

Draft Relationship Agreement between the Communities of Aotearoa New Zealand & Government of New Zealand

Submission from Garth Nowland-Foreman, Director, Community Solutions

1. Background

This project grew from the need to improve the relationship between Tangata Whenua, Community & Voluntary Sector organisations and government. There is a long history of attempting to address these relationship issues, back over the last decade and beyond. In April 2001, the final report of the Community and Voluntary Sector Working Party recommended, among other matters, that the Government issue a “Statement of Intent” making a commitment to a positive working relationship with community and voluntary organisations, and setting out the principles on which government’s own attitudes and behaviour would be based (Community and Voluntary Sector Working Party, 2001:14). Such a *Statement of Government Intentions for an Improved Community – Government Relationship* was signed by the Minister for Community & Voluntary Sector and the Prime Minister and published in December 2001 (hereafter referred to as the *2001 Statement*).

The Government agreed to implement recommendations of the Community & Voluntary Sector Working Party (2001), and to progress work into a second phase. The group responsible reported on progress in August 2002 and setting out key strategic recommendations for further action in four areas: issues relating to iwi and Maori; strengthening the community sector; improving participatory processes; and resourcing and accountability arrangements (Community-Government Relationship Steering Group, 2002: 6-9). While work was subsequently undertaken by government in a number of these areas, the momentum for working with the sector in any overarching way gradually stalled, and none of the specific recommendations for processes for monitoring and accountability of government-sector relationship were implemented.

When representatives of a wide range of organisations across the sector met at the government-community forum in Wellington in June 2007, there was “a strong call from the community sector that it was now time the Statement of Government Intentions moved from being just ‘good intentions’ to become a formal basis for action and accountability and a reflection of genuine partnership” (ANGOA, 2009:4). In mid-2008, the then Minister for the Community & Voluntary Sector made funding available to the Association of Non-Governmental Organisations (ANGOA) to undertake a review of the *2001 Statement*, which was published in January 2009 (ANGOA, 2009) (hereafter referred to as the *2009 Review*). This Review was welcomed and officially launched by the Minister for the Community & Voluntary Sector, Tariana Turia, in the presence of the Prime Minister.

The 2009 Review highlighted the importance of “the relationship between government and the community sector, as expressed in the Statement [of Government Intentions being] an enduring partnership, transcending changes of government” (ANGOA, 2009:4). It also made 15 specific recommendations to government about:

- formalising the way the *2001 Statement* is implemented by individual government agencies, by including it in Chief Executives' accountability documents;
- addressing the recommendation from the Community & Voluntary Sector Working Party (2001) regarding a Treaty of Waitangi Commission;
- developing, with the sector, an evaluation process for government agencies (including an annual survey of government agencies as a part of this process);
- considering the appointment of a senior executive in each agency with significant relationships with the sector, as a prime contact for the sector;
- periodically reviewing the effectiveness, resourcing, and location of the Office for the Community & Voluntary Sector;
- ensuring the spirit and intent of the *2001 Statement* is reflected in all major policies and programmes involving the sector, with new programmes especially reflecting a whole-of-government approach;
- recognising the value of the information and insights of the sector in policy development and programme evaluation;
- further improving and simplifying funding for the sector;
- establishing a disputes resolution service for all agencies with relationships with the sector;
- supporting and resourcing a sector-wide research and information service within the sector, and supporting Statistics NZ to work with the sector to extend research on the sector;
- funding a further review of the relationship between government and the sector within three years; and
- establishing a Prime Minister's Community Sector Forum to discuss strategic issues for the sector and move the relationship with the sector to one of engagement (ANGOA 2009:5-9).

In November 2009, Minister Turia hosted a national Community-Government Forum to review the next steps required to improve the relationship with the sector. That forum explored key elements that might be in a Relationship Agreement and the process to develop one, in part, endorsing the idea that government should develop a Relationship Agreement between government and the community & voluntary sector.

2. Content of the Draft Agreement

It is understandable that Governments of different political make-up would wish to put their own approach on important public policies, such as the relationship with the sector. However, it is important to also ensure continuity of essential expectations. Wild swings and unpredictability of approach can be highly disruptive of what is, after all, still a relatively fragile sector, and yet which also engages 70 per cent of citizens over 16 years, mobilises over a million volunteers and attracts more than \$1.5 billion of philanthropic donations a year.

It is also crucial that any changes build on and take us further than previous policy statements, rather than take us backwards or increase uncertainty.

2.1 Vision and Preamble

The proposed *Vision* of “work[ing] together for a fair, inclusive and flourishing society” is supported. Personally I would also prefer to see some aspiration regarding

the quality of the relationship between government and the sector in the *Vision* of a Relationship Agreement, but I recognise these features are reflected in the text in the section entitled *Our Agreement*.

Apart from the issue of who are the parties to the Agreement (which is dealt with in the following section of this submission), the proposed *Preamble* and *Vision* cover most of the same aspirations outlined in the *2001 Statement*. The only exception is the basis on which the relationship will be built (“Government will be an active partner in building a relationship based on honesty, trust and integrity – *ika* and *pono*; compassion and caring – *aroha* and *manaakitanga*; and recognition of diversity”), but it is recognised that similar ideas are essentially picked up in the proposed section entitled *Our Agreement*. In fact, it could be argued that the whole Draft Relationship Agreement goes little beyond the *Vision* of the *2001 Statement*.

2.2 *Our Agreement*

The four sets of proposed principles are largely unobjectionable, and cover much of the same material in the *2001 Statement*. However, at a time when representatives of the sector have called for moving on from being just a statement of principles and ‘good intentions’ to become a more pragmatic and formal basis for action and accountability, the Draft Relationship Agreement fails to take us forward, and indeed retreats to even less concrete guidance than that in the *2001 Statement*.

The Draft Relationship Agreement is either silent or much vaguer on *each* of the six commitments in the *2001 Statement*, regarding:

- culture of government;
- a whole of government approach;
- Treaty of Waitangi;
- participation in decision-making;
- Government funding to community organisations; and
- strengthening the community sector.

The *2001 Statement* was already at a relatively high level of generalisation on these commitments, allocating just a brief summary paragraph to each, and needed to be put into more specific and hence accountable commitments. However, in most cases they disappear, or (at best) are reduced to even more vague sentences in the Draft Relationship Agreement. Any potential for holding to account under the Draft Relationship Agreement is undermined by the vague generalities that make interpretation, let alone implementation highly contestable if not confusing. This is further exacerbated by failing to recognise that any different responsibilities might fall on the different parties. Other compacts and relationships, notably the benchmark UK compacts are not only substantially more concrete and action-oriented, but also recognise that different parties are not the same, nor do they hold equal power in the relationship, and hence it is required that each have different sorts of responsibilities.

While some of the principles may be slightly improved by different wordings, there is little to object to in the sets of generic principles in this section. The problem is what is missing.

The proposed four sets of principles and indeed the whole of the Draft Relationship Agreement notably fails to take up any of the 15 recommendations from the 2009

Review (summarised above). This means that we are no further forward than the *2001 Statement*, and in fact slip back into less specificity by failing to incorporate even the detail of the six commitments of that Statement.

What is required, in addition to the generic principles, is more specific content, more specific commitments which are more readily implemented and for which people can be held accountable. As a bare minimum the six commitments made in the 2001 Statement should at least be retained, but preferably added to and made even more specific and accountable, in the way envisaged by the 2009 Review, and in particular its 15 recommendations.

3. Parties to the Draft Agreement

It is understandable that Governments of different political make-up would wish to have their own stamp on important public policies. This, however, should not be at the expense of disrupting the relationship or using the sector as a political football. It is unfortunate that the *2001 Statement* was made unilaterally by the previous Government, without the opportunity for engagement of the major Opposition parties. While it is recognised that it is difficult to obtain cross-party support on policy issues, it would be a shame to repeat that limitation a second time, without at least some effort to see what is possible. **While the (Executive branch of) Government may most appropriately be one set of parties to the Agreement, it is preferable to engage as far as possible all major parties in the Parliament to achieve as much cross-party support as is possible. There may be a useful role for the Parliament in endorsing an Agreement, and in receiving annual reports on its implementation.** This could provide a useful and transparent mechanism for accountability in engaging Parliament in hearing reports on and monitoring progress in implementing such an Agreement.

Even more seriously, it is imprecise and blurs purpose, application and accountability to refer to an Agreement between “the Communities of Aotearoa New Zealand” (undefined) and the Government of New Zealand. It is unclear who “the Communities of Aotearoa New Zealand” are and how they could ever commit themselves to any Agreement. The *2001 Statement* fell into a similar confusion in using the short-hand of ‘the community’ in its full title, namely a “Statement of Government Intentions for an Improved Community – Government Relationship”. However, any ambiguity or confusion is addressed in the text of the *2001 Statement* itself, which repeatedly (at least 20 times in just two pages) makes it clear the Statement refers to the Government’s relationship with “community, voluntary and iwi/Maori organisations”, which is sometimes short-handed as “the community sector”.

Legally the relationship between a government and its people might be described as its Basic Law or Constitution (which this document plainly is not). Some governments, including of note governments in the UK which have separate and high profile compacts with the sector, have also developed different versions of (so called) Citizens’ Charters – especially to describe the rights and obligations of people as ‘consumers’ of public services. However, this document also plainly does not attempt to outline anything like a (so called) Citizens’ Charter. Indeed, the particular principles outlined in the Draft Relationship Agreement plainly, overwhelmingly only make sense as a part of some organised activity, most commonly by organisations

such as those that make up the Tangata Whenua, Community and Voluntary Sector, rather than with passive collections of people who happen to share a common locality, or other affiliation but have not organised to work together. While there are various terms and ways to describe the Sector, this is not an excuse for ignoring the key place of the Sector as a party to such an Agreement. **The original intent of a relationship agreement with Tangata Whenua, Community & Voluntary Sector organisations must be retained (rather than with the proposed amorphous “Communities of Aotearoa New Zealand”).**

4. Signing the Draft Agreement

The issue of who should sign an Agreement largely flows from more clearly defining who the parties are to the Agreement, as discussed in the above section.

However, while any individual sector organisation may be free to sign-up to an Agreement (with the Sector), the terms of an Agreement need to be negotiated with mandated leaders and representatives within the sector. While the sector does not have the same simple hierarchical relationships as government, and there is certainly no single lead organisation with a mandate to speak or act on behalf of the diversity of the sector, it could be possible for a consortium of sector leaders to be resourced to work together, in conjunction with wider consultation methods – such as those used in this process – to take a lead in endorsing an acceptable Agreement. The aim would be to secure ‘good enough’ leadership that might start a snowballing process of wide adoption across the sector, rather than expecting ‘all or nothing’ representation.

5. Making the Draft Agreement Happen

The greatest weakness of the Draft Relationship Agreement is how distant it is from immediate implementation and being able to be readily held to account. This can only be corrected if the fundamental gaps identified above are effectively addressed.

The *2001 Statement* was already weak on implementation strategies, monitoring and accountability. For this reason, most of the recommendations of the 2009 Review focus on establishing some levers for implementation, monitoring and assessment of the ‘good intentions’ of the *2001 Statement*. Unfortunately the Draft Relationship Agreement, instead of addressing these concerns, manages to be even weaker in these very areas. **As a minimum, the specific proposals for strengthening levers for implementation, monitoring and assessment outlined in the 15 recommendations of the 2009 Review should be addressed.** If the Government has reasons for not implementing the recommendations in the specific form proposed in the 2009 Review, it should be transparent about those reasons and at least offer alternate methods for addressing the issues identified in the 2009 Review.

6. Conclusion:

In short, the Draft Relationship Agreement in its current form:

- offers no significant advance on the *2001 Statement*, and overall fails to materially address the 15 recommendations from the 2009 Review;
- in important areas, retreats into an even more vague level of generalities, reducing the levers for implementation, when stronger and more accountable action is required;

- is wrongly targeted at a relationship with “Communities”, when the issue at stake is the government’s relationship with Tangata Whenua, community & voluntary sector organisations;
- fails to recognise the power asymmetry in the relationship, the particular sources of irritation and lack of good faith in the relationship, and the need for different expectations on different parties to any such an Agreement; and
- would be almost impossible to know if it was being implemented, to know what difference it could make if it was, and to hold anyone accountable for any commitments arising from the Agreement.

The brevity and complete symmetry of the Draft Relationship Agreement sells short the potential of such a document, and obscures rather than clarifies the different arenas in which sector organisations and the government relate. Groenbjerg and Salamon (2002) note government affects the operations of sector organisations in at least four very different arenas: through its funding decisions; its tax policies; its regulations and its broader policy posture. To these we can also add the arenas of collaborative programme development and service delivery (including client referral to and from sector organisations), and impacts on the sector’s role in community resource mobilisation, and in facilitating citizen participation and engagement.

In attempting to be as context-free as possible, the current Draft sacrifices any sense of immediate applicability and results in principles at such a generic level they are unlikely to add any sense of shared understanding to the complex and multifaceted relationships. In short, framed in such a way, it almost risks becoming *content-free*.

An effective Agreement would recognise the different arenas within which the relationships between sector organisations and government takes place and develop specific sets of expectations for the different arenas and for the different parties.

7. Summary of Recommendations

- (i) **What is required, in addition to the generic principles, is more specific content, more specific commitments which are more readily implemented and for which people can be held accountable. As a bare minimum the six commitments made in the 2001 Statement should at least be retained, but preferably added to and made even more specific and accountable, in the way envisaged by the 2009 Review, and in particular its 15 recommendations.**
- (ii) **While the (Executive branch of) Government may most appropriately be one set of parties to the Agreement, it is preferable to engage as far as possible all major parties in the Parliament to achieve as much cross-party support as is possible. There may be a useful role for the Parliament in endorsing an Agreement, and in receiving annual reports on its implementation.**
- (iii) **The original intent of a relationship agreement with Tangata Whenua, Community & Voluntary Sector organisations must be retained (rather**

than with the proposed amorphous “Communities of Aotearoa New Zealand”).

- (iv) **As a minimum, the specific proposals for strengthening levers for implementation, monitoring and assessment outlined in the 15 recommendations of the 2009 Review should be addressed.**
- (v) **An effective Relationship Agreement would recognise the different arenas within which the relationships between sector organisations and government takes place and develop specific sets of expectations for the different arenas and for the different parties.**

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Appendix: Draft Relationship Agreement

KIA TUTAHI-STANDING TOGETHER

The draft Relationship Agreement between
the Communities of Aotearoa New Zealand and the Government of New Zealand

Our Vision is for the Communities of Aotearoa New Zealand and the Government of New Zealand to work together for a fair, inclusive and flourishing society.

PREAMBLE

This agreement is about building a strong relationship between the Communities of Aotearoa New Zealand and the Government of New Zealand. We acknowledge the special relationship between the Crown and tangata whenua through Te Tiriti o Waitangi.

The work of the Communities of Aotearoa New Zealand is integral to the fabric of New Zealand society. At the heart of our relationship will be the aspirations and wellbeing of whānau and individuals within our communities.

We recognise the many cultures and diversity of the Communities of Aotearoa New Zealand. We respect and value the contribution of the Communities of Aotearoa New Zealand, including tangata whenua, community and voluntary organisations, families and individuals, and of the Government.

We acknowledge the past and move forward by committing to principles of working together. This agreement shall guide future relations between the parties for the benefit of all people in Aotearoa New Zealand.

OUR AGREEMENT

We agree to build our relationship on a set of principles that form the basis for committed actions.

Our work together shall be built on trust and mutual respect.

- We will be honest and open.
- We will develop and promote effective communication.
- We will be responsive to each other's guidance and advice.
- We respect the different roles and responsibilities we have.

We will act in good faith.

- We will do what we say we will do.
- We will work collaboratively to resolve issues arising between us.
- We will be generous towards each other.
- We will share relevant information.

We have a collective responsibility to hear and respond to the voices of all.

- We will reach out to those who are not usually included and respond to the diversity in our communities.
- We will take account of the people whose daily lives are affected by our work.
- We will work to enable communities to determine their own destinies for the betterment of all.
- We will increase opportunities for people to participate and flourish.

We will recognise and respect Te Tiriti o Waitangi.

We commit to implementing this relationship agreement and finding ways to make it endure.