENDATIONS   | 6         |
| <hr/>   |           |
| <b>TE TIRITI O WAITANGI AUDIT OF THE NEW ZEALAND PLAYCENTRE FEDERATION</b>                                    | <b>8</b>  |
| <hr/>   |           |
| <b>INTRODUCTION</b>   | <b>8</b>  |
| <b>FRAMEWORK FOR TE TIRITI O WAITANGI AUDIT</b>   | <b>8</b>  |
| SUGGESTED CRITERIA FOR APPLYING TE TIRITI O WAITANGI FRAMEWORK TO PLAYCENTRE ASSOCIATIONS                     | 10        |
| <b>METHODOLOGY</b>  | <b>11</b> |
| <hr/>   |           |
| <b>CONTEXT OF TE TIRITI O WAITANGI AUDIT</b>  | <b>12</b> |
| <hr/>   |           |
| <b>HISTORY OF PLAYCENTRE'S JOURNEY TO HONOUR TE TIRITI O WAITANGI</b>   | <b>12</b> |
| PLAYCENTRE TIMELINE   | 13        |
| <b>ANALYSIS OF ASSOCIATION QUESTIONNAIRE</b>  | <b>18</b> |
| ARTICLE I - KAWANATANGA   | 18        |
| ARTICLE II - RANGATIRATANGA   | 20        |
| ARTICLE III - EQUALITY  | 22        |
| GENERAL COMMENTARY ON QUESTIONNAIRE   | 24        |
| <hr/>   |           |
| <b>THE CONSTITUTION OF THE NEW ZEALAND PLAYCENTRE FEDERATION</b>  | <b>26</b> |
| <hr/>   |           |
| <b>THE PURPOSE OF A CONSTITUTION</b>  | <b>26</b> |
| <b>THE CURRENT CONSTITUTION</b>   | <b>27</b> |
| DECISION-MAKING IN PLAYCENTRE   | 27        |
| <b>ANALYSIS OF THE CURRENT CONSTITUTION IN THE CONTEXT OF PLAYCENTRE'S COMMITMENT TO TE TIRITI O WAITANGI</b> | <b>31</b> |
| TITLE PAGE  | 31        |
| CLAUSE 2: OBJECTS   | 33        |
| CLAUSE 3: MEMBERSHIP  | 34        |
| CLAUSE 4 AND 5: DUTIES OF MEMBERSHIP  | 35        |
| CLAUSE 6, 7, 8, 10, 18 AND 19 - FEDERATION OFFICERS AND DECISION MAKERS                                       | 36        |
| CLAUSE 11, 12 14, 16, 17 AND 22 - PROCESSES OF DECISION MAKING  | 38        |
| <hr/>   |           |
| <b>CONCLUSION</b>   | <b>40</b> |
| <hr/>   |           |

# EXECUTIVE SUMMARY

1. The YWCA Consultancy Group was contracted to carry out a Tiriti o Waitangi audit on the constitution of the New Zealand Playcentre Federation. The work was started in May 1998.

## Framework

2. The YWCA Consultancy Group used the following framework for the audit

*The NZ Playcentre Federation gives effect to Te Tiriti o Waitangi by honouring:*

- ◆ *the kawanatanga of Article I, that is the authority to make laws for the good order and security of the country<sup>1</sup>, but subject to the protection of Maori interests<sup>2</sup>*
  - ◆ *the Crown's duty under Article II to actively protect the rangatiratanga of Maori people and their status as tangata whenua<sup>3</sup>*
  - ◆ *the equal status with other British subjects accorded to Maori people under Article III<sup>4</sup>*
3. In addition the Consultancy developed the following criteria to make the framework more specific and of greater practical use to the Playcentre Movement:

### *Article I*

*Evidence of kawanatanga in Playcentre is:*

- ◆ *Decisions at centre, association and federation level are made by both Tiriti partners with mutual respect for Maori culture and other cultures;*
- ◆ *Decision-making structures protect Maori input to decisions*

### *Article II*

*Evidence of rangatiratanga in Playcentre is:*

- ◆ *Maori control their own processes*
- ◆ *Maori control policy and practice on Maori matters, including*
  - ◆ *te reo Maori,*
  - ◆ *Maori land*
  - ◆ *Maori spirituality,*
  - ◆ *Maori intellectual and cultural property*
- ◆ *Te reo Maori is recognised as a taonga*

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<sup>1</sup> for the purposes of this audit, the YWCA Consultancy Group is replacing the word 'country' with the word 'organisation'

<sup>2</sup> Report of the Waitangi Tribunal on the Orakei claim, 11.11.4

<sup>3</sup> Reports of the Waitangi Tribunal on the Motonui claim 8.4; Te Reo Maori 4.2.7; Orakei 11.5.6 and Muriwhenua, 10.3.2)

<sup>4</sup> NZ Maori Council v. Attorney General [1987] 1 NZLR 641, 674 per Richardson J

### *Article III*

#### *Evidence of equality under Article III within Playcentre is:*

- ◆ *The resources available are shared in a way that gives equal respect and support to Maori and tauwi<sup>5</sup> priorities*
4. The above framework prescribes a Tiriti based relationship that addresses the respective rights and obligations of kawanatanga and rangatiratanga. The simplest way to reflect this in the structures of Playcentre is through two groups, one entrusted with kawanatanga and the other with rangatiratanga. The rangatiratanga group will necessarily be under Maori control, but this does not preclude tauwi from being included in the group. Maori may choose to be part of the kawanatanga group, and not to be a part of the rangatiratanga group.

### Methodology

5. In May 1997 Standing Committee met with Marion Wood to discuss the YWCA Consultancy Group proposal to carry out a Tiriti o Waitangi audit. The following points were stressed:
- ◆ Playcentre wished to commission a Tiriti o Waitangi audit, rather than a Treaty of Waitangi audit
  - ◆ the line of authority in Playcentre is 'bottom up': ideally the Centres should be involved, but Standing Committee accepted that it was not practicable to consult all centres. Associations, however, should be involved.
  - ◆ There is a wide divergence of views on Tiriti issues within Playcentre.
6. As a response to this advice the auditors decided that it was inappropriate to simply analyse the constitution, and that a contextual and consultative approach was needed. For this reason it was decided to include within the audit an investigation into:
- ◆ the history of the Playcentre Movement's journey to honour Te Tiriti o Waitangi.
  - ◆ what was happening at Association level to honour Te Tiriti
7. A questionnaire was sent to all Associations requesting that one copy be filled in by Maori members of the Association and one by tauwi. Maori replies were received from 38% of Associations and tauwi replies from 94%.
8. The analysis of the constitution and supporting documents showed that there is a low level of formal compliance with the requirements of Te Tiriti o Waitangi. In spite of goodwill and informal processes to honour rangatiratanga, this is obstructed by the requirements of the current constitution.

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<sup>5</sup> One of the Associations indicated a preference for the term non-Maori not to be used. Accordingly we have used the term tauwi rather than non-Maori throughout the report.

## Summary of Audit Findings

| <i>Requirements for compliance</i>   | <i>Evidence of compliance</i>   |
|--|---|
| <i>Article I - kawanatanga</i>   |   |
| Does NZPF exercise the authority to make laws for the good order and security of the organisation?                       | Yes - the constitution provides for this and the documentation shows that general meetings and National Executive meetings have been held and decisions made in accordance with the constitution  |
| Is this subject to the protection of Maori interests?  | No - the constitution provides no protection apart from a requirement that Federation Officers include evidence of their 'bicultural commitment'. Evidence from the Association questionnaires <sup>6</sup> indicated a lack of accepted understanding within Playcentre of the meaning of bicultural.  |
| Are decisions at Federation level made by both Tiriti partners with mutual respect for Maori culture and other cultures? | There is no specific constitutional provision for both Tiriti partners to make formal decisions at any national meeting<br><br>NZPF has made significant attempts to allow input into decisions by both Tiriti partners. It has: <ul style="list-style-type: none"> <li>◆ recognised Puriri Whakamaru as representing Maori families within Playcentre</li> <li>◆ allowed associations to be represented by both Tiriti partners</li> <li>◆ given speaking and voting rights at Conference to Puriri Whakamaru on an annual basis</li> <li>◆ provided funding for Puriri Whakamaru</li> <li>◆ endorsed Puriri Whakamaru appointments</li> </ul> |
| Do decision making structures protect Maori input into decisions?  | No - the structures are complicated and rely on considerable familiarity with the constitution. Newcomers and non Pakeha are disadvantaged.   |

<sup>6</sup> Questionnaires were sent to each local association to gather information on what is happening at Association level to give effect to Te Tiriti o Waitangi

Article II - rangatiratanga

Does NZPF actively protect the rangatiratanga of Maori and their status as tangata whenua?

No - the constitution does not provide support for rangatiratanga.

NZPF did attempt to include Puriri Whakamaru as part of the membership of the Federation, but the remit was withdrawn.

Puriri Whakamaru has been informally recognised as holding rangatiratanga, but this has not been formally clarified

Do Maori control their own processes?

At Federation level Maori do not control their own processes, as the resources required are controlled by the current membership and there is no constitutional requirement to include Maori in deciding on their use. Resources have, in fact, been made available to Puriri Whakamaru, but the current structure requires that they ask and the members decide.

There is evidence that structures have been set up in a minority of Associations to allow Maori to control their own processes.

Do Maori control policy and practice on Maori matters?

There is no formal provision at Federation level for Maori to control policy and practice on Maori matters. Resources have been provided for Maori to hold meetings to discuss such matters, but the implementation of any decisions is under the control of tauwiwi.

In a minority of Associations there is evidence that structures have been set up for Maori to control policy and practice on Maori matters. In other Associations informal attempts have been made to allow Maori to control policy and practice on Maori matters through the establishment of Maori groups with the responsibility for these matters at Centre level and less frequently at Association level.

|  |  |
|--|--|
| Is Te Reo Maori recognised as a taonga?  | There is no evidence that te reo Maori is formally recognised as a taonga.   |
| <u>Article III</u>   |  |
| Are Maori protected and assured of equal rights?   | There is no formal provision for protection of Maori.  |
| Are the resources shared in a way that gives equal respect and support to Maori and tauwi priorities | At Federation level an informal attempt has been made to do this. Federation Committees and Puriri Whakamaru each have control of 50% of the budget after fixed costs have been met. |

## Recommendations

9. The YWCA Consultancy Group has audited the New Zealand Playcentre Federation constitution and has detailed areas in which it does not comply with the obligations, responsibilities and privileges of Te Tiriti o Waitangi. We have made recommendations for change, which we believe to be:
- ◆ consistent with Playcentre philosophy
  - ◆ evolutionary, rather than revolutionary
  - ◆ practical, rather than theoretical
10. The Association questionnaire was particularly useful in determining what recommendations to make to address the shortcomings within the constitution. The Federation does not exist separately from its members, the Associations. Recommendations for changes to the constitution need to be made within the context of Association realities.
11. The recommendations are:

***Recommendation One: That Maori and tauwi members of the New Zealand Playcentre Federation decide whether they choose to accept the compromise of the overall constitutional framework required by the Charitable Trusts Act 1908***

***Recommendation Two That the New Zealand Playcentre Federation incorporate its commitment to Te Tiriti o Waitangi within an overarching mission statement in its constitution***

***Recommendation Three That the New Zealand Playcentre Federation include a statement in its objects that its policies and practices shall give effect to Te Tiriti o Waitangi.***

***Recommendation Four: That the New Zealand Playcentre Federation convene a hui to be attended by Maori members of Playcentre and that this hui decide:***  
***(i) the formal relationship between Puriri Whakamaru and Association Maori groups who are not part of Puriri Whakamaru***

- (ii) *processes for deciding tino rangatiratanga representation at Federation level*

***Recommendation Five:***

- (i) *That each Association have the right to dual membership of the New Zealand Playcentre Federation and that these be known as kawanatanga membership and rangatiratanga membership;*
- (ii) *That rangatiratanga representation at Federation level be decided by Maori within the Association and kawanatanga membership be decided by all members;*
- (iii) *That an Association have kawanatanga membership only, if it has no Maori members or decides not to implement a Tiriti based relationship.*

***Recommendation Six: That the New Zealand Playcentre Federation establish dual kawanatanga/rangatiratanga positions for President and Vice President and that a structure for Standing Committee be established, which reflects a relationship of rangatiratanga and kawanatanga, where one party is not subordinate to the other.***

***Recommendation Seven: That the New Zealand Playcentre Federation incorporate into its constitution consensus decision making at all national meetings.***

# TE TIRITI O WAITANGI AUDIT OF THE NEW ZEALAND PLAYCENTRE FEDERATION

*"That Playcentre has contributed so much to New Zealand society is a tribute to the energy and vision of women and men around the country who were open to change"<sup>7</sup>*

## INTRODUCTION

The Playcentre movement arose from the determination of women and men to provide early childhood education for their children and communities in a structure that was decided and controlled by those involved in it. There are currently 560 Playcentres in Aotearoa-New Zealand. The activities of individual Playcentres are coordinated by 32 Playcentre Associations (and one sub Association) and the national body is the New Zealand Playcentre Federation.

Since 1989 the New Zealand Playcentre movement has been working through the implications of a commitment to Te Tiriti o Waitangi. In 1994 the cover page of the Constitution was amended to read:

*The New Zealand Playcentre Federation acknowledges Te Tiriti o Waitangi as the founding document of Aotearoa, New Zealand.*

In 1996 the Federation passed the following remit at its annual Conference:

*That a Treaty Audit be carried out on the NZPF Constitution by an outside organisation such as Network Waitangi/Waitangi Consultancy Group during the 1996/97 year.*

The YWCA Consultancy Group was contracted to carry out the audit, beginning in May 1998. The audit has been carried out by Marion Wood (Pakeha) with the support of Tania Rangiheuea (Maori)

## FRAMEWORK FOR TE TIRITI O WAITANGI AUDIT

In order to carry out any kind of audit, it is necessary to establish a framework against which the organisation can be measured.

In this case the NZ Playcentre Federation wishes to carry out a Tiriti o Waitangi audit of its constitution. In its proposal the YWCA Consultancy Group outlined how the Articles of Te Tiriti o Waitangi could be applied to Playcentre:

*The obligations, responsibilities and privileges of the Crown under Te Tiriti o Waitangi, are being taken up voluntarily by the NZ Playcentre Federation, through its*

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<sup>7</sup> Ed Stover, S. *Good clean fun: New Zealand's Playcentre Movement*, (p1)

*desire to become bicultural. .. The Audit process will deal with the spirit and implications of Te Tiriti, which affect all New Zealanders, not just the specific words.*

*The YWCA Consultancy Group will use the following framework in auditing Playcentre:*

*The NZ Playcentre Federation gives effect to Te Tiriti o Waitangi by honouring:*

*(i) the kawanatanga of Article I, that is the authority to make laws for the good order and security of the country<sup>8</sup>, but subject to the protection of Maori interests<sup>9</sup>*

*(ii) the Crown's duty under Article II to actively protect the rangatiratanga of Maori people and their status as tangata whenua<sup>10</sup>*

*(iii) the equal status with other British subjects accorded to Maori people under Article III<sup>11</sup>*

This framework was first used by the Waitangi Consultancy Group to audit the YWCA of Aotearoa-New Zealand in 1989. It was accepted by the NZ Playcentre Federation as an appropriate framework for Playcentre also.

The framework is developed out of reports by the Waitangi Tribunal and in particular reports before 1987. This is deliberate, because the NZ Playcentre Federation is committed to Te Tiriti o Waitangi, the Maori version of the Treaty of Waitangi. The Waitangi Tribunal was set up by statute in 1975 and one of its roles is to interpret what the Treaty means in the present time. Its rulings have been widely respected by Maori and tauwiwi. It is, however, a tribunal established under New Zealand law and therefore can be seen to be an instrument of the Crown. This became very clear after a 1987 court case between the NZ Maori Council and the Crown<sup>12</sup>, in which the Court of Appeal was required to rule on the meaning of the principles of the Treaty of Waitangi. Because the Court of Appeal is of higher status than a tribunal, the Waitangi Tribunal was forced to abide by the rulings of the Court of Appeal in interpreting the Treaty of Waitangi in future claims and there are changes evident from 1987.

The most significant change is that the Court of Appeal ruled that sovereignty had been ceded by the hapu when they signed Te Tiriti o Waitangi. Before 1987 the Waitangi Tribunal had distinguished between the English text, in which sovereignty was ceded and the Maori text, in which kawanatanga was ceded. As the NZ Playcentre is committed to the Maori version of the Treaty of Waitangi, we have used a framework, which draws on the Waitangi Tribunal interpretation prior to 1987, as this interpretation comes from the Maori version of the Treaty.

In July 1998 the Waitangi Tribunal published Te Whanau o Waipareira Report and this casts further helpful light on how the Articles of Te Tiriti o Waitangi should be interpreted.

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<sup>8</sup> for the purposes of this audit, the YWCA Consultancy Group is replacing the word 'country' with the word 'organisation'

<sup>9</sup> Report of the Waitangi Tribunal on the Orakei claim, 11.11.4

<sup>10</sup> Reports of the Waitangi Tribunal on the Motonui claim 8.4; Te Reo Maori 4.2.7; Orakei 11.5.6 and Muriwhenua, 10.3.2)

<sup>11</sup> NZ Maori Council v. Attorney General [1987] 1 NZLR 641, 674 per Richardson J

<sup>12</sup> ibid

In particular the Tribunal had this to say about Article II:

*The principle of rangatiratanga appears to be simply that Maori are guaranteed control of their own tikanga, including their social and political institutions and processes and, to the extent practicable and reasonable, they should fix their own policy and manage their own programmes.<sup>13</sup>*

The Tribunal also clarified Article III:

*..article 3 contains two important messages...: the protection of the Maori as a people and the assurance to them of equal citizenship rights.<sup>14</sup>*

This is the framework within which the YWCA Consultancy Group has audited the NZ Playcentre Federation.

### Suggested criteria for applying Te Tiriti o Waitangi framework to Playcentre Associations

If the Playcentre Movement is to make practical use of this audit in an ongoing way, members need to have a clear idea of what is required to give effect to Te Tiriti o Waitangi within their Centres and Associations. Whanau Tupu Ngatahi<sup>15</sup> already provides many practical suggestions and to supplement this, the auditors suggest the following criteria:

#### Article I

Evidence of kawanatanga in Playcentre is:

- ◆ Decisions at Centre, Association and Federation level are made by both Tiriti partners with mutual respect for Maori culture and other cultures;
- ◆ Decision-making structures protect Maori input to decisions

#### Article II

Evidence of rangatiratanga in Playcentre is:

- ◆ Maori control their own processes
- ◆ Maori control policy and practice on Maori matters, including
  - ◆ te reo Maori,
  - ◆ Maori land
  - ◆ Maori spirituality,
  - ◆ Maori intellectual and cultural property
- ◆ Te reo Maori is recognised as a taonga

#### Article III

Evidence of equality under Article III within Playcentre is:

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<sup>13</sup> Report of the Waitangi Tribunal on the *Te Whanau o Waipareira* claim, 1.5.4

<sup>14</sup> *ibid*, 1.5.3

<sup>15</sup> *Whanau Tupu Ngatahi*, report to the NZ Playcentre Federation from the Working Party on Cultural Issues, 1990

- ◆ The resources available are shared in a way that gives equal respect and support to Maori and tauwiwi priorities

## METHODOLOGY

The audit was carried out in the following way:

- ◆ a framework for auditing the Federation was prepared by the YWCA Consultancy Group and a proposal was prepared
- ◆ the initial proposal was considered by Puriri Whakamaru and the Standing Committee of the New Zealand Playcentre Federation and questions of clarification were prepared.
- ◆ Marion Wood met with Standing Committee and the kaumatua of Puriri Whakamaru to clarify the scope and methodology of the audit. At this meeting it was agreed that:
  - ◆ the audit was a Tiriti rather than a Treaty of Waitangi audit
  - ◆ Associations have their own autonomy and empowerment of Centre parents is a primary focus. Ideally the Centres should be involved, but Standing Committee accepted that it was not practicable to consult all centres. Associations, however, should be involved.
  - ◆ There is a wide divergence of views on Tiriti issues within Playcentre.
  - ◆ The audit would be monitored by Puriri Whakamaru
- ◆ The consultant reviewed relevant documents of the New Zealand Playcentre Federation. (See appendix)
- ◆ A questionnaire was prepared to investigate the measures currently being undertaken by Associations to implement a Tiriti based relationship. The draft of the questionnaire was sent to Puriri Whakamaru and Standing Committee for comment and changes were made.
- ◆ Marion Wood presented the plan of the Tiriti o Waitangi audit to the National Executive in October 1998. Feedback on the questionnaire was received from Associations. Members of Puriri Whakamaru discussed the audit and the questionnaire with the consultant. Some concern was expressed by Puriri Whakamaru that the audit was being carried out by a Pakeha. It was agreed that Tania Rangiheuea, an adviser to the YWCA Consultancy Group would be approached to work with Marion to provide a Maori perspective. Tania agreed to do this.
- ◆ Two copies of the framework for the audit and the questionnaire were sent to each Association requesting that one copy be filled in by Maori members of the Association and one copy by tauwiwi. Maori replies were received from one third of associations and tauwiwi replies were received from 94%. Copies of the questionnaire were also sent to all regional representatives of Puriri Whakamaru.
- ◆ [Marion Wood attended one day of a Treaty Education Workers hui in March 1999 as an observer]
- ◆ The consultants analysed the Association questionnaire, audited the Playcentre constitution against the agreed framework and made recommendations for change.
- ◆ The consultants discussed with the President the possibility of consulting a number of Federation officers, but this suggestion was not followed through due to lack of time and resources.

# CONTEXT OF TE TIRITI O WAITANGI AUDIT

In May 1997 Standing Committee met with Marion Wood to discuss the YWCA Consultancy Group proposal to carry out a Tiriti o Waitangi audit. The following points were stressed:

- ◆ Playcentre wished to commission a Tiriti o Waitangi audit, rather than a Treaty of Waitangi audit
- ◆ the line of authority in Playcentre is 'bottom up': ideally the Centres should be involved, but Standing Committee accepted that it was not practicable to consult all centres. Associations, however, should be involved.
- ◆ There is a wide divergence of views on Tiriti issues within Playcentre.

The auditors decided that it was inappropriate to simply analyse the constitution, and that a contextual and consultative approach was needed. For this reason it was decided to include within the audit an investigation into:

- ◆ the history of the Playcentre Movement's journey to honour Te Tiriti o Waitangi.
- ◆ what was happening at Association level to honour Te Tiriti

This gave the auditors the challenge of devising recommendations which would:

- ◆ be consistent with positive actions already undertaken
- ◆ take into account the divergence of views
- ◆ be seen as the next step, rather than a radical and unsettling new departure.

## HISTORY OF PLAYCENTRE'S JOURNEY TO HONOUR TE TIRITI O WAITANGI

Playcentre's bicultural journey takes place within the wider journey of the development of our nation. Aotearoa-New Zealand may well look back on the 1980s as the decade of wake up and shake up in terms of race issues. In 1981 families were torn apart by the Springbok tour. While the immediate focus of Pakeha New Zealanders was on apartheid in South Africa, the tour provided an opportunity for Maori to challenge Pakeha to apply the same standards of concern to racism in Aotearoa-New Zealand.

In 1975 the Treaty of Waitangi Act had set up the Waitangi Tribunal. Its mandate was to consider alleged breaches of the Treaty of Waitangi - but only from 1975 onwards. In 1985 the Treaty of Waitangi Act was amended to allow the Waitangi Tribunal to consider alleged breaches of the Treaty of Waitangi from 1840 to the present day. For the first time in over 100 years Maori were given a public platform to speak out about their land grievances and the result was a deluge of claims that shocked a largely unaware and unsuspecting Pakeha population. It resulted in a major increase in the nation's knowledge about the loss of land and taonga among Maori people, as hapu and iwi painstakingly built up the research on their claims and brought them before the Tribunal, which also did its own research.

In 1986 the claim on Te Reo Maori was heard by the Waitangi Tribunal. The report provided an historical overview of the education system and its effects on Maori. It provided a trenchant criticism of the Department of Education's policies:

*'..it is a classic example of British understatement to say as the [Department's] report does "The record to date is mixed". We think the record to date is quite unmixed. It is a dismal failure and no amount of delicate phrasing can mask that fact.'*<sup>16</sup>

The Tribunal recommended that an inquiry be made into the way Maori children are educated but this was not acted upon; the Labour government did, however, bring in a requirement that schools include a reference to the Treaty of Waitangi in their charters.<sup>17</sup>

In 1990 the nation commemorated 150 years since the signing of Te Tiriti o Waitangi. Maori and some Pakeha groups used the five years from the amendment to the Treaty of Waitangi Act to mount a major education campaign throughout the country. By 1990 many government departments, local authorities and voluntary organisations had begun to ask themselves searching questions about their responsibilities to Maori in the context of Te Tiriti o Waitangi.

At the same time as the country was being shaken awake on Tiriti issues, it was also being shaken by a radical reassessment of the social contract that had been in place since the Social Security Act 1938. One effect of this was that the infrastructure of voluntary organisations supported by government grants was gradually replaced by a system of contracting for service, modelled on business. The accountability requirements of this system have turned many voluntary workers into involuntary administrators.

It was in this context that the Playcentre Federation made its first commitment in 1989 to biculturalism and Te Tiriti o Waitangi

### Playcentre Timeline

One of the difficulties in any organisation is to preserve the institutional memory. The following timeline gives some indication of the work and debate within the Playcentre movement regarding Te Tiriti o Waitangi

**1960** Lex Grey appointed as preschool officer of the Maori Education Foundation - encouraged the growth of many rural, Maori centres.

**1988** Racism workshop at National Executive

**1989** Remits passed at Conference:

- ◆ *That Playcentre make a commitment to biculturalism*
- ◆ *That Playcentre publicly endorse the Treaty of Waitangi*
- ◆ *That Federation form a working party to ascertain areas of Playcentre that are culturally inappropriate and to suggest improvements.*

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<sup>16</sup> Te Reo Maori Report, Waitangi Tribunal, 1986

<sup>17</sup> This requirement was made optional in 1991 by the National government.

1990 The Bicultural Working Party produced a report Whanau Tupu Ngatahi and presented the following recommendations to the Playcentre Conference:

*Presentation of Image*

- ◆ *That Federation and Associations reconsider the current position of Playcentre in relation to the initial focus on the family as a major priority*
- ◆ *That Federation reconsider the Playcentre logo*
- ◆ *That consideration be given to the appropriate use of Maori as well as English names for Playcentre*
- ◆ *That further consideration be given to the visual appearance and content of national publications in order to make them more bicultural*
- ◆ *That Federation look into redressing the historical monocultural bias of our accepted history to date*

*Personnel*

- ◆ *That bicultural values be given special emphasis throughout Learning and Growth Programmes*
- ◆ *That all people holding Federation positions attend together courses designed to advance their understanding of being bicultural*

*Structural*

*That Associations consider setting up an advisory/monitoring group for their Associations to support Centres in bicultural development*

*Equity/Advocacy*

- ◆ *In order for Associations to become bicultural, we recommend that they actively promote and support Maori initiatives by making available resources which meet the needs of Maori people*

All the above recommendations were agreed. Two recommendations were left to lie on the table:

- ◆ *That all Learning and Growth Programmes be coordinated and tutored by people who have an active commitment to bicultural development*
- ◆ *That Federation Standing Committee and Education Committee each be increased by two positions to be tagged for tangata whenua selection*

Space was made available at the meeting for Maori within Playcentre to meet. This led to the establishment of the Runanga. The membership statement was that:

*The Playcentre national runanga be made up of Maori women who are representatives of Maori families within their Associations*

1991 The Runanga was given speaking rights and the opportunity to present recommendations at Conference. They were given the name Puriri Whakamaru by Naida Pou, because

*the Puriri is the strongest native tree and whakamaru means all-encompassing.*<sup>18</sup>

They challenged Playcentre to establish a bicultural relationship under the Treaty of Waitangi.

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<sup>18</sup> Puriri Whakamaru timeline

1992 Remit passed at Conference:

- ◆ *That each Association of the NZ Playcentre Federation create a position for Pakeha Treaty Education Person/Partner/Team at Association/Executive level.*

Most associations followed up the remit by creating a Treaty Education position, though some associations did not.

The conference endorsed the appointments of Puriri Whakamaru national coordinator, secretary and treasurer and 10 regional coordinators and provided funding for them to meet.

The following remit (to give Puriri Whakamaru constitutional status) was withdrawn:

- ◆ *That the wording of Clause 3.2 [of the Constitution] be amended to read:*  
3.2 *Puriri Whakamaru*

A note regarding the withdrawal of this remit states:

*Standing Committee is to seek the approval of National Executive to withdraw these remits on the advice of the Honorary Solicitor. They cannot provide the outcomes originally intended by National Executive without supporting clauses of definition. Further options to be discussed at May National Executive.*

This remit was discussed at the next National Executive meeting and it was agreed that it was not appropriate for Pakeha to define Maori groups and that Puriri Whakamaru should provide their own definition. Puriri Whakamaru subsequently decided that this form of constitutional recognition did not provide tino rangatiratanga for Maori members of the Playcentre movement.

**July** The membership statement was altered to include the following statement from Puriri Whakamaru:

*New Zealand Playcentre Federation is every member of every Playcentre in New Zealand/Aotearoa.*

*National Puriri Whakamaru is made up of Maori representative of Maori families within this New Zealand Playcentre Federation. We, Puriri Whakamaru see ourselves standing alongside other members of Federation under the umbrella of Playcentre philosophy.*

*We believe in the Playcentre philosophy and the principles of partnership and biculturalism under the Treaty of Waitangi.*

*One of our aims is to empower and strengthen Maori Playcentre families, by focusing the energy and resources of our group on Maori to educate, promote and encourage Tino Rangatiratanga.*

1993 Puriri Whakamaru were allowed to put their own recommendations to Conference.  
Remit passed at Conference:

- ◆ *That all Federation Officers and nominees (elected or appointed) to have completed Treaty of Waitangi Workshops and participated in on-going training in Treaty and bicultural related issues if elected.*
- ◆ *That a position be created in the 93/94 year for a Pakeha Treaty Education Worker at Federation level.*

This position was created.

The tabled recommendations from the cultural working party were uplifted and lost

1994 Remit passed at Conference:

- ◆ *That the initial statement of the Constitution of the New Zealand Playcentre Federation be amended to read:  
"The New Zealand Playcentre Federation acknowledges Te Tiriti o Waitangi as the founding document of Aotearoa-New Zealand*
- ◆ *That a Bicultural Working Party be established to give guidance to the New Zealand Playcentre Federation on how to incorporate the principle of partnership (as embodied in Te Tiriti o Waitangi) into Playcentre constitutions, policies and practices*

The Bicultural Working Party has not yet been set up. Playcentre has not been able to agree on the membership or the criteria for representation on the working party.

- ◆ *That each Association be able to be represented by both Treaty Partners at National Executive Meetings*
- ◆ *That each Association be able to be represented by both Treaty partners at all National meetings*

These remits followed the events of the November 1993 Executive meeting when Maori Treaty partners from four associations were initially refused the right of participation in the National Executive meeting.

Puriri Whakamaru decided on regional, rather than national structures

1996 Remits passed at Conference:

- ◆ *That the NZPF lobby the Minister of Education and his advisers to ensure 'That all Early Childhood Education Centres are required to make a statement concerning their commitment to Te Tiriti o Waitangi in their Charters.*
- ◆ *That a Treaty Audit be carried out on the NZPF Constitution by an outside organisation such as Network Waitangi/Waitangi Consultancy Group during the 1996/97 year.*
- ◆ *That where both Treaty partners represent an Association at a national meeting they both have speaking rights at these meetings*

- ◆ *That the NZPF put into place funding of no more than \$10,000 to be drawn from accumulated funds for Standing Committee, Federation Convenors and Teams to negotiate an agreed consultation process with Puriri Whakamaru regions for the 1996/97 year and that permanent funding be put in place to ensure that these processes continue. The Puriri Whakamaru regions being: Northern Region Puriri Whakamaru: Nga Puawai Puriri Whakamaru and FAAR; Southern Region Puriri Whakamaru; Te Kohinga Tonga Puriri Whakamaru - Te Upoko o Te Waka a Maui Puriri Whakamaru; Puriri Whakamaru Midland Region; Puriri Whakamaru Central Region*

A draft consultation process is being trialled. One Association began to withhold the 1% of their national levy, which was allocated to support Puriri Whakamaru.

**1997** A percentage budget was put in place, Puriri Whakamaru allocation was 23.6%

A recommendation that regional Puriri Whakamaru receive their allocated funds to administer was agreed. Regional funding of Puriri Whakamaru by member associations was discussed.

**February** A Special National meeting was held to address issues surrounding bicultural development

**September** A Special National hui was held for Puriri Whakamaru and Maori members of Playcentre

**1998** 50th anniversary of Playcentre celebrated

Consensus decision making was used for part of the meeting.

A percentage budget was agreed based on a 50/50 split between Puriri Whakamaru and other Federation committees after fixed costs.

The following remit was proposed:

- ◆ *That the positions of Federation Pakeha Treaty Education Worker and Subcommittee (ie four regional positions) be disestablished*

A compromise was reached and the remit was deferred to Conference 2000. Instead the following remit was passed:

- ◆ *That the ..review of the Pakeha Treaty Education Worker role be completed and circulated in time for a remit to be put to Conference in 2000*

**September** National wananga held for Maori members of Playcentre

## ANALYSIS OF ASSOCIATION QUESTIONNAIRE<sup>19</sup>

It was repeatedly emphasized to the consultants that changes in Playcentre come through the Associations and Centres, rather than being imposed. As a response to this the auditors decided it was inappropriate to simply analyse the constitution, and that a contextual and consultative approach was needed. The history timeline provides the context at a Federation level; in order to provide the Association context a questionnaire was sent out to all Associations seeking one response from Maori members and one response from tauwiwi.

The Association questionnaire provides an extremely useful snapshot of current activities within Associations and current attitudes towards the commitment by the Playcentre movement to honour Te Tiriti o Waitangi.

30 tauwiwi responses were received from Associations - a 94% response rate. There was a 38% response rate from Maori in Associations - 10 Maori written responses were received, one response was received from the Maori group, but filled in by a tauwiwi, and there was one oral response. In addition a written general response to the questionnaire was received from one Puriri Whakamaru regional representative and these views have also been incorporated.

Several Associations indicated that no Maori was available or came forward to answer the questionnaire. One Maori response said:

*Looking through these questions we see that they seem to be focused on Kawanatanga viewpoint. Was this your intention and if so will there be a questionnaire for Maaori within Playcentre to answer?*

This is fair comment and reflects the development of the questionnaire. It was initially intended as an Association questionnaire, accepting the reality that the majority of decision makers within Associations are tauwiwi. Feedback from the initial draft suggested that both Tiriti partners complete questionnaires and this advice was followed. Unfortunately, the implications in terms of the questionnaire were not taken into account. This is most clearly evident in Question 4: How many times since 1994 has a Tiriti Partner been your Association representative. For tauwiwi the partner will be Maori and this was the assumption of the question. But for Maori the partner is likely to be tauwiwi. We apologise for the adjustments that Maori respondents had to make to answer this questionnaire - we live and learn.

### ARTICLE I - KAWANATANGA

***The kawanatanga of Article I is the authority to make laws for the good order and security of the country, but subject to the protection of Maori interests.***

#### Questions 1 - 3

***How does your Constitution define how formal decisions are to be made?***

***How often does your Association meet to make formal decisions?***

***How does your Association actually make decisions in your meetings.***

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<sup>19</sup> The collated responses to the questionnaire are included as Appendix II

These questions addressed the decision making processes within the Associations. All Associations currently use a formal voting system, but there is also a high level of consensus decision making. 27% of Maori responses and 1% of tauwiwi responses indicated that consensus was part of the formal decision making. While voting is also clearly part of any decision making in Playcentre, 73% of Maori and 93% of tauwiwi use consensus as part of the less formal process.

One Association indicated a constitutional move towards consensus decision making:

*Our constitution states "We shall endeavour to use consensus decision making"*

Clearly there is a trend within Playcentre as a whole to move towards consensus decision making.

#### Question 4

***How many times since 1994 has a Tiriti Partner been your Association representative at National Executive meetings and National Education meetings.***

In 1994 a remit was passed enabling each Association to be represented by both Tiriti Partners at all national meetings. Only 1 Maori response (9%) and 10 tauwiwi (33%) indicated that both Tiriti Partners had attended more than 50% of national executive meetings since 1994.

This appears to be due to a numbers of factors. Maori responses indicated a lack of knowledge - 45% either did not know or did not answer this question. This may stem from newness to the organisation or confusion regarding the wording of the questionnaire. 2 Maori and 2 tauwiwi respondents indicated that their Association refuses to support the Tiriti partner attendance. Several respondents indicated that their Association continued to make provision in the budget, but it was up to Maori to decide whether they wished to attend.

#### Question 5

***How are Maori involved in the decision making process?***

The answers to Question 5 revealed a variety of approaches to the involvement of Maori in decision making. Maori are involved as individual members or office holders according to 91% of Maori and 70% of tauwiwi answers. 45% of Maori and 43% of tauwiwi indicated a system of negotiated decision making. Slightly fewer (36% Maori and 33.3% tauwiwi) indicated the Association has a partnership structure with Maori.

The comments in relation to the partnership decision making revealed that consultation is a major part of the partnership for some Associations. Others show a more structured system:

*'(Te Roopu Maori)<sup>20</sup> have developed protocols of how they want their group to be constituted and run..'*

*'Our Tiriti based relationship is defined by .. two constitutional clauses..'*

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<sup>20</sup> Brackets indicate a more generalised term to describe the group in order to maintain confidentiality

### Questions 6 - 8

#### *Number of Playcentres, children, Maori children*

These questions were about the statistics in Playcentre and the number of centres, children and Maori children involved. It was pointed out by one Maori respondent that these questions are all more properly Article III questions. On reflection we agree, so we have included the analysis of these questions under Article III.

## ARTICLE II - RANGATIRATANGA

*The principle of rangatiratanga appears to be simply that Maori are guaranteed control of their own tikanga, including their social and political institutions and processes and, to the extent practicable and reasonable, they should fix their own policy and manage their own programmes.<sup>21</sup>*

### Question 10

#### *How many Centres are predominantly Maori centres?*

There are 18 centres out of 580 which are predominantly Maori centres. This is less than 3%.

### Question 11

#### *Which hapu/iwi are tangata whenua/hold mana whenua in your area?*

50% of tauwi responses indicated some level of knowledge of local hapu in their area. One response considered that it is inappropriate for Pakeha to answer such a question. While it is clearly inappropriate for Pakeha to make any presumption about who the local hapu are, it is not inappropriate to find out from Maori. If Playcentre is to establish robust relationships with Maori within a Tiriti based relationship, it is important to find out who has mana whenua in your area.

### Question 12

#### *The primary Tiriti o Waitangi relationship is with local hapu?, Puriri Whakamaru?*

27% of Maori respondents and 13% of tauwi indicated that the primary Tiriti o Waitangi relationship is with their local hapu. 73% of Maori said that the primary relationship is with Puriri Whakamaru and 18% indicated that Puriri Whakamaru represent the local hapu. 47% of tauwi said that the primary relationship is with Puriri Whakamaru and 13% that Puriri Whakamaru represent the local hapu. 36% of Maori and 30% of tauwi indicated that their Association does not have much of a relationship with Maori.

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<sup>21</sup> Report of the Waitangi Tribunal on the *Te Whanau o Waipareira* claim, 1.5.4

### Question 13

#### ***How do Maori have rangatiratanga in your Association?***

Maori responses mentioned control of their own resources (18%) and control of own budget (27%). 36% mentioned access to Te Reo, Tikanga and hui, but did not clarify whether these are under Maori control. One Maori response suggested the question should have read:

*How do Maori exercise rangatiratanga..*

A third of tauwi responses mentioned an independent or autonomous Maori group and a third stated that the Maori group had control of its own budget. It was not clear, however, whether this control was the same as that exercised by other teams within the Association. If the equipment team or the education team have control over decision making and budget, this does not amount to rangatiratanga. Tino rangatiratanga needs to be reflected throughout the entire Association. The answers to Question 13 need to be read in conjunction with the answers to Question 15. It appears that, in most Associations, the Maori group controls less than 5% of Association resources. A good indication of a genuine commitment towards adherence to Article III of Te Tiriti o Waitangi would be that the Maori group control at least the same percentage of the budget as the percentage of Maori children in the Association. It should be recognised, however, that Maori are likely to need a greater share of resources if they are to exercise tino rangatiratanga.

One tauwi response pointed out that:

*Rangatiratanga is something to be measured by Maori not Pakeha. As Pakeha we can reflect on how we are upholding kawanatanga - only Maori can weigh how the reality is for them*

While this may be true it is important that tauwi know what is expected of them in terms of supporting rangatiratanga. One of the discouraging aspects of attempting to implement new structures can be the lack of observable progress and the lack of knowledge of when we are doing things right. We suggest that any Associations whose Maori members have developed guidelines to measure rangatiratanga and any Associations who have measurements for kawanatanga share these with other Associations.

### Question 14

#### ***How are the needs of Maori children and whanau identified and addressed?***

Maori responses included the use of hui, wananga, feedback from Maori parents, Te Reo, Tikanga and Tiriti workshops and a bicultural environment, including displays and equipment.

23% of the tauwi responses indicated that the Roopu Maori identifies the needs of Maori children and directs the Association how to address those needs. 6% identify the needs in consultation with Te Roopu Maori. Some leave this to individual Centres. Some support Te Reo training, some receive advice from the local marae.

Some Associations stated that all families and children's needs are met in the same way in their Associations. This theme ran through a minority of tauwiwi association responses - at times the word 'all' was underlined. It is clear that a minority of Playcentre Associations reject the idea of a Tiriti based relationship entirely.

The majority of answers, however, provided a rich source of ideas on practical ways that needs of Maori children and whanau can be identified and addressed. We suggest Associations use the collated responses to help in their own journey.

#### Question 15

***How does your Association share resources with Maori?***

36% of Maori and 40% of tauwiwi indicated that everybody has an equal share. Associations gave a mixture of percentages and dollar amounts which made it difficult to assess what percent of Association funds are under Maori control. Some tauwiwi groups indicated that the Maori group presents a budget and that this is approved. It does, however, appear that few Associations have provided budget allocations to Maori that match the percentage of Maori children in the Association.

One of the concerns that was expressed to us by some members of Playcentre is that Maori are always wanting more money. Given the figures provided in this questionnaire, we suggest that this is probably because they do not control sufficient resources to address the needs of Maori children and whanau themselves, and this is their task in Playcentre.

#### Question 16

***What is the rationale behind your Association's mechanism for sharing funds with Maori?***

45% of Maori responses to this question indicated that the mechanism was under the control of kawanatanga and decisions were made by them, usually after a Maori request. One stated that the Association:

*made decision for resources without consultation with Maori.*

The main mechanism identified was budget approval(36%). This would presumably be the same for Playcentre teams.

27% of tauwiwi responses saw their sharing of resources as an attempt to honour Te Tiriti o Waitangi. 20% perceived the mechanism as a response to (Te Roopu Maori). 26% identified the mechanism as a response to Maori requests, usually by allocation within the annual budget.

### ARTICLE III - EQUALITY

***..article 3 contains two important messages..: the protection of the Maori as a people and the assurance to them of equal citizenship rights.***

#### Question 6 - 9

***Has the number of Playcentres, children and Maori children in your Association increased, decreased or stayed the same. What percentage of children are Maori?***

This analysis uses the tauwiwi statistical figures, because the Maori figures only cover one third of Associations and it is more difficult to generalise from them.

According to the questionnaire, the number of Playcentre Associations has reduced markedly over the last ten years, and the decline has increased over the last five years. A slightly different pattern emerges when considering the number of children. These have also reduced over the last ten years, and the decline has continued, but lessened over the last five years.

The percentage of Maori children in Playcentre according to those tauwiwi who filled in this question averages 9.6%. There is some indication that the number of Maori children may be rising more rapidly, but the number of blank answers renders any real analysis of these statistics suspect.

### Question 17

***We protect the interest of Maori children and whanau in our Playcentres by:***

Some Associations clearly have a comprehensive process in place for the protection of Maori interests. This includes hui, wananga and other training for Maori adults, consultation with Maori at Centre level to find what is required, providing culturally appropriate equipment and environment and providing Tiriti training for tauwiwi. Some saw this protection as the responsibility of Maori with the tauwiwi responsibility to provide adequate funding to enable this to happen.

Maori and tauwiwi responses were similar with the exception that the Maori responses included 'listening' and another 'allow time and space'.

A minority again stressed that this was done by looking after all families.

### Question 18

***Do you think the processes your Association has in place to honour Te Tiriti o Waitangi are working well?***

Interestingly a higher proportion of Maori responses (55%) indicated that they thought the processes for honouring Te Tiriti o Waitangi were working well than tauwiwi (37%). 36% of Maori and 43% of tauwiwi did not consider their processes were working well.

Many suggestions were made for practical improvements. Maori responses included increasing the number of Maori families involved and promoting Te Reo and Maori values and concepts, more involvement in decision making and financial assistance.

Some tauwiwi responses suggested structural change - constitutional amendments, consensus decision-making, clear accountability processes. Others want clarification of who the Tiriti partner is and the need for the Tiriti partner to represent all Maori in Playcentre. Others emphasized the need to develop better consultation processes.

## GENERAL COMMENTARY ON QUESTIONNAIRE

1 As outsiders to the Playcentre Movement, we were impressed at the extent to which Maori and tauwi within Associations are actively trying to develop partnership structures. Several responses indicated a highly sophisticated level of awareness of Tiriti issues and gave evidence of Tiriti based systems and processes that had been set up within their Associations.

2 Some tauwi Associations indicated that there are no Maori in their Associations and so a Tiriti based relationship was not possible. It is important to analyse why there are no Maori in an Association. It may well be that there are several excellent kohanga reo in the area. It may be that there are Maori in the Centres, but they feel in such a minority that they do not identify in Playcentre as Maori. It may be that the Association puts off Maori by insisting that we are all the same.

3 Some tauwi respondents indicated that their Associations do not support the establishment of a Tiriti based relationship. In our view it is pointless attempting to force a group to set up a relationship at Association level that requires a positive will to succeed, when this is lacking.

4. One Maori response indicated dissatisfaction with the level of political activity of Maori in her Association:

*'while on centre level, needs for Maori have been neglected'*

This was also an underlying theme of frustration in some of the tauwi responses. Another Maori response, however, indicated the variety of experiences:

*'As a Maori woman within Playcentre I have grown in strength by the support of my Association'*

It appears that some Associations fund a local (Roopu Maori) that has little or no connection with Puriri Whakamaru. This may be because there is a good relationship with local Maori and this is the obvious way to develop a Tiriti based relationship. It is also, however, possible for an Association who holds control of money to play off one Maori group against another.

The challenge to Playcentre as a movement is to:

- ◆ stay with the Playcentre vision and purpose
- ◆ let Maori work through Maori differences, by ensuring that they have the resources to do this and by insisting that it happen
- ◆ monitor and challenge any Pakeha 'divide and rule' tactics

5. Some Associations questioned the relevance of an Association questionnaire. One questionnaire said:

*Our Association understood that the remit passed by conference for this audit to be done was to be an audit of the Federation constitution - we are unsure how all these questions about our Association and its relationship with Puriri Whakamaru has any relevance to the audit of the Federation constitution..*

The questionnaire is important to the audit for the following reasons:

- ◆ the Federation does not exist separately from its members, the Associations. Recommendations for changes to the constitution need to be made within the context of Association realities.
- ◆ Honouring Te Tiriti o Waitangi requires a sharing of decision-making and resources. It is never an easy process to share power, and there will always be some dissension. This makes it doubly important that the recommendations of this audit are made taking into account the views and attitudes of Associations. On the one hand, the recommendations should encourage those Associations who are enthusiastically building a Tiriti based relationship; on the other hand, it makes no sense to impose on those who lack the will or who for reasons beyond their control, have no Maori in their association.
- ◆ The results of the Association questionnaire will be a useful ongoing resource for the Playcentre Movement in deciding where to from here.

# THE CONSTITUTION OF THE NEW ZEALAND PLAYCENTRE FEDERATION

## THE PURPOSE OF A CONSTITUTION

The constitution of an organisation is the set of rules by which it structures itself and makes decisions. The legal structure of an organisation determines the framework within which those rules are decided.

The New Zealand Playcentre Federation is an incorporated charitable trust. The framework of its constitution is laid down in the Charitable Trusts Act 1957. This immediately poses a problem for an organisation wishing to adopt a Tiriti based structure. The law governing their actions is part of the kawanatanga structures and has already preempted the possibility of different structures based on tino rangatiratanga. The Playcentre movement is, therefore, faced with a compromise before even contemplating new structures. In order to adopt a genuinely Tiriti based constitution, it would be necessary to set aside the structure of an incorporated society and the representatives of the Tiriti partnership should negotiate a new structure. Such an action has the advantage of an entirely fresh approach which takes Te Tiriti as its beginning point. It could, however, put the movement out of consideration for continued government and philanthropic trust funding.

***Recommendation One: That Maori and tauiwi members of the New Zealand Playcentre Federation decide whether they choose to accept the compromise of the overall constitutional framework required by the Charitable Trusts Act 1957***

This audit, however, is a review of the current constitution, which is that of a charitable trust. Most constitutions of voluntary organisations include:

- ◆ The name
- ◆ The objects for which it is established (ie the aims/activities of the Federation)
- ◆ Membership - who can become members, how does that happen, how membership stops
- ◆ How the rules can be changed
- ◆ Meetings - when general meetings are held, how members are told of the time and place, minimum numbers required (quorum)
- ◆ Decision making - how meetings will be run, what decision making process will be used,
- ◆ The appointment of officers eg President, Secretary, Treasurer etc.,
- ◆ The use of the Common Seal
- ◆ The control of the organisations funds
- ◆ What will happen if the society ends (liquidation)
- ◆ Anything else the organisation wants to include as long as it is not against the law.

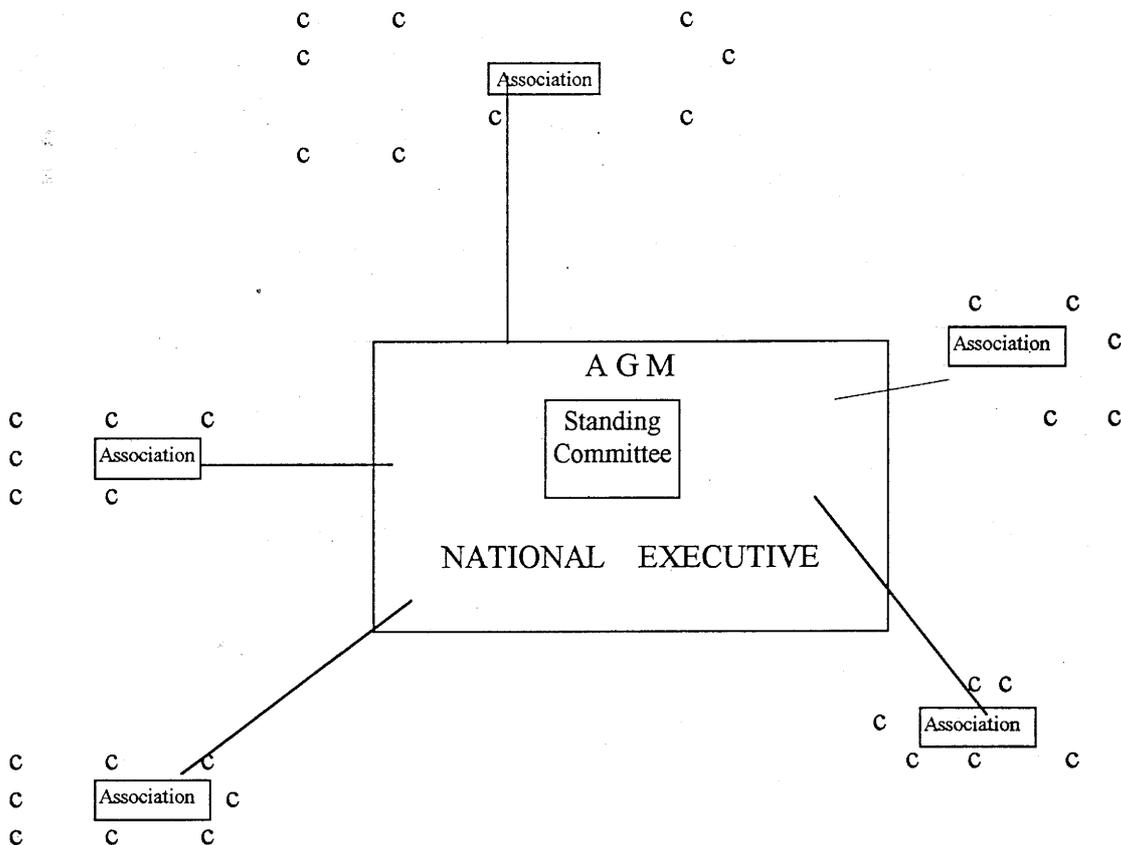
The last point is one that is often overlooked. The constitution belongs to Playcentre. How the Federation chooses to structure its membership, meetings and decision-making processes is up to Playcentre as long as it operates within the law.

As the rider to the Treaty Audit remit states:

*A Constitution facilitates the philosophic aims of a group and provides a mechanism for implementing those aims. It is a tool to be used as the philosophy and interests of the group dictates. When the group has decided upon a radical shift in the way it views itself and its actions, as Playcentre did when deciding to work towards biculturalism, then the central question of the relevance of existing structures arises. It is this process of examination which the Treaty Audit seeks to assist.*

## THE CURRENT CONSTITUTION

There is a tension within Playcentre between the idea that Playcentre is controlled by those who use the centres (mothers, whanau, parents, caregivers) and the hierarchical reality of the Federation's structures. Theoretically the Federation is controlled by its members ie Playcentre Associations. There is a strong perception that the structures work as follows:



This diagram is theoretically correct, but closer examination of the Federation constitution reveals a more hierarchical reality. The right to take part in decision-making within the Federation is limited to representatives of Playcentre Associations. Centres only have a voice through their Association.

### Decision-making in Playcentre

Decisions are made in the Playcentre Federation by a system of delegated authority. The highest authority is the general meeting (usually the annual Conference). It is responsible for:

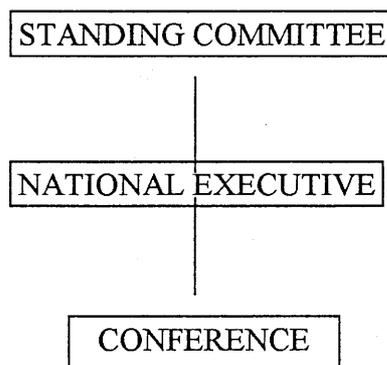
- ◆ deciding on applications for membership

- ◆ electing Federation Officers
- ◆ electing four additional members of Standing Committee
- ◆ electing/appointing additional Federation Officers and deciding whether they may attend and/or vote at National Executive or Standing Committee meetings
- ◆ deciding the maximum number of representatives for any meeting of the Federation
- ◆ appointing an Honorary Auditor and Honorary Solicitor
- ◆ receiving a report of the year's work of the Federation
- ◆ receiving the audited accounts
- ◆ approving a budget for the current year
- ◆ deciding on remits and making formal policy decisions
- ◆ deciding on levies from member associations
- ◆ electing Honorary Life Members

The next level of authority is the National Executive. It meets twice a year and its responsibilities include:

- ◆ to implement the policy of the Federation as determined by Conference
- ◆ to act for and on behalf of the Federation..
- ◆ to keep and distribute minutes of its meetings

The Standing Committee carries out the directives of the National Executive in between its meetings. In terms of hands on control of decisions within the Federation, the authority in the Playcentre Federation is, therefore, lineal:



### Who makes the decisions?

The members of the Federation are the Playcentre Associations and Honorary Life Members. Life members do not have the right to vote, but may be given the right to attend and speak.

The following are entitled to attend, speak and vote at a general meeting:

- ◆ members of the Standing Committee
- ◆ additional officers of the Federation, elected or appointed by Conference and given the right to vote;
- ◆ association representatives. Each association is allowed two representatives + one extra for every ten (or fraction of ten) centres in the association. Conference may impose a maximum.

Other people may be allowed by Conference to attend and speak, but not to vote.

The National Executive meets twice a year and comprises:

- ◆ members of the Standing Committee;
- ◆ additional members of the Federation as decided by Conference
- ◆ one member appointed by each Association
- ◆ the immediate Past President of the Federation for one year after expiry of term of office.

Standing Committee consists of:

- ◆ officers of the Federation - the President, Vice President and Treasurer (elected by members at Conference)
- ◆ the Secretary who is appointed by the Standing Committee and does not have a vote;
- ◆ four additional members elected at Conference
- ◆ the immediate Past President of the Federation for one year after expiry of term of office;
- ◆ additional officers whose right to attend meetings and to vote is decided at Conference.

### How are formal decisions made?

Formal decisions in Federation meetings are made by remits. Individual members (ie Playcentre associations) can be involved in the decision-making process by sending a written remit in the form of a resolution to the Federation Secretary with a brief summary of the arguments. This must be sent by December 31 in the year preceding Conference. Conference must be held by May 30 each year, so the remit deadline is up to 5 months before the meeting. There is provision for remits on matters of urgency to be sent up to ten weeks prior to the meeting. In order for Associations to consult properly with their members a two month circulation of all relevant information is required.

Standing orders are reviewed annually by the National Executive; they are printed in the Conference book. In 1997, for example, standing orders included that:

- ◆ those wishing to speak shall raise their hands and wait until called upon to speak
- ◆ decisions (and motions) should be moved and seconded in the usual way (emphasis added)
- ◆ delegates shall contribute once to any matter under discussion ... where practicable speakers shall be limited to three minutes

In addition the Standing Orders included ten points regarding the actual process of voting

### Commentary

1. After Playcentre publicly endorsed the Treaty of Waitangi in 1989, there were various attempts to change the structures to make them more accessible to Maori.

In 1991 there was an attempt to include Puriri Whakamaru as part of the membership of the Federation. A remit was drawn up, but this was withdrawn after legal advice that there was a need to define Puriri Whakamaru before this could happen.

2. At the 1994 Conference it was agreed that each association would be able to be represented by both Treaty partners at all national meetings. This created a conflict with the current constitution, which states that the National Executive is to be made up of:

- 10.3 **one** member appointed from time to time by each association (emphasis added)
- 10.4 such additional officers of the Federation as decided by the Annual Meeting

While the constitution does allow as many officers as the Annual Meeting decides (10.4), it limits the Association appointments to one per Association. This leaves the status of the second Treaty partner ambiguous. An Association can send two representatives, (and more in some cases) but is still only entitled to one vote.

In the Handbook it states that each Association is expected to:

*send one delegate to the National Executive meeting.. Associations are able to be represented by both Treaty partners*<sup>22</sup>

It also states that:

*up to two representatives are entitled to attend National Executive*<sup>23</sup>

This is ambiguous. It is unclear whether the entitlement accrues to the Tiriti partner representatives or to the Association. If it is the former, then the Association has a responsibility to ensure that both Tiriti partner representatives are present if they choose, but if it is the latter the Association may decide whether to send both Tiriti partners. This ambiguity effectively leaves the power to choose in the hands of the kawanatanga Treaty partner.

3. The decision-making process within the Federation is highly complicated and hierarchical. It is young mothers who make up a majority of Playcentre people. It is likely that most young mothers, whatever their culture, will be neither familiar nor comfortable with such formal structures.

The intricacies of the rules of representation and the decision-making procedures will mean that those with a knowledge of the constitution will be advantaged in the decision-making process and those with little knowledge of the system will be disadvantaged and daunted.

These points have been recognised within Playcentre in relation to the work of centres:

*'If the procedures of a Centre are understood only by a few, those few will be seen as having a lot of power. Those people who do not understand the procedures will not feel able to contribute on an equal basis...*

*The mainly monocultural base of Playcentre has developed rules which work for Pakeha people and allow Pakeha people to have control. This situation may exclude Maori and reduce not only the choices available to them but also any control over issues that affect them.*<sup>24</sup>

The current constitution of the Federation probably only works for a minority of Pakeha and risks constipating the entire organisation. We suggest that a redrafting of the constitution which incorporates Playcentre's commitment to Te Tiriti o Waitangi could also serve to breathe new life into the organisation if it provides some relaxation of the current rigid structures. We have made some attempt to address this within our recommendations, but more work will need to be done.

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<sup>22</sup> NZPF Handbook, p23 (1994 update)

<sup>23</sup> *ibid*, p24 (1996 update)

<sup>24</sup> *Whanau Tupu Ngatahi*, report to the NZ Playcentre Federation from the Working Party on Cultural Issues, 1990 (p 45)

# ANALYSIS OF THE CURRENT CONSTITUTION IN THE CONTEXT OF PLAYCENTRE'S COMMITMENT TO TE TIRITI O WAITANGI

## TITLE PAGE

The current constitution of the New Zealand Playcentre Federation Inc. contains one reference to Te Tiriti o Waitangi on the title page of the constitution:

*The New Zealand Playcentre Federation acknowledges Te Tiriti o Waitangi as the founding document of Aotearoa, New Zealand*

There is no reference to Te Tiriti o Waitangi in the articles of the Constitution but a new Clause 16.2 was added in 1997, which reads;

*Nominations for Federation Officers shall be forwarded in writing to the Secretary not less than four weeks before the Annual Meeting. Copies of completed nomination forms; including biographical information, such as aims and objective for the position, Playcentre involvement and commitment, **bicultural commitment**, shall be circulated to all associations no later than two week before such a meeting (emphasis added).*

## Commentary

### Tiriti or Treaty?

It is significant that the constitution refers to Te Tiriti o Waitangi, but not to the Treaty of Waitangi. When preparing to undertake this audit, briefings from Standing Committee and questions from Puriri Whakamaru made it clear that Playcentre's commitment is to the Maori version of the treaty.

This has implications for the interpretation of how Playcentre gives effect to Te Tiriti o Waitangi because the two versions do not carry the same meaning.

Under Article I of the Maori version, Maori ceded kawanatanga to the Crown, but the English version infers that sovereignty was ceded. Kawanatanga has been described by the Waitangi Tribunal as the:

*Crown's right of governance*<sup>25</sup>

It has also been described as confirming that, through the Tiriti o Waitangi, Pakeha were recognised as a distinctive group with the right to govern themselves.

Under Article II of the Maori version, protection of te tino rangatiratanga' and taonga of rangatira and hapu was guaranteed by the Crown. The English version only guarantees protection of the property of rangatira and hapu, including lands, estates, forests, fisheries and other property.

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<sup>25</sup> Report of the Waitangi Tribunal on the Whanau o Waipareira Claim, sec 1.5.5 (2), 1998

Tino rangatiratanga has been described as:

*'full authority status and prestige with regard to [Maori] possessions and interests'*<sup>26</sup>

Those who give precedence to the English version of Te Tiriti o Waitangi have tended to regard sovereignty/kawanatanga as a higher authority than rangatiratanga. Those who give precedence to the Maori version regard rangatiratanga as tribal sovereignty and as equal or above the concept of national sovereignty.

A commitment to Te Tiriti o Waitangi implies an acceptance of the contra proferentum rule:

*'that, where an ambiguity exists, the provision should be construed against the party, which drafted or proposed the provision, in this case the Crown'*<sup>27</sup>

A practical way of proceeding within Playcentre is indicated by the Waitangi Tribunal discussion on partnership:

*'The concept of Treaty partnership must be a relationship of tino rangatiratanga and kawanatanga, where one party is not subordinate to the other. There must be respect of tangata whenua status and rights'*<sup>28</sup>

### Te Tiriti and biculturalism

While the statement about Te Tiriti o Waitangi may carry moral weight within the Playcentre movement, it is not part of the constitution. There is currently no commitment to Te Tiriti o Waitangi in any other part of the constitution, with the possible exception of clause 16.2 which requires that nominations for Federation Officers shall include the 'bicultural commitment' of the nominee.

The Association questionnaire showed that there is some confusion regarding the term biculturalism. Some Associations appear to use this term to mean that Pakeha will become more culturally aware of Maori cultural preferences and incorporate these in the life of their Centres. This interpretation leaves the control in the hands of the kawanatanga group and implies an integration of Maori.

In 1989 the term 'bicultural' was often used in Aotearoa-New Zealand to describe the goal of a Tiriti based relationship. This usually included an understanding that decision making and resources would be shared. When a number of groups interpreted 'bicultural' as meaning respect for Maori culture, it became fashionable to use the term 'partnership' to describe the goal of a Tiriti based relationship - the sharing of decision making and resources. This term also drew its detractors - after all it is possible to have junior and senior partners and partnerships do not necessarily include equity. More recently there has been a tendency to return to the actual words of Te Tiriti and to speak of kawanatanga and tino rangatiratanga as the goal of a Tiriti based relationship. Whichever term an organisation chooses to use, it should be clear that it includes equitable sharing of decision making and resources between Maori and tauwi.

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<sup>26</sup> Report of the Waitangi Tribunal on the Manukau claim (p67)

<sup>27</sup> Report of the Waitangi Tribunal on the Ngai Tahu claim (p223)

<sup>28</sup> Report of the Waitangi Tribunal on Te Whanau o Waipareira (p)

Because the current structures and decision-making processes within the Playcentre movement are silent on Te Tiriti, this leaves open the possibility that it becomes an 'optional extra'. In 1998 Playcentre developed a draft vision-mission statement<sup>29</sup>. A number of different options were suggested. It is clear that attempts were made to keep the mission statement short and focussed.

If Playcentre intends to incorporate the mission statement into the constitution it would be appropriate to incorporate Te Tiriti in the leading phrase. "The mission statement of Playcentre NZ is..." would then become "The mission statement of Playcentre NZ within the context of Te Tiriti o Waitangi is ..."

***Recommendation Two***      ***That the New Zealand Playcentre Federation incorporate its commitment to Te Tiriti o Waitangi within an overarching mission statement in its constitution***

## Clause 2: Objects

The objects of the Federation are:

- ◆ to promote and encourage the development of Playcentre activities throughout New Zealand;
- ◆ to coordinate the activities of Playcentre Associations;
- ◆ to make public statements ...;
- ◆ to receive monies ... and to disburse monies to member associations;
- ◆ to make representations to the Government...
- ◆ to arrange meetings ..
- ◆ to raise, receive, hold and administer funds... and to acquire..real estate, buildings and rooms... and to ..lease, sell ..the same;
- ◆ to publish pamphlets, booklets, books...
- ◆ to assist or foster innovation and research..
- ◆ to award the Playcentre Federation Certificate and the New Zealand Playcentre Federation Diploma

## Commentary

The current objects of the New Zealand Playcentre Federation are a practical combination of what the Federation does and how it does it, but they do not comply with the kawatanga responsibility to protect Maori interests and rangatiratanga.

The commitment to give effect to Te Tiriti o Waitangi is part of the aims of the Playcentre movement and a statement to this effect should be included in the objects of the constitution. This could most simply be achieved by including this within the preamble to the objects:

*The objects of Federation shall be carried out within the context of Te Tiriti o Waitangi and shall be:*

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<sup>29</sup> National Executive, March 1998 - 5.4

***Recommendation Three That the New Zealand Playcentre Federation include a statement in its objects that its policies and operation shall give effect to Te Tiriti o Waitangi.***

### Clause 3: membership

The only categories of membership in the current constitution are Playcentre Associations and Honorary Life Members.

### Commentary

Under the current constitution there is no recognition of Maori as Tiriti partners and no formal recognition of Puriri Whakamaru. It is, therefore, quite possible for tauiwi members of the Federation to make decisions on how, or if, Maori will be represented and on the continued existence of Puriri Whakamaru. A Tiriti based partnership will recognise the right of Maori to decide their own processes of representation.

In order to incorporate a Tiriti o Waitangi based partnership into the constitution, Playcentre needs to formally recognise who the partners are.

### Kawanatanga

This audit takes as its reference point the Waitangi Tribunal definition of kawanatanga:

*'the authority to make laws for the good order and security of (Playcentre), but subject to the protection of Maori interests'<sup>30</sup>*

In our view an unnecessary 'them and us' attitude can be avoided by recognising that the New Zealand Playcentre Federation holds kawanatanga on behalf of every member of every Playcentre in Aotearoa-New Zealand and that this must be exercised in a way that protects Maori interests. Te Tiriti o Waitangi itself provides the most obvious way to do this - by the active protection of rangatiratanga.

### Rangatiratanga

There are currently questions regarding who holds rangatiratanga within Playcentre. At Association level some questionnaires suggested that it is Puriri Whakamaru who hold tino rangatiratanga. Others suggested that rangatiratanga is held by a different Maori group or by Maori members who belong to the hapu holding mana whenua in that rohe (area).

The question of who holds rangatiratanga at Federation level may be different from Association level and will require a different structure. Puriri Whakamaru is recognised as holding rangatiratanga at Federation level. They represent

*Maori families within this New Zealand Playcentre Federation'<sup>31</sup>*

The differences between iwi or hapu based Maori groups and other Maori groups is a subject of debate among many groups within Aotearoa. As one leading commentator notes:

<sup>30</sup> Report of the Waitangi Tribunal on the Orakei claim, 11.11.4

<sup>31</sup> July 1992 membership form statement

*'the two sets are not incompatible. Maori society is complex.. Importantly, however, the rights and obligations of each must be respected and the relationships between them agreed upon. Too frequently, debate centres on whether the case for tribes (as the fundamental constitutional element of Maori society) outweighs the case for other Maori communities of interest. A dual focused approach, however, regards both elements as legitimate and places greater emphasis on the relationship between them.'*<sup>32</sup>

The clarification of these issues by Maori within Playcentre will provide a good starting point for negotiating a Tiriti-based partnership.

**Recommendation Four:** *That the New Zealand Playcentre Federation convene a hui to be attended by Maori members of Playcentre and that this hui decide:*

- (i)** *the formal relationship between Puriri Whakamaru and Association Maori groups who are not part of Puriri Whakamaru*
- (ii)** *processes for deciding tino rangatiratanga representation at Federation level*

In order to give appropriate weight to both rangatiratanga and to kawanatanga, we suggest that Playcentre make provision for dual membership for every Association in order to move to a Tiriti based structure.

**Recommendation Five:**

- (i)** *That each Association have the right to dual membership of the New Zealand Playcentre Federation and that these be known as kawanatanga membership and rangatiratanga membership;*
- (ii)** *That rangatiratanga representation at Federation level be decided by Maori within the Association and kawanatanga membership be decided by all members;*
- (iii)** *That an Association have kawanatanga membership only, if it has no Maori members or decides not to implement a Tiriti based relationship.*

#### Clause 4 and 5: duties of membership

Clause 4 and 5 of the constitution describe Playcentre associations and centres and what is required of them to qualify for membership of the Playcentre Federation and to use the name of Playcentre.

These duties include:

##### **Associations:**

- ◆ the legal structure
- ◆ the purpose:
  - provide community services for promoting good family relationships through:*
  - (i) encouraging full parent participation and responsibility in the conduct of playcentres,*
  - (ii) fostering parent education*
  - (iii) conducting play sessions for children*
- ◆ accountability processes

<sup>32</sup> Durie, M, *Te Mana, Te Kawanatanga: The Politics of Maori Self Determination*

## Centres

- ◆ practical requirements for running a centre

## Commentary

There is no reference in Clause 4 or 5 of the constitution to Te Tiriti o Waitangi. Clearly, if Playcentre wishes to implement a Tiriti based relationship and structure, then this begins at Centre and Association level. Indeed, the Association questionnaire shows that this is already well under way in many Associations.

The question arises whether such a relationship should be mandatory in all Associations. It is our view that this would be counterproductive. Playcentre has traditionally seen itself as having a 'flow up' structure from children and their whanau/families to the Centres, to the Associations to the Federation. For a Tiriti based relationship to become embedded within Playcentre, this tradition must be respected.

On the other hand, we need to recognise that the majority of us are probably innately conservative, especially where we feel our identity to be threatened. The challenge to implement Tiriti based structures requires an acknowledgement that structures currently reflect the majority Pakeha culture.

It is often hard for Pakeha not to take this as an implied criticism of Pakeha culture. When you have spent an enormous amount of voluntary time and energy doing your best for Playcentre, it is sometimes difficult not to take criticism personally. It is clear from the Association questionnaire that this is indeed the case with some Associations, though we were very impressed at the level of honesty and openness with which many Associations are attempting to change their structures and processes to accommodate Maori aspirations.

For this reason, we propose a 'carrot' approach, rather than a 'stick' one. We do not recommend a constitutional change to Clause 4 and 5 to include Te Tiriti o Waitangi in membership duties. We suggest, instead, that those Associations who do implement structures to honour Te Tiriti o Waitangi should have dual kawanatanga/rangatiratanga membership within the Federation as described above. This will provide an incentive to move towards a Tiriti based structure, but will not impose such a structure on Associations who do wish to do so.

## Clause 6, 7, 8, 10, 18 and 19 - Federation Officers and decision makers

Clause 6 - 8 describe who the Federation Officers are and how they are appointed. There are currently 5 different categories of Federation Officers. The process of choosing them differs with each category, as does their entitlement to be involved in decision making:

- ◆ President, Vice President and Treasurer - elected at AGM - each entitled to attend, speak and vote at meetings;
- ◆ Secretary - appointed by Standing Committee, entitled to speak, but not vote
- ◆ Honorary Life Members - elected by AGM without the right to attend, speak or vote - can be given the right to speak;
- ◆ Honorary Auditor and Solicitor - appointed by AGM without the right to attend, speak or vote - can be given the right to speak;

- ◆ Additional officers - elected or appointed by AGM; can speak and vote at general meetings and can be given the right to attend or vote at National Executive and Standing Committee meetings

In addition to the Federation Officers, the following are also decision makers:

- ◆ One member of the National Executive appointed by each Association - with the right to attend, speak and vote
- ◆ Association delegates to general meetings - two + one for every 10 centres in excess of 20
- ◆ Four additional members of Standing Committee
- ◆ Immediate Past President

### Commentary

The constitution provides no protection of Maori interests and nor does it actively protect rangatiratanga.

There has been no formal recognition of rangatiratanga or clarification of who holds it at Federation level, but Playcentre has acknowledged the right of Maori to organise as a separate group within the Federation. In 1990 the Runanga was given speaking rights and the right to present recommendations at conference. From 1991 the Federation provided funds to the Runanga and it adopted the name Puriri Whakamaru. In 1992 the National Executive accepted the challenge of Puriri Whakamaru to put forward a constitutional remit to include Puriri Whakamaru in the Federation membership<sup>33</sup> In 1992 Conference endorsed Puriri Whakamaru appointments. In 1994 Conference decided that each Association would be able to be represented by both Treaty partners at all national meetings.

These actions show an increasing willingness on the part of the Federation to move towards becoming a Tiriti based organisation. The 1994 decision is particularly interesting. The constitution is quite specific in limiting Association membership of the National Executive to one per Association. Playcentre acts within its powers to allow Associations to appoint a Tiriti Partner to attend National Executive, but as observers with speaking rights only. The current constitution is, in fact, being manipulated to take into account a different reality and this highlights the urgent need for change.

The current constitutional provisions for officers and decision makers do have the advantage of flexibility - practically anything is possible under the catch all Clause 8. But they are extremely complicated and can be used to silence those unfamiliar with the constitution. We suggest that Playcentre review and simplify the different categories of decision makers.

The roles of Federation Officers and decision makers need to enhance the Tiriti based relationship that Playcentre is seeking to establish. There are various ways that this can be addressed. Some organisations have set up parallel systems; Women's Refuge, for example, have two core groups. This structure, however, accurately reflects the Maori and tauwiwi safe houses within Refuge. It appears to us that it would not accurately reflect the basic Centre/Association/Federation structure of Playcentre without requiring change at every level. In our view this would cause considerable disruption at a time when the Playcentre Movement is struggling to come to terms with government requirements and business models, as well as

<sup>33</sup> The remit was withdrawn on legal advice subject to a definition of Puriri Whakamaru

responding to the challenge to honour Te Tiriti o Waitangi. For this reason we suggest that the simplest structural change may be to establish dual kawanatanga/rangatiratanga positions for some Federation Officers.

***Recommendation Six:***

***That the New Zealand Playcentre Federation establish dual kawanatanga/rangatiratanga positions for President and Vice President and that a structure for Standing Committee be established, which reflects a relationship of rangatiratanga and kawanatanga, where one party is not subordinate to the other.***

## Clause 11, 12 14, 16, 17 and 22 - processes of decision making

These clauses lay down the meeting procedures, powers and duties of:

- ◆ National Executive
- ◆ Standing Committee
- ◆ General Meetings
- ◆ Annual Meeting

The highest authority within the Federation is the general meeting, usually the Annual Meeting, (which appears to be referred to as Conference, but not in the constitution). Only the general meetings have the power to decide policy. The next level is the National Executive, which meets twice a year and then the Standing Committee. The delegated authority from general meeting to National Executive to Standing Committee is:

- ◆ to implement the policy of the Federation..
- ◆ to act for and on behalf of the Federation..

Only the general meetings have the power to decide policy and this is done by remits from members. The method of decision making used in Playcentre is voting. This may be by show of hands, by secret ballot or by postal ballot. Proxies are allowed and the Chairperson has a deliberative vote. In the case of equality of voting, the status quo is preserved.

### Commentary

The current decision making procedures within the Playcentre Federation do not comply with the commitment to honour Te Tiriti o Waitangi. While they do provide a process for making 'laws for the good order and security' of Playcentre, they do not protect Maori interests. There is no evidence of support for rangatiratanga within the procedures.

The recommendation to introduce dual membership of the Federation and to establish kawanatanga and rangatiratanga officer positions will go some way towards redressing this lack of compliance.

In order to carry out the constitutional requirements at any national meeting, there is a need for considerable familiarity with complicated and formal meeting procedures. This leaves the control of decision making in the hands of those who are 'in the know'. In our view, this is inimical to Maori, and it also runs counter to the 'bottom up' power structure that Playcentre believes is its tradition. Clearly this view is not new in Playcentre, as is shown in the

Association questionnaire by the number of Associations who are using or attempting to move towards a consensus style of decision making. This has also been happening at Federation level. At the 1998 Conference it was agreed that consensus decision making would be used as much as possible. The will to move to consensus decision making is evident; the constraint is the current constitution.

We commend the move to consensus decision-making, which we suggest will be more consistent with a protection of Maori interests. Consensus decision making is part of Maori culture and will allow Maori to take a more active part in the decision making process in Playcentre.

Some people confuse consensus decision making with unanimity and become anxious that consensus decision making is not conducive to resolving conflict. The YWCA of Aotearoa-New Zealand has used consensus decision making since 1991. The constitution states:

*Consensus decision making shall mean the process undertaken towards the making of a decision, where all available opinion is canvassed and there is a decision made which represents as far as practicable distillation of all views received during the discussion. Where the consensus process shall not produce a decision, the representatives at any meeting may use alternatives, including a simple majority vote of decision making representatives present in order to achieve a final resolution of the matter.*

Since the constitution was changed the YWCA has only used consensus decision making. Conflicts have been worked through to the extent that those decision makers who still disagree with a proposal are prepared to go along with the decision, because it becomes evident that they are in a small minority.

***Recommendation Seven:***

***That the New Zealand Playcentre Federation incorporate consensus decision making at all national meetings into its constitution;***

# CONCLUSION

The YWCA Consultancy Group has audited the New Zealand Playcentre Federation constitution and has detailed areas in which it does not comply with the obligations, responsibilities and privileges of Te Tiriti o Waitangi. We have made recommendations for change, which we believe to be:

- ◆ consistent with Playcentre philosophy
- ◆ evolutionary, rather than revolutionary
- ◆ practical, rather than theoretical

We have deliberately kept our recommendations to a minimum, because we recognise that Playcentre, like any voluntary organisation contracting to provide state services at the turn of the millenium in Aotearoa, faces bureaucratic and financial difficulties.

The recommendations take into account the realities expressed to us by Associations through the answers to the questionnaire.

We thank you for giving us the opportunity to work on this audit. It has been a privilege.

Tania Rangiheuea

Marion Wood

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## TE TIRITI O WAITANGI

Ko Wikitoria, te Kuini o Ingarani, i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kai wakarite ki nga Tangata maori o Nu Tirani kia wakaetia e nga Rangatira maori te Kawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga Motu na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aianei, amua atu ki te Kuini e mea a tu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

### Ko Te Tuatahi

Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga, ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu te Kawanatanga katoa o o ratou wenua.

### Ko Te Tuarua

Ko Te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira, ki nga hapu, ki nga tangata katoa o Nu Tirani, te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

### Ko Te Tuatoru

Hei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(Signed) WILLIAM HOBSON.  
Consul and Lieutenant Governor

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

Ko nga Rangatira o te wakaminenga.

# TE TIRITI O WAITANGI

*A literal English Translation of the Maori Text. Signed at Waitangi February 1840, and afterwards by about 500 chiefs.*

VICTORIA the Queen of England, in her gracious recollection of the chiefs and tribes of New Zealand and her desire that they and their chieftainship be secured to them, and a peaceful state also, has deemed it a just act to send here a chief to be the person to arrange for the native people of New Zealand to agree to the governorship by the Queen of all places of that land and of the islands. Already many of her people have settled in this land or are coming there. Now the Queen desires that the governorship may be settled to stem the evils that would come upon the native people and the British who dwell there in lawlessness. Now therefore it is good that the Queen has sent me, William Hobson, a captain in the Royal Navy as governor for all areas of New Zealand that are given over to the Queen now or later. She gives to the Chiefs of the Confederation of Tribes of New Zealand, and the other chiefs as well, these laws which will be spoken about now:

## **The first**

The Chiefs of the Confederation and all the chiefs who have not joined that Confederation give absolutely to the Queen of England forever the complete government (KAWANATANGA) over their land.

## **The second**

The Queen of England agrees to protect the Chiefs, the sub-tribes and all the people of New Zealand in the unqualified exercise of their chieftainship (RANGATIRATANGA) over their lands, villages and all their treasures. But on the other hand, the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being appointed by the Queen as her purchase agent.)

## **The third**

For this agreed arrangement therefore, concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England.

WILLIAM HOBSON, Consul  
and Lieutenant-Governor

We, the Chiefs of the Confederation of the Tribes of New Zealand who are gathered here at Waitangi, and we also the chiefs of New Zealand, understand the meaning of these words which we have accepted and totally agree. Thereby we have marked our names and our marks.

This has been done at Waitangi on the Sixth day of February in the year of Our Lord One thousand eight hundred and forty.

APPENDIX II

# ASSOCIATION QUESTIONNAIRE (Maori responses)

ARTICLE I - KAWANATANGA

*The kawanatanga of Article I is the authority to make laws for the good order and security of the country, but subject to the protection of Maori interests.*

1. How does your Constitution define how formal decisions are to be made?

- By vote by a committee elected at the AGM? 6
- other 4
- no answer 1
- By consensus/consultation and by vote at AGMs
- Association votes - 2 reps from each centre vote, majority vote on formal occasions
- Where and when relevant centres are consulted and two voting delegates are sent to Association meetings
- By vote by all those present and entitled including proxy votes
- By consensus. Where money is involved - by vote
- We use consensus as much as possible

2. How often does your Association meet to make formal decisions?

- fortnightly 1
- monthly 9
- no answer 1
- other
- bimonthly
- alternate months Executive/Association full meeting

3. How does your Association actually make decisions in your meetings?

- by vote 8
- by consensus 8
- we're grateful if anyone turns up, and whoever does, makes the decisions 1
- other
- occasionally by voting but not often necessary
- As the minority often not having any say in final decisions, often Maori are overridden in the process of decision making, and it is common for their comments not to be acknowledged as they are not seen to meet the needs of the group

4. How many times since 1994 has a Tiriti Partner been your Association representative at:

|                             |                              |
|-----------------------------|------------------------------|
| National Executive Meetings | 1 association more than 50%  |
|                             | 5 associations less than 50% |
|                             | 2 don't know                 |
|                             | 3 No answer                  |
|                             | 1 Not relevant               |

|                             |                              |
|-----------------------------|------------------------------|
| National Executive Meetings | 2 associations less than 50% |
|                             | 3 don't know                 |
|                             | 5 No answer                  |
|                             | 1 Not relevant               |

- Not recognised as Treaty Partner
- No Maori parent willing to take on role
- Provision for delegates to attend Conference, Regional and Professional courses is available
- Given opportunity to attend all meetings/hui
- None - Association kawanatanga refuse to fund Treaty
- I am asked if anyone wishes to attend any National Meeting and can attend any we may want/need to. Always optional.
- *When the national meeting started with the support of the Association<sup>1</sup>*
- The invitation has been and is open for Puriri Whakamaru (to attend) any and all of these meetings
- Puriri Whakamaru do not represent kawanatanga. We represent tino rangatiratanga and attend as we choose

5. Maori are involved in the decision-making process by:

- discussing the issues as a group and then negotiating the decisions with the association 5
- being involved as individual office holders 10
- This option is beginning to go through that process
- Yes - no office holders
- the Association has a partnership structure with Maori 4
- consultation with centre parents and kaumatua
- We had a relationship with (Te Roopu Maori) - not a partnership
- *It does not work for all at times but that is the choice.*
- Puriri Whakamaru is involved in the decision-making at all levels
- Negotiating and consulting between Pakeha Treaty Workers and Puriri Whakamaru
- other
- Puriri Whakamaru have a relationship with (Te Roopu Maori), centres and Association

<sup>1</sup> italics indicate that the questionnaire was filled in by non-Maori on behalf of Maori group

6. The number of Playcentres in our Association has:
- |                                  |   |
|----------------------------------|---|
| increased over the last 10 years |   |
| increased over the last 5 years  |   |
| decreased over the last 10 years | 4 |
| decreased over the last 5 years  | 3 |
| remained the same                | 2 |
| no answer                        | 2 |

## ARTICLE II - RANGATIRATANGA

*The principle of rangatiratanga appears to be simply that Maori are guaranteed control of their own tikanga, including their social and political institutions and processes and, to the extent practicable and reasonable, they should fix their own policy and manage their own programmes.<sup>2</sup>*

7. The percentage of Maori children in our Association is 16.5% (average of those replying)
- according to statistical forms. Many families do not wish to record themselves under the headings on the forms, but consider themselves as people of Aotearoa - New Zealanders.
  - Statistics not available - in my personal opinion they have increased over the last 5 years
  - We have seen that when the parent is non-Maori, that they do not always acknowledge the child as being Maori, as this is not the culture they follow, so we feel that percentages of the Maori children may be incorrect, or that Maori working within the centres may have a clearer awareness of the children who are Maori.
8. The number of children in our Association has:
- |                                  |   |
|----------------------------------|---|
| increased over the last 10 years | 1 |
| increased over the last 5 years  | 2 |
| decreased over the last 10 years | 1 |
| decreased over the last 5 years  | 2 |
| remained the same                | 2 |
| no answer                        | 3 |
9. The number of Maori children has:
- |                                  |   |
|----------------------------------|---|
| increased over the last 10 years | 4 |
| increased over the last 5 years  |   |

<sup>2</sup> Report of the Waitangi Tribunal on the *Te Whanau o Waipareira* claim, 1.5.4

|                                  |   |
|----------------------------------|---|
| decreased over the last 10 years | 1 |
| decreased over the last 5 years  |   |
| remained the same                | 1 |
| no answer/don't know             | 5 |

10 There are 5 centres which are predominantly Maori centres.

11. The following hapu/iwi are tangata whenua /hold mana whenua within our area:

**All identified hapu/iwi**

Tangata whenua and mana whenua are two separate concepts, and we feel that wording this question as you have, makes this difficult to answer. We understand tangata whenua within Maoridom means the indigenous people of Aotearoa. Mana whenua within Maoridom means an individual's status or standing within their Hapu rohe.

12.

• **The primary Tiriti o Waitangi relationship is with our local hapu**

3

■ Association kaumatua

• **The primary Tiriti o Waitangi relationship is with Puriri**

**Whakamaru**

8

■ Under review at the moment by way of request from Maori within the Association

• **In our area Puriri Whakamaru represent the local hapu/iwi**

2

■ No - they represent Maori in Playcentre

■ Puriri Whakamaru support whanau groups who represent the local hapu/iwi

• **Our Association doesn't really have much of a relationship with**

**Maori**

4

■ They do have a relationship because at centres there are Maori there

13. **Maori have rangatiratanga in our Association in the following way:**

■ Centre office level, Association level

■ We have control of our own resources ie Te Reo, Tikanga, Raranga

■ Training in supervisor's development, parent education, equipment

■ They can decide as individuals whether to access (Te Roopu Maori) - meetings, wananga, resources. They have the choice to have Maori comment or alternatives - gifts of Papatuanuku

■ They have kawatanga over their own runanga but are funded by the Association and financially accountable

■ We have our own budget which is now accumulative. Able to attend any National Meetings if they choose to. We can hold meetings to discuss issue/policies at any time when needed

- *(Te Roopu Maori), culture awareness, Te Tiriti workshops in all Centres, hui on education for Maori*
  - We have our own decision-making, we have our own money and we can set policies if need be
  - Through Puriri Whakamaru. Rewrites in the constitution, NZQA, QMS documentation
14. **The needs of Maori children and whanau are identified and addressed in the following ways:**
- We have budgeted funding for this purpose as of yet there has been interest
  - Through hui or wananga and gathering of feedback (phone) with whanau within Association. The Association assists us financially to meet those needs
  - Te Reo workshops, Tikanga and Te Tiriti o Waitangi workshops held for parents to be able to implement biculturalism into their centre. As far as I am aware there has been no identification of whanau needs
  - Playcentre provides a bicultural environment - display, equipment, Te Reo, training
  - Needs of whanau are met through Centre, Executive and Association (L.Os and the Association President) (Roopu Maori), Puriri Whakamaru, regional Pakeha Treaty workers
  - *Through Whanau Tupu Ngatahi and Te Whaariki for education curriculum*
  - We have a partner for our people - (Treaty workers)
  - By Maori whanau groups within the centres
15. **Our Association shares resources with Maori in the following way:**
- **Everybody has an equal share** 3 (+ 1 non-Maori)
  - NO
  - *Yes but the library (needs to) resource (Te Roopu Maori) for all Maori children*
  - **Puriri Whakamaru get \_\_\_\_\_ percent of Association funds and the following resources:**
  - 2% of Association funds and ? resources
  - Regional Puriri Whakamaru get .75% of Association funds. Our (Roopu Maori) was budgeted \$2600 to cover travel and resources ie Maori books, tutors etc
  - Regional Puriri Whakamaru get .5% of Association funds
  - 1%
  - Puriri Whakamaru get .5% of Association funds. Last year \$1900 was allocated. We have budget allocated each year and have an option to change it as needed. This is now an accumulative amount.
  - *They get what meets their needs*
  - **The Maori Tiriti partners (if different from Puriri Whakamaru) get \_\_\_\_\_ percent of Association funds and the following resources:**
  - budget 1% of all bulk funding for bicultural group
  - The last (Roopu Maori) had a laptop computer
  - (Te Roopu Maori) - \$2500
  - 1% and access to all the Association and Puriri Whakamaru resources
  - *They get what meets their needs as Maori in the Centres*

- Puriri Whakamaru is given a budget - if more money is needed, then it is given.

- other:

- Partnership of resources
- There has been no recognition of (Te Roopu Maori) as Maori Tiriti Partners

16. **Please state briefly the rationale behind your Association's mechanism for sharing funds with Maori**

- through normal process as all other financial requests
- In the past Maori just gave a figure (eg \$20,000) and approved. (Recently) a budget was presented by another group, but was declined. Funds were put into a 'Maori Initiative Fund' for the purpose of Maori initiatives
- In the budget there is monies to attend 2 national meetings. Need to apply to executive and final decision made by Association centres. Rationale: Puriri Whakamaru reps are covered financially for any meetings etc. (Roopu Maori) has \$2600 set aside for them as a group to decide with. Funds are primarily for bringing Maori culture to life for Playcentre Tamariki
- Provide funds for extension within our Association for all Maori who wish to attend at all levels of Association. Listens to kaumatua
- Association allocated certain amount. The regional levy is to support Tino Rangatiratanga. Association made decision for resources without consultation with Maori
- Annual grants passed at the Association's AGM
- To enable our members to grow by being financially independent. To offer Maori families the opportunity to grow/strengthen themselves as Maori people
- *Very high - that's where the commitment needs to happen for us*
- Article II
- Give what is asked for

### ARTICLE III- EQUALITY

*..article 3 contains two important messages...: the protection of the Maori as a people and the assurance to them of equal citizenship rights.*

17. **We protect the interest of Maori children and whanau in our Playcentres by:**

- endorsement of Te Tiriti o Waitangi - by being culturally sensitive in training, food and body
- Support, encouragement, information sharing and communication with the Association
- Workshops in Te Reo, waiata, listening
- Allow time and space. Cultural awareness, promoting use of natural material, Treaty education. Meeting in Puriri Whakamaru forum to share resources, protect by supporting interest

- Through workshops - Treaty of Waitangi/Te Reo/Cultural Awareness/to give each person the chance to strengthen themselves in their own culture. All equipment etc is culturally sensitive.
- *Maori initiatives/(Te Roopu Maori) support, special needs team that Maori reps are in, centre visitor as Maori*
- Through education eg Tiriti o Waitangi workshops, Maori language, waiata and poi
- Supporting them to form Whanau Groups to empower themselves. Aiming to provide training/education from a Maori viewpoint aimed at Maori

18. **Do you think that the processes your Association has in place to honour Te Tiriti o Waitangi are working well?**

|            |   |
|------------|---|
| Yes        | 6 |
| No         | 4 |
| Yes and no | 1 |

**What practical improvements would you like to see?**

- Yes and no. Financial assistance from the Ministry (needed) to assist in the process of developing Tino Rangatiratanga (culture) would be beneficial in resolving tensions for both Maori and Pakeha
- Increase numbers of Maori families attending and becoming involved in the decision-making
- Reasonable funding, control of decision making. Higher involvement, nurture to learn, start consulting. Communication - ie consultation and negotiating
- Does not apply because of the low Maori membership in the Association
- Yes, but there is always room for improvement
- promoting Te Reo, Te Reo resources and Maori values and concepts

20. **Any other (brief) comments?**

I think that the Association has been supportive over the years and have tolerated various 'groups' that perhaps have been more political in agenda, and have moved away from basic Playcentre philosophy, of early childhood development - consensus decision-making and adult education.

Matua, Tama, Wairua Tapu,  
Me Nga Anahera Pono  
Mangai Tautoko, ae

In the past the Association have been supportive of Maori within (the area) and Puriri Whakamaru and the regional Puriri Whakamaru, by way of financial support. However the Playcentre Movement encourage initiatives by way of the Adult Education Programme/Quality Education is designed to enrich your centre, your children/Tamariki and families/whanau and this programme is available for both Maori and Pakeha, with the need for more Maori resources (this is for Maori to pick up) to be made available.

Past groups/Roopu have been more politically active, while on centre level, needs for Maori have been neglected

Therefore (Te Roopu Maori) supports the Association in withdrawing funding for Puriri Whakamaru - instead returning funds back to our Association and return to grass roots ie working/interacting with all our members in Playcentre and special attention to Maori (Nurturing support in training and taha Maori)

The previous (Roopu Maori) were told from day one not to say Treaty Partner as the Association was still grieving over the previous Roopu, but in my opinion I believe (the current Roopu Maori) birthed at an appropriate time, as we are all Maori parents as first teachers, and like the movement, we too desire the best or quality preschool education for our tamariki.

And that we “learn from the past to create our future”

This questionnaire has enlightened me, especially our rights as Maori, as simple and can be effectively applied in time on basic Maori and Playcentre philosophy - Nga tangata, nga tangata, nga tangata

Matua, Tama, Wairua Tapu,  
Me Nga Anahera Pono  
Me te mangai Tautoko, ae

- Under guidance of the Association kaumatua
- There were 3 of us that filled it in (2Maori, 1 non-Maori) as there is no directive to go out to centres where other Maori are.
- As a Maori woman within Playcentre I have grown in strength by the support of my Association. I hold many positions on the Association and can attend any national meetings if I or any other Maori whanau wish to.

# ASSOCIATION QUESTIONNAIRE (Tuiwi (non-Maori) responses)

## ARTICLE I - KAWANATANGA

*The kawatanga of Article I is the authority to make laws for the good order and security of the country, but subject to the protection of Maori interests.*

1. How does your Constitution define how formal decisions are to be made?
- By vote by a committee elected at the AGM? 17
  - other 12
  - no answer 1
- each centre has 2 votes + elected members of the Executive (office holders eg President, Secretary, Treasurer, equipment, property etc) x2
  - vote by centre delegates at Council meetings x 2
  - each centre delegates determined by number of families to number of votes
  - at AGM and general meeting representatives of all centres gather to make decision together. Yes - voting is finally used but much consultation and discussion is undertaken first
  - Our constitution is unclear
  - By consensus then formalised by vote if necessary
  - Rewriting constitution to include full consultation
  - Formal decisions are made by our management committee meeting which consists of two delegates from each Playcentre. We have an elected Executive which makes the day to day decisions and defers formal decisions to Management Committee - Executive do not vote at Management Committee
  - By centre vote - management team only vote with the permission of the centres
  - When relevant Centres are consulted and two voting delegates are sent to Association meetings to vote
  - By vote by committee and centre delegates whose voting strength outnumbers above committee
  - By majority vote at our formal executive meetings - this includes centres, zones, coordinators, Puriri Whakamaru. The quorum is set annually. Centres = 2 votes each, zones = 2 votes each, executive members = 1 vote each, Puriri Whakamaru = a total of 3 votes
  - Parent Council - Executive team
  - By vote at a bi-monthly Association meeting - Centres vote only. All issues relating to Te Tiriti are by consensus, then a formal vote is taken in order to adhere to the constitution
  - Committee also has appointed members
  - By consensus at our monthly meetings; at our full meetings each centre has two votes
  - Both elected and appointed and centre delegates
  - Our constitution states "We shall endeavour to use consensus decision-making"

2. How often does your Association meet to make formal decisions?

- monthly 26
- other
- 4 times a year
- twice a term
- management committee monthly; general meeting once a term
- management committee monthly; 3 times a year all Centre representatives gather to make decisions. No final decisions are made at management level regarding any change - it must be the centres' decisions.
- Management committee meeting takes place six monthly
- Association meets 6 weekly and we have a combined meeting once a term of all teams
- Matters of importance are always taken to Association meetings for centres to formulate the outcome
- Alternate months Executive and full Association meetings
- At least 5 times a year
- As well as monthly executive meetings there are 2 SGMs and an AGM
- General meetings three times a year; zone meetings three times a year

3. How does your Association actually make decisions in your meetings?

- by vote 26
- by consensus 22
- we're grateful if anyone turns up, and whoever does, makes the decisions 2
- other
- new procedure - hope it will facilitate more discussion and consensus decision-making
- by vote after consensus type discussion
- Difficult to answer. Committee of management has a guidance role - but any final decisions are made by the Playcentres we represent
- by negotiations in consultation
- by vote to formalise the process but aim to reach consensus before voting x 2
- we are working hard to get everyone on board with consensus
- decision is often reached by consensus but put to vote as a requirement of our constitution. If voting - the outcome is discussed and centres asked if they can live with the decision.
- By postal ballot
- Although our Association is attempting to work more by consensus and education on consensus decision-making is happening, in reality we fall short of consensus
- Probably 50/50 vote-consensus

4. How many times since 1994 has a Tiriti Partner been your Association representative at:

National Executive Meetings 10 associations - more than 50%  
20 associations - less than 50%  
(or no answer)

## National Education Meetings

3 associations more than 50%  
27 associations less than 50%  
(or no answer)

- don't know. Our association has a high Maori population and often our representatives are Maori people attending as our representatives.
- association has only one delegate space and has always applied for observer delegate when Treaty partner decide to use vote
- Maori families have chosen to remain as part of 'Playcentre' as a whole. They do not endorse attendance at meetings in the Treaty Partner role neither do they wish to be part of Puriri Whakamaru
- most Executive meetings
- the opportunity for a Treaty partner to attend has always been offered
- have attended meeting as Treaty Partner
- and associated national meetings
- all Executive meetings and Treaty worker meetings about half the time (Regional representatives) from Puriri Whakamaru are often present
- provision in the budget - have attended 3-4 times but declined others
- 4 out of 5 conferences. Our Tiriti partner has often declined to go to national meetings because they felt unsupported by (regional Puriri Whakamaru)
- Also attends PTW (National) and some National Property meetings
- Did attend Special National meeting. We budget for Tiriti Partners to attend if they choose
- None - our Centres have rejected a Tiriti Partner system
- The Tiriti Partners are the Executive and Puriri Whakamaru. Puriri Whakamaru regularly inform the executive which national meetings it is a priority for them to attend. We have communication processes in preparing for, attending and following up on national meetings designed to ensure that the views and needs of both Tiriti partners are represented at all national meetings and Federation conferences, whether or not a Puriri Whakamaru rep is present at the meeting.
- Lack of Maori people available to attend
- We budget for a Tiriti partner to attend all these meetings - it is up to them to decide if they wish to attend
- The option has been available
- We have no representation
- Puriri members do not attend as Association representatives; they do attend national meetings as they choose

### 5. Maori are involved in the decision-making process by:

- discussing the issues as a group and then negotiating the decisions with the association

- This applied (for a few years). The Association found this a difficult model to work under. Consultation ended when the Maori group disbanded and the Association formally ended consultation at an SGM

- being involved as individual office holders

- we are run as parent cooperatives. Office holders have no more rights or votes than others. All parents are part of the parent council
- Involvement is by being a Centre member. Individual views are respected

13

21

- As Centre parents at centre meetings

- the Association has a partnership structure with Maori 10

- we try to make up for the fact that there are more non-Maori than Maori in decision-making
- We feedback and consult at conception and formation of all policies, processes and structures. Education programmes and manual rewrites are also fully consulted on.
- We have our own Puriri Whakamaru who could be involved as and when they want. We send all information to them.
- Consultation process developed in consultation with our (Roopu Maori<sup>3</sup>) but in reality many families have declined to join as it has been seen as too political and separatist
- Consultation within (Roopu Maori). Feedback returned to Association. Consultation amongst kawanatanga centres. Decisions made by Association and (Roopu Maori)
- (Roopu Maori) delegate on our Executive and training team
- Our Tiriti based relationship is defined by a) two constitutional clauses - an object of the association is *to promote and foster the relationship between the executive and Puriri Whakamaru that is based on the rights and obligations enshrined in Te Tiriti o Waitangi and to provide resources for Puriri Whakamaru.* The Association is continuing to define the executive's kawanatanga responsibilities and action the rights and needs of our Tiriti partners by developing new policy, reviewing existing policy and practices. We are also continuing to action the agreed recommendations of a past association working party (made up of Maori and Pakeha) which gave us the guidance needed to initiate change.
- We have a (Roopu Maori). They are our partners. They receive the same information as other members of the Association. We consult with them and they input into all Association decision making if they wish to.
- (Te Roopu Maori) have developed protocols of how they want their group to be constituted and run. There are representatives appointed by the group to be part of the Association Executive. They have asked that Centres have a position for a contact person to liaise between Maori Playcentre members and the group.
- Pakeha Treaty workers consult and negotiate with local Puriri Whakamaru

- other

8

- being involved in discussions at centre level
- (Maori) representative attends executive meeting and association and national meetings - no vote at national meetings; one vote at executive and association meetings
- all above occur. Association had a partnership structure with Maori until (recently). Association supports and provides funding and caucus venue etc for (Roopu Maori)
- Maori families have gathered together and made the decision that they did not wish to form a separate group within our Association at this time - neither did they wish to be affiliated to Puriri Whakamaru. Their wish was to remain within the present

3

Bracketed words have been made more general to protect the confidentiality of the responses

Playcentre structure as it was felt and conveyed to the rest of the Playcentre families that any needs were being met in the present structure.

- Puriri Whakamaru is involved in decision-making at all levels and areas.
- Maori as centre members, are involved in decision-making at centre level
- We feel we have a relationship with Maori but not a partnership. Over the last few years Maori have pulled back from being actively involved in decision-making due to past differences
- We are currently in the process of determining the most effective partnership structure with Maori families in our Association
- At present we have no Maori families in our centres

|    |  |    |
|----|--|----|
| 6. | <b>The number of Playcentres in our Association has:</b> |    |
|    | increased over the last 10 years                         |    |
|    | increased over the last 5 years                          | 2  |
|    | decreased over the last 10 years                         | 8  |
|    | decreased over the last 5 years                          | 14 |
|    | remained the same  | 6  |

## ARTICLE II - RANGATIRATANGA

*The principle of rangatiratanga appears to be simply that Maori are guaranteed control of their own tikanga, including their social and political institutions and processes and, to the extent practicable and reasonable, they should fix their own policy and manage their own programmes.<sup>4</sup>*

7. The percentage of Maori children in our Association is 9.6 (average of those replying)
- according to statistical forms. Many families do not wish to record themselves under the headings on the forms, but consider themselves as people of Aotearoa - New Zealanders.
8. The number of children in our Association has:
- |  |                                  |    |
|--|----------------------------------|----|
|  | increased over the last 10 years |    |
|  | increased over the last 5 years  | 2  |
|  | decreased over the last 10 years | 4  |
|  | decreased over the last 5 years  | 12 |
|  | remained the same                | 9  |
|  | no answer                        | 3  |

<sup>4</sup> Report of the Waitangi Tribunal on the *Te Whanau o Waipareira* claim, 1.5.4

9. The number of Maori children has:
- |                                  |    |
|----------------------------------|----|
| increased over the last 10 years | 4  |
| increased over the last 5 years  | 1  |
| decreased over the last 10 years | 3  |
| decreased over the last 5 years  | 3  |
| remained the same                | 4  |
| no answer/don't know             | 14 |
- 10 There are 18 centres which are predominantly Maori centres.
11. The following hapu/iwi are tangata whenua /hold mana whenua within our area:
- |  |  |
|--|--|
| 16 named hapu/iwi  |  |
| 13 did not know, did not answer or considered irrelevant     |  |
| 1 considered the question inappropriate for Pakeha to answer |  |
- 12.
- The primary Tiriti o Waitangi relationship is with our local hapu 4
  - The primary Tiriti o Waitangi relationship is with Puriri Whakamaru 14
  - In our area Puriri Whakamaru represent the local hapu/iwi 4
  - Puriri Whakamaru support whanau groups who represent the local hapu/iwi
  - Our Association doesn't really have much of a relationship with Maori 9
  - We currently have a working party looking at how our commitment to Te Tiriti o Waitangi fits with our rules, constitution and policies
  - Options not appropriate
13. Maori have rangatiratanga in our Association in the following way:
- we have a Maori members group in our Association which meets to discuss their own issues and feed back to the Maori group. This group operates independently of our Association group and has their own budget. They are not accountable to the Association for what they meet about and organise their agenda to meet their own needs - the feedback is voluntary, but often their minutes are shared with all centres. Issues they wish to discuss with all Playcentre are then put on main meeting agenda.
  - autonomy in the budget. Make decisions to meet own needs
  - (Roopu Maori) meetings - self determination, policies, practices, identifying needs, registrations for education wananga/hui; self determination for funding expenditure

- we provide a large percentage of our budget (*amount not specified<sup>5</sup>*) for Puriri Whakamaru to spend in their own way.
- Puriri Whakamaru make the decisions on all issues impacting on Maori, including financial issues
- None - there is no group identified
- autonomy with funding/budgets and education/PR, programmes etc
- No formal process in place at present. We have a Maori initiative fund for hui and group building
- Maori decide how their budget allocation will be spent. Maori define the structures of (the regional Puriri Whakamaru), run the Maori kaupapa centre and decide their Executive representation
- their own budget, cheque book, decision making
- Membership within centres. Have control over (Roopu Maori) funds, representation on management team. A consultation process, so decisions/workshops etc are processed by (Roopu Maori) before presentation to Association. Also formal meeting protocol - welcoming and layout
- (Roopu Maori) represent Maori whanau in our centres. Some centres have Maori Initiative funds. (Roopu Maori) have their own budget. Association also contributes to regional Puriri Whakamaru
- Within their own runanga
- Over their own budget, choices of meetings to attend and meetings to hold
- They are most welcome to attend and access education, decision making and resources through Centres. Executive and the Association meetings
- They hold their own workshops for Maori whanau and manage their own budget. Puriri Whakamaru also have their own process for electing delegates and organising hui
- By self empowerment
- (We have written rights into the constitution). We do not consider that the progress so far amounts to rangatiratanga, chieftainship for Puriri Whakamaru or Maori Playcentre members generally. Rather it represents steps toward achieving a measure of chieftainship or full Tiriti rights for them. Rangatiratanga is something to be measured by Maori not Pakeha. As Pakeha we can reflect on how we are upholding kawanatanga - only Maori can weigh how the reality is for them
- Consultation is held on all major/minor issues pertaining to Maori families
- (Iwi) have advised us that this is not relevant to Playcentre management
- Through our (Roopu Maori) - they are funded through our Association
- The group have autonomy
- Through Puriri Whakamaru. Documented in constitution. Rewriting of training manuals.

**14. The needs of Maori children and whanau are identified and addressed in the following ways:**

- each centre operates according to their own kaupapa and evaluates and plans to meet their own needs.
- through consultation with families at centre level
- feedback from (Roopu Maori), liaison, education etc

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<sup>5</sup> italicised words in brackets added

- at a Centre level - whanau groups operate; at an Association level - have provided the resources but are unclear of the methods. (Roopu Maori) circulate info. through Association and direct
  - We don't acknowledge Puriri Whakamaru - neither do our Maori families - all families and children's needs are met in exactly the same way - funding is available for all resources and education are available to all
  - through adult education we are aware that all children have individual needs which take in their cultural heritage
  - Treaty workers, education, workshops etc
  - We try to identify on enrolment forms
  - In direct consultation with (Roopu Maori) whanau and PR and education
  - As for all children and families - centre evaluation meetings, observation, planning at centre level. At Association - Tiriti training
  - Maori hold monthly hui and hui wanganga to learn about the culture. This is the responsibility of (regional Puriri Whakamaru). Maori can also identify their needs through writing to Executive or by bringing these up at Management Committee
  - by Puriri Whakamaru. By centres being culturally sensitive and accommodating
  - Through child evaluations, (Roopu Maori) self-determining needs of centres/children. Offering workshops and resources to centres
  - (Roopu Maori) surveys centres and contacts families who identify as Maori. Association encourages all centres to have a Maori Initiative Fund at centres which is available to meet the needs of Maori Whanau.
  - Our centres attempt to be bicultural and have in place guidelines issued to ensure respect of Maori culture in Centres. Whanau are informed of Puriri Whakamaru for access to meet their needs.
  - Individual Centres identify their own needs primarily and we have a whanau support group in place
  - Needs are identified through workshop discussions and addressed by actioning the realisation of their needs through Centre policies
  - By education, child assessment, support, topic at bicultural hui, valuing as people/culture
  - In centres it ranges from not doing anything to centres that are keen and trying and doing a number of things:
    - one centre has a whanau group which addresses the needs of their children
    - centres have people such as kawanatanga development officers to help see needs are met
    - centre supporting relevant training for Maori at Polytec
    - one centre running session with Te Reo teacher
    - individual Maori in centres asking for help/assistance from their centres and centre meeting those needs
    - word of mouth communication with families
    - group responsibility for cultural sensitivity
    - informing families of the existence of Puriri Whakamaru
    - some have no processes for identifying the needs of individuals
    - some centres do not support their Maori members needs
- Te Tiriti o Waitangi and Kawanatanga Development workshops are run with some of the aims being to provide or reallocate resources within centres/zones/association to better meet the needs of both Tiriti Partners - often

this means less emphasis on Pakeha culture and the provision of an environment that is more open and supportive of Maori culture

- The needs of all children/whanau within Playcentre are addressed at session evaluation meetings. Information on the Maori culture is given at bicultural (meetings)
- Consultation, discussion, workshops, Playcentre training, advice from local marae
- Through our Puriri Whakamaru representative - also at Centre level by being involved in planning process
- Through our (Roopu Maori). We now have one Centre running a total immersion session and children from several Centres attend this.
- By Maori whanau groups in the centres

15. **Our Association shares resources with Maori in the following way:**

• **Everybody has an equal share**

12

- everybody has an equal access
- Varies. Association fund 1:1 with attendance to National meetings. All resources are available to Maori equally

• **Puriri Whakamaru get \_\_\_\_\_ percent of Association funds and the following resources:**

- Regional Puriri Whakamaru get 3.2% + photocopying, stationery, meeting registration/travel, mileage remuneration, MIF - 20% of budget, indigenous peoples fund +1 1% of 3.2% Association levy to Federation nationally
- all resources available in the Association are available to them
- Whatever is requested if agreed to by all
- (Until recently) 2% to regional Puriri Whakamaru, 4% to our Puriri Whakamaru runanga. Through Federation levy 1% to Puriri Whakamaru
- currently 10% of Association centre levy, all Association training library and office equipment
- Puriri Whakamaru get their own budgeted amount
- \$1900 accumulative + .5% to regional Puriri Whakamaru
- Puriri Whakamaru get 1% but we get no benefit
- Puriri Whakamaru get 10% of association funds. Our association pays for Puriri Whakamaru to attend national meeting, half library budget, half Ministry of Education training grant. Association pays for monitoring. A small percentage of levy goes to regional Puriri Whakamaru
- Regional Puriri Whakamaru get .75%. Local group get \$2600 + mileage and registrations to up to 2 national meetings and all huis and conference.
- Puriri Whakamaru get 6.5% of the education budget and \$200 honorarium
- Puriri Whakamaru get \$3000 per annum of Association funds and nominated representatives are entitled to mileage and expenses including childcare at \$5 per hour up to \$20 per meeting
- Puriri Whakamaru get 2.1% of Association funds + a budget of \$6500
- Their own budgeted amount
- Regional Puriri Whakamaru get 2% - we pay through Federation levy - 1.1%

- Puriri Whakamaru set their own budget and receive the funding requested. We are also sending .75% of bulk funding to Puriri Whakamaru. Centres are encouraged to allow money in their budget for Maori initiatives
- Puriri Whakamaru get .75% of Association funds
- Puriri Whakamaru - 1.55% Regional Puriri Whakamaru .75%

- **The Maori Tiriti partners (if different from Puriri Whakamaru) get \_\_\_\_\_ percent of Association funds and the following resources:**

- Regional Puriri Whakamaru get 1% of Association funds. (Te Roopu Maori) get 1%. Some workshops are paid for. Travel and registration for one (Te Roopu Maori) representative to all national meetings is available + annual donation of \$2500 to local marae + levies to Federation
- Regional Puriri Whakamaru get .5% of Association funds; (Te Roopu Maori) gets \$2500
- The Association funds a bicultural group as well as the bicultural aspects of our training (including books, workshops etc)
- Puriri Whakamaru get .05% of Association funds and (Te Roopu Maori) gets 7% - owns a computer, printer, fax/answerphone and has access to Association resources eg photocopier, stationery etc
- Puriri Whakamaru gets .5%. (Te Roopu Maori) is allocated an amount in the annual budget according to what they see as their need. Also the total immersion centre gets a grant to help them with resources. Part of our national levy is allocated to national Puriri Whakamaru.

- **other:**

- present a budget which is approved at AGM x2
- as requested by Maori families 1% of bulk funding is held in the Association account (Maori families requested it be held here) for any occasion that families would like to gather together for hui or whatever - no directives are placed on this money
- approves budget requirements on equal basis with other teams/convenors
- (Roopu Maori) forwards annual budget for approval by the Association
- Support for special initiatives
- There have been no calls on our resources for the last few years - no Maori families representing our Association

**16. Please state briefly the rationale behind your Association's mechanism for sharing funds with Maori**

- to facilitate their growth as Tiriti partners and to allow them to meet and make decisions independently of the main group
- where a need is identified at Centre level the Association has funds available
- attempting to honour our commitment to Te Tiriti o Waitangi and to meet needs of Maori in our association
- honouring Te Tiriti o Waitangi commitments - working towards equal resourcing
- to give them the rangatiratanga as requested by them 3-4 years ago
- Article II - we try to do as it says
- Regional discussion to fund Puriri Whakamaru

- In recognition of our commitments to Te Tiriti and enabling (Roopu Maori) to help upskill and welcome education programmes and resources for Maori needs and issues
- (Until recently) Maori asked for and got what they wanted. For many within the Association no transparent budget and apparent lack of accountability by the now disbanded (Roopu Maori) were major issues.
- Maori can be empowered in the learning of their own culture
- A specific amount is given each year but Puriri are budgeting on their needs now so are requesting their required amount, but have to justify to centres still and get what is agreed to
- (Our Association) wished to honour Te Tiriti
- After consultation with (Roopu Maori) the present system was implemented
- (Roopu Maori) place a budget with Association which to date has been met on request
- To financially support our Maori families and Puriri Whakamaru to gain strength and knowledge so they may support and teach others
- The Association allocated a set amount to (Te Roopu Maori)
- Needs are identified and funds allocated to the best of the Association's ability
- Do not have separate caucusing or monies. We are here to meet the needs of our Centres
- The rationale is for our Association to move towards upholding honourable Kawanatanga and to start trying to work within the bounds of Te Tiriti o Waitangi as endorsed by Federation and Association policy. Providing direct funding from the associations' levy income is one of the most important steps the Association is taking toward upholding Puriri Whakamaru rights to tino rangatiratanga. Without this direct funding and sharing of income the group would have virtually no means of resourcing their work and support for Maori Playcentre families or their work as the Maori Tiriti Partner to the association executive. During the budget setting process Pakeha Treaty workers and others provide information and support to Pakeha/Tauwi members to ensure that Puriri Whakamaru Tiriti rights are upheld during the budget writing process
- They've approached the Association for money and an agreed amount has been put aside for use at their discretion
- (Roopu Maori) identify their needs at AGM budget time to Association Executive (along with other interest groups) which is then placed within the budget. This ensures that the needs of the Maori families are being identified by Maori for Maori.
- Our Maori families wanted a bicultural focus. We pay the Federation levy because we have to.
- We try and keep our resources within our Association and use people we already have in our Association to support and include Maori
- We're all one people with the same vision for our children
- We have a (Roopu Maori) within our association. They put in a budget as does every other team and are allotted/given funds accordingly.
- To support the perceived needs of the group
-

## ARTICLE III- EQUALITY

*..article 3 contains two important messages..: the protection of the Maori as a people and the assurance to them of equal citizenship rights.*

### 17. We protect the interest of Maori children and whanau in our Playcentres by:

- allowing them the freedom to meet their needs as they best see fit and honouring the decisions they make and allowing necessary funds in the budget
- consulting with Maori families at Centre level
- implementing Te Whaariki and use of Te Whaariki; ensuring we maintain Treaty based relationship at Association level
- cultural sensitivity in welcoming talks, centre policy and practice. Treaty education/anti racism threaded throughout stages of training. Management have criteria inclusive of Treaty education. Ensure leaders of workshop courses meeting Treaty training criteria
- taking care of all families and their children, offering support, education, friendship, quality early childhood education
- respecting their rights - through education and support of families
- educating Pakeha. Encouraging knowledge of Puriri Whakamaru. Workshops, Tiriti courses etc.
- education - cultural awareness
- in depth management and trainee education and full consultation
- offering compulsory Tiriti training at all level. Training in groups skills, communication. Following Te Whariki and DOPs
- Promoting the allocation in Centre budgets of funding for Maori education eg hui attendance. Training programme on Maori perspectives. Providing Treaty workshops to promote understanding
- Supporting Puriri Whakamaru
- Treaty education at all levels of training. Workshops. Advertising of community Te Reo workshops/courses. All areas of play are appropriately 'set up'. Valuing of our commitment to biculturalism in Association/Centre discussions
- Following guidelines set out in Whanau Tupu Ngatahi
- Educating supervisors and assistants with Treaty training and access to Maori resources (very limited)
- We run workshops and discussions on cultural awareness, Treaty of Waitangi etc. We also make sure our equipment and practices are culturally appropriate
- The interest of all who attend are taken into our Association
- Encouraging cultural awareness through education and promoting the use of natural materials in Centres. Treaty training also.
- Providing funds, running workshops for both Maori and Pakeha, especially Pakeha education
- Education - promoting cultural awareness, support
- By:
  - the education of Pakeha/Tauiwi members in our Kawanatanga responsibilities to Maori, as defined in our workshops
  - upholding the choice for Maori to participate in either Puriri Whakamaru or Kawanatanga Playcentre

- Education and support in upholding requirements in Te Whaariki and DOPS
- Respecting their cultures
- Providing a culturally sensitive environment where Maori parents and children can express themselves openly
- Recognising, respecting and providing for their individual needs; bicultural aspects of training; (Roopu Maori)
- Having a Puriri Whakamaru position and representative in our Association and also ongoing awareness of Maori through our training and workshops - bicultural education
- Maori may belong to (Te Roopu Maori). Following guidelines from Whanau Tupu Ngatahi
- Supporting (Roopu Maori) and by having positions of bicultural officers (no-one is currently doing the job) and including issues in training and workshops
- Ensuring cultural sensitivity through policies etc.
- Support them to form whanau groups to empower themselves. In our Parent Education we're aiming to provide a Maori viewpoint. Maori commentators/tutors are available.

**18. Do you think that the processes your Association has in place to honour Te Tiriti o Waitangi are working well?**

|            |    |
|------------|----|
| Yes        | 11 |
| No         | 13 |
| Yes and No | 3  |
| No answer  | 3  |

**What practical improvements would you like to see?**

- No -we are working on it. Consultation process with all teams in Association
- No - transparent communication and support systems by Maori for Maori; accountability process agreed to by both partners which includes financial accountability, relationship accountability, accountability to Maori in centres. Autonomous - structurally and financially grounded in constitution which is legally recognised. More participation and involvement by Maori in centres. Currently structural representation is exclusive rather than inclusive of all Maori because of different agenda - political not Playcentre.
- There is always room for improvement in any relationship
- No - make our Puriri Whakamaru group more representative of Maori in Playcentre
- Yes and no. We try to do our best but there is always room to improve. We are constantly reviewing our processes
- No - more people resources to do it
- No -we have a working party looking into options for our Association. Consulting with our (Roopu Maori) on every decision did not work well for the Association.
- No - definition of who our Tiriti partner is ie iwi/Puriri Whakamaru. Clear consultation process and consistent messages and responses. More centre

participation in Puriri Whakamaru - currently only two members who have no formal consultation process with Maori in centres.

- No. More consultation and especially communication needed. More understanding of each others needs and how we could meet them so all happy
- Yes and no - we are trying. Still working on the process and the actuality of becoming bicultural
- No - processes are in place but not being used to their full worth
- Yes - the processes we have are working well but we need to put more processes into place to ensure we are meeting the needs of Maori in our centres and community
- No - greater involvement of whanau in the Association. More awareness by the Executive of Treaty issues through education. Incorporation of songs etc at meetings
- No - better communication with our Treaty Partner and better commitment to the concept of a Treaty Partner. More Association members to have greater education of and more contact with Maori culture
- Yes or no is not appropriate. We have a functioning Tiriti relationship that has benefits for all in Playcentre based on processes defined and agreed to date. There are gaps in processes we have and at times processes are not followed or actioned appropriately. Some processes aren't clear for some people. Some centres need further work - greater emphasis needed on greetings/colour/numbers etc as a start. Children's names - pronunciation.
- No - systems have been in place in past and they worked well. All families have since left the Association and furthered their Maoridom in other ways
- No - we need to make amendments to our constitution.
- No - consensus decision making; memorandum of understanding with (iwi); autonomy for Associations in this area of management
- No - more consultation and understanding. Cultural sensitivity workshops
- No - the people coming forward/being encouraged to be visible
- We are beginning a consultation process with our own local hapu/iwi

#### **20. Any other (brief) comments?**

- the processes in place are working well as a start. I feel the education processes that are in place are equally important as this gives non-Maori a chance to grow and change old attitudes and the children can then grow with the new ideas. Also I can see a place for Maori to also grow and acknowledge their Maori ancestry and be proud of who they are.
- questions not very clear in what they wanted
- This Association was a forerunner in implementing and supporting Maori initiatives and the establishment of Puriri Whakamaru. For many years the Treaty relationship improved, more funding was agreed to and autonomy occurred (which promoted a small exclusive (Roopu Maori). Support for Maori in centres became almost non-existent until the Association inclusive of Maori terminated its relationship with (Roopu Maori). The Association believes Centre Maori with support and encouragement will establish once again a Tiriti Partner group within this Association. Everyone seeks clear and supportive communication (Centre and Association), clear and supportive accountability, financial and implementation processes - an effective partnership model that can be measured by all involved

- Our Association understood that the remit passed by conference for this audit to be done was to be an audit of the Federation constitution - we are unsure how all these questions about our Association and its relationship with Puriri Whakamaru has any relevance to the audit of the Federation constitution. No matter how we answered it seems we were not fulfilling what seems to be expected by this questionnaire. We work willingly with local Maori member and respect in mutual and opportunities available for all.
- We don't call Maori 'non-Pakeha' and would prefer not to be referred to as non-Maori
- The Association felt there was not enough scope with this questionnaire to discuss in full our attempts at honouring our commitment as a full association and management team right through to centre level. We consider our processes still new and in constant re-evaluation but working well. Our partnership with (Roopu Maori), we feel, is built on trust and communication and is a good step towards addressing needs of all within Playcentre.
- This was clearly set out thank you
- The Association Tiriti Partner wishes to work in partnership with our Association and not as a separate entity. They have felt unsupported by the model adopted by the Pakeha Treaty workers and also with the contact they have had with Puriri Whakamaru.
- Our Association has a good working relationship with Puriri Whakamaru but are nowhere near equality yet
- The will to work on a Tiriti based relationship is there in our Association Executive but in practice we have a long way to go. The biggest problem is we don't know quite how to do this
- We feel that the original intent of 'acknowledging Te Tiriti' has been lost in future interpretation, ie separate caucusing, unreasonable demands for funds. We were meant to develop a respectful knowledge of Maori culture and pass it on through generations
- Population majority is Pakeha in our area, with the local tangata whenua finding their resources stretched
- There has been a clear indication from our Maori families that they prefer biculturalism; otherwise they would attend Te Kohanga Reo. We feel a mistake was made in setting up the Federation Treaty Partnership 'from the top' rather than from the 'grass roots'.

I feel I was the wrong person to complete this form (I volunteered without reading it first). I did get some input from others but left it too late to get some answers. I hope that what I have been able to supply is helpful.