



MEMBER GUIDE TO Toitū te Tiriti

The proposed Treaty Principles Bill looks to define three new principles based on articles of the Treaty of Waitangi. What does the proposal actually mean for te Tiriti?

PROPOSED PRINCIPLE 1.

Civil Government

- The Government of New Zealand has full power to govern, and Parliament has full power to make laws.
- They do so in the best interests of everyone in accordance with the rule of law and the maintenance of a free and democratic society.

He aha te raru? What is the issue?

- This dismisses article 2 of te Tiriti o Waitangi, which guarantees Māori their continued tino rangatiratanga.
- It privileges ‘law’ over ‘Māori lore - tikanga’.

PROPOSED PRINCIPLE 2.

Rights of Hapū and Iwi Māori

- The Crown recognises the rights that hapū and iwi had when they signed the Treaty.
- The Crown will respect and protect those rights.
- Those rights differ from the rights everyone has a reasonable expectation to enjoy only when they are specified in legislation, Treaty settlements, or other agreements with the Crown.

He aha te raru? What is the issue?

- This honours ‘the Treaty’ as opposed to te Tiriti o Waitangi.
- Use of the word ‘had’ asserts Māori no longer have those rights.
- This states that Māori can only exercise their tino rangatiratanga under direction of the government noting that they can change legislation at will.

PROPOSED PRINCIPLE 3.

Right to Equality

- Everyone is equal before the law and is entitled to the equal protection and equal benefit of the law without discrimination.
- Everyone is entitled to the equal enjoyment of the same fundamental human rights without discrimination.

He aha te raru? What is the issue?

- This asserts an equality agenda as opposed to an equity agenda.
- ‘Equal’ seeks to prevent ‘by Māori for Māori initiatives and the rights of iwi to mana motuhake.
- There are serious implications for any current and future treaty settlements.



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