

## Submission on the Principles of the Treaty of Waitangi Bill 2024

This submission concerns the Principles of the Treaty of Waitangi Bill 2024 (the proposed Bill).

Honouring Te Tiriti o Waitangi is critical to upholding human rights in Aotearoa. Te Tiriti o Waitangi is foundational to the constitutional arrangements of our country. It provides a place for all New Zealanders, for positive relationships and a just social foundation. It provides the basis for cultural, economic and environmental restoration.

This submission opposes the proposed Bill for the following reasons:

- The proposed Bill breaches Te Tiriti o Waitangi, undermines mana whenua and is contrary to our international obligations. It should never have been introduced and must not progress any further. The proposed Bill is contrary to the words and spirit of Te Tiriti o Waitangi.
- The proposed Bill fails to uphold te tino rangatiratanga of all Māori. It is contrary to global human rights obligations, especially the United Nations Declaration on the Rights of Indigenous Peoples.
- The Waitangi Tribunal has reviewed the proposed Bill and concluded it is a serious breach of Te Tiriti o Waitangi even if it doesn't proceed past the 2nd Reading. The Tribunal has found that the Bill would reduce the constitutional status of Te Tiriti o Waitangi, remove its effect in law as currently recognised in Treaty clauses, limit Māori rights and Crown obligations, hinder Māori access to justice, impact on Treaty settlements, and undermine social cohesion.
- The principles of the proposed Bill contain inaccurate representations of the text and spirit of Te Tiriti o Waitangi. As reported by the Waitangi Tribunal, it contains warped interpretations of te reo Māori from Te Tiriti o Waitangi and is a breach of the duty to act in good faith and to act reasonably.
- In relation to the principles in the proposed Bill:
  - Principle 1 asserts the unilateral right of the New Zealand Government (the Crown) to govern. It fails to recognise the Crown's guarantee of tino rangatiratanga which exists equal to, and limits the Crown's exercise of, kāwanatanga.
  - Principle 2 recognises rights of iwi and hapū but only as at 1840 and any specific rights which might be different from 'everyone', must be agreed in a Treaty settlement. This interpretation bears no resemblance to the words or spirit of Te Tiriti o Waitangi.
  - Principle 3 speaks about equality but fails to recognise unequal balance of power between Māori and the Crown and obscures the values of fairness, reasonableness.
- The proposed Bill is based on a complete lack of evidence, inadequate consultation and failure to meet sufficient regulatory standards.
- The proposed Bill attempts to apply to all legislation where Te Tiriti o Waitangi is relevant and applicable. This will compromise and undermine the cultural redress mechanisms of the settlements. It will also severely impact on the rights and interests of iwi and hapū generally.

For the reasons set out above, I seek that the proposed Bill is removed immediately.

Signed

Name	
Date	