



# Submission

To the Select Committee on  
the Principles of the Treaty of  
Waitangi Bill

This submission has been written by Te Huarahi Māori Motuhake and is on behalf of PPTA Te Wehengarua. We stand in absolute opposition to the “Treaty Principles Bill”.

PPTA Te Wehengarua is the professional association and union representing 22,000 teachers and principals in state and state integrated secondary schools, area schools including wharekura, year 7 and 8 technology teachers, community educators and those working in alternative education centres and activity centres in Aotearoa New Zealand. We represent kaiako in both kura auraki (English medium) and kura kaupapa Māori (Māori medium).

Under the PPTA Te Wehengarua Constitution, our activity is guided by three fundamental objectives. These are:

- (a) To advance the cause of education generally and of all phases of secondary and technical education in particular.
- (b) To uphold and maintain the just claims of its members individually and collectively.
- (c) To affirm and advance Te Tiriti o Waitangi (The Treaty of Waitangi) as embodied in the First Schedule of [PPTA Te Wehengarua Constitution].

This submission takes strength from the last objective which is to ***affirm and advance Te Tiriti***.

This Bill is harmful to our ākonga and our communities. We believe that if this Bill is enacted it will cause enormous social division, cultural upheaval, and widen the already-alarming economic disparity in Aotearoa.

We also ask that the Ministry of Education considers all the points made by Te Huarahi Māori Motuhake and the rationale behind our opposition to the Treaty Principles Bill. We will be forwarding a copy of this submission to Minister Stanford.

Te Huarahi Māori Motuhake would welcome the opportunity to make an oral submission to this Bill.

### **Te Huarahi Māori Motuhake**

#### **About Te Huarahi Māori Motuhake**

Te Huarahi Māori Motuhake (THMM) are the national Māori governing body of the Post-Primary Teachers' Association PPTA Te Wehengarua. We are comprised of member representatives elected on an iwi geographical basis by Māori members of the Association from Te Tai Tokerau, Tāmaki Makaurau, Waikato, Mātaatua, Te Arawa, Te Tai Rāwhiti, Taranaki, Whanganui, Horowhenua/Manawatū, Te Awakairangi / Wairarapa, Ngāti Kahungunu, Whanganui-ā-Tara ki Ōtaki, Ōtepoti/Murihiku, Waitaha and Te Tau Ihu o Te Waka-ā-Māui.

Te Huarahi Māori Motuhake leads cultural knowledge, expertise, and insight essential for crafting policies and practices to ensure the Association's constitutional objective, 'affirm and advance Te Tiriti o Waitangi', is upheld and culturally led at PPTA Te Wehengarua. Te Huarahi Māori Motuhake are adamant in our opposition to the Treaty Principles Bill and are committed to affirm and advance Te Tiriti o Waitangi. We will work tirelessly to ensure the promises within Te Tiriti o Waitangi are upheld.

Our stance is grounded in our commitment to preserving and enhancing education for Māori learners within the public system; working towards further innovation that better meets the needs of ākonga Māori.

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## **Te Huarahi and PPTA Te Wehengarua Recommendations**

1. That the National-led Coalition Government quashes this Bill.
2. That if it is not ‘abandoned’ (as recommended by the Waitangi Tribunal report Ngā Mātāpono / The Principles), the Bill should be referred to the Waitangi Tribunal under section 8(2) of the Treaty of Waitangi Act 1975<sup>1</sup>.
3. That consultation with iwi Māori must take place whenever Te Tiriti o Waitangi is impinged upon, and prior to any Bills being introduced into Parliament.
4. That the expertise must also be sought from Te Tiriti o Waitangi experts and that these voices must be included in any preliminary opinions before any such Bills can be introduced into Parliament.
5. That the Prime Minister apologise to the nation for allowing this Bill to form a part of the coalition agreement, acknowledging that Te Tiriti o Waitangi is not negotiable, nor should it ever be used as leverage in a coalition agreement to form a government.
6. That the withdrawal and quashing of the Treaty Principles Bill is not allowed to devolve into a citizen-initiated referendum, thereby wasting even more taxpayer’s money on debating the constitutional legitimacy of Te Tiriti o Waitangi.
7. That Te Tiriti and He Whakaputanga education be made compulsory to all Ministers of Parliament so that there is less room for division based on cultural ignorance of Te Tiriti.
8. PPTA Te Wehengarua calls for the reinstatement of the successful and valued Te Ahu o Te Reo Māori language programme.
9. That the Ministry of Education listens to the many sector organisations who oppose the government’s proposal to remove Te Tiriti as a stand-alone objective in section 127 of the Education Act.
10. That the Charter School Agency considers obligations to Te Tiriti when negotiating contracts with private providers.

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<sup>1</sup> <https://www.waitangitribunal.govt.nz/en/news-2/all-articles/news/tribunal-releases-chapter-6>

## **This Bill has no place in a modern Aotearoa**

As we have seen with previous legislation developed under this coalition government, (and as stated by the Waitangi Tribunal), the “Crown’s process to develop the Bill has purposefully excluded any consultation with Māori, breaching the principle of partnership, the Crown’s good-faith obligations, and the Crown’s duty to actively protect Māori rights and interests<sup>2</sup>”.

The entire process undertaken to develop this Bill (and others) is clearly in “breach of the principle of good government” and Cabinet has progressed the Bill despite a lack of evidence-based argument or appetite from the people of New Zealand. Fundamentally, there is also a clear lack of consultation with iwi Māori – a breach of the Treaty/te Tiriti principles of “partnership, equity, and active protection”.

This Bill is ahistorical and (much like the architects) does not acknowledge the effects of colonisation on Māori. From the very beginning of the relationship, the Crown breached their obligations. Māori have paid the price with socioeconomic disparity for Māori able to be traced back to these breaches. The Waitangi Tribunal process for settlements has gone some way to address the inequities of the past, but the Crown cannot simply walk away. Injustices caused by colonisation are not purely past tense.

It must also be said that you cannot redefine the principles of a legal document without the agreement of both parties.

There are currently three branches of government, working together to ensure that abuses of power can be ‘checked’. This Bill undermines and circumvents the judicial branch of government who, informed by experts, have developed jurisprudence and precedents on the subject. This cannot be trivialised or ignored simply because the judiciary are not saying what this coalition wants them to say.

## **The political context for the Bill**

David Seymour was able to have this Bill progressed through the first reading in the house and into the Select Committee stage with the support of the Prime Minister Christopher Luxon, forming part of the coalition agreement with Act and NZ First.

Te Tiriti should not be used as political leverage or a bargaining tool in coalition agreements to govern Aotearoa.

Expert legal advice was available and should have been obtained at the very least as to what the legal, social and cultural ramifications would be if this took place.

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<sup>2</sup> Ibid.

The Prime Minister was wrong to accept this as a term of the coalition agreement.

The debate around this Bill also needs to be viewed alongside other changes being made; changes that will have an impact on Māori in all areas of life. The dismantling of Te Aka Whai Ora, the changes to our curriculum documents where ‘the centrality of Te Tiriti and its principles’ has been superseded by the so called ‘science of learning’, the Fast Track Bill, and others all culminate in a direction of this government that seeks to once again see the privileging of Pākehā at the expense of Māori.

Consequently, the right thing for Christopher Luxon to do is to apologise to the nation for ever bringing Te Tiriti into disrepute, using Te Tiriti as a bargaining tool and as political leverage to garner coalition support in a coalition agreement and to continue to withhold support for this Bill in the House.

### **We would like to see more education on Te Tiriti and He Whakaputanga for all, especially politicians**

We know that education is the way forward for our country. We would like to see more te Tiriti and He Whakaputanga (The Declaration of Independence) education as compulsory for all Members of Parliament. Hopefully this would see less room for division based on ignorance of our history.

Education on these important historical documents should be freely available to all in Aotearoa New Zealand, but it should be mandated for the people who are leading our country.

We teach basic te Tiriti and He Whakaputanga education to our new immigrants, but what about others who came on waka long ago? Many of our population have not had the opportunity to learn Aotearoa New Zealand history.

That is why the Act/National coalition agreement to “restore balance” to the Aotearoa New Zealand history curriculum is of significant concern. We have gone decades without a curriculum that places Aotearoa New Zealand history at the centre. We are finally treating all aspects of our shared history as equal and worthy. As Vincent O’Mally said that it was one of the “positive steps on the path towards a more historically aware, engaged and mature Aotearoa”.

When we focus on so called “balance”, it has the effect of looking at different histories as separate from each other: Māori, English, Dutch, French, Samoan, Chinese. The curriculum development then becomes a zero-sum game as different groups jostle for space and recognition. Assoc Professor Aroha Harris at University of Auckland which sums up the potential of this new curriculum.

She said that this can create the opportunity to "gather up all the threads of all our histories and connect them... demonstrate the ways we are connected to the past and why we are always connected to it. It can express in multiple ways that staying connected to the past is what allows us to make connections with each other in the present".

### **We stand with other educational sector groups and wider public against this Bill**

Alongside other sector groups, PPTA Te Wehengarua signed the joint statement opposing the Government’s proposal to remove Te Tiriti as a stand-alone objective in section 127 of the Education Act.

The statement honoured the many “teachers, school leaders and school boards” who “have worked hard over many years to understand and enact practices that give life to Te Tiriti”.

We acknowledge the “enormous effort into learning and change processes to meet this obligation, and to therefore ensure that schools better meet the needs of ākongā Māori”.

“As a group of national organisations, we are united in our opposition to the Treaty Principles Bill and to downgrading the place of Te Tiriti in the primary objectives of school boards.”

We are equally concerned that the recent charter school legislation did not include an obligation to give effect to Te Tiriti in school plans, policies or curriculum. Our Māori students are some of the most vulnerable and according to the Regulatory Impact Statement, there is a risk that charter schools could also “reinforce existing inequalities” if school leadership lacks the skills (and impetus) to ensure that their cultural needs are being met<sup>3</sup>.

Tens of thousands of people rallied and marched in the November Hīkoi mō Te Tiriti. Under the banner of Kotahitanga, New Zealanders from all walks of life stood together to reject division. Our members were among the many who marched, joined sometimes by their ākongā.

### **Impacts on our ākongā**

The progress to honour Te Tiriti o Waitangi in public education is threatened through this Bill. This is an attempt to rewrite history and change the intent of our tīpuna. It will also absolve the Crown’s obligation to work with and actively protect the rights and interests of Māori, particularly the educational needs of ākongā Māori and mātauranga Māori. We oppose any actions that deliberately undermine the status of tangata whenua and relinquish the Crown’s obligation to uphold Te Tiriti o Waitangi.

Generations of our tamariki and rangatahi were forced to leave their culture at the school gate, were banned from speaking te reo Māori, and saw no reflection of themselves in the school curriculum. This whitewash saw the near extinction of our language and culture and the resulting harm has seen academic achievement (and life outcomes) for Māori sitting consistently below that for Pākehā.

The vast majority of Māori ākongā are in the state education system. The distortion and deliberate dilution of our nation’s founding document would once again ensure that state education is not a safe place for ākongā Māori.

Through the acknowledgment of these issues, and working alongside the education unions and iwi Māori, successive governments had begun to weave a cloak of protection around our young people. We are only now beginning to recover from decades of systemic oppression.

### **Our Kaiako**

The importance of Te Tiriti has been central to our profession and is articulated in the *Code of Professional Responsibility and Standards for the Teaching Profession* which were crafted by teachers, leaders and teaching experts. The values and commitment to Te Tiriti o Waitangi are embedded within the Code as the founding document of our nation and “as teachers, we

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<sup>3</sup> [https://disclosure.legislation.govt.nz/assets/disclosures/bill\\_government\\_2024\\_66.pdf](https://disclosure.legislation.govt.nz/assets/disclosures/bill_government_2024_66.pdf)

are committed to honouring Te Tiriti o Waitangi, and we understand this has implications in all of our practice”<sup>4</sup>.

Earlier this year, it was announced that funding set aside for teachers to learn te reo Māori was to be cut in order to fund Maths resourcing. Our members told us that they valued learning te reo Māori and it had clear implications in the classroom in terms of developing positive relationships with ākonga Māori and their whānau. We believe this funding should be reinstated.

Our profession has always pushed back on ‘bad’ policies. In 1930, the New Zealand Federation of Teachers (consisting of early iterations of the PPTA and NZEI) attempted to have Te Reo Māori introduced into the curriculum, but this was blocked by the Director of Education who said that it was his view that the “natural abandonment of the native tongue involves no loss to the Māori”, and that education “should lead the Māori lad to be a good farmer and the Māori girl to be a good farmer's wife”<sup>5</sup>. We do not want to see a return to such attitudes.

We must consider the role that formal education plays in shaping our wider society. As a people, we in Aotearoa New Zealand pride ourselves on the egalitarian nature of our society, and we believe that every child has the right to a “good education, meaningful employment and a decent income in order to thrive”<sup>6</sup>.

Our constitution states that we, PPTA Te Wehengarua, will affirm and advance Te Tiriti O Waitangi, and this means we have a particular responsibility to show leadership in responding to practices that are preventing rangatahi Māori from achieving their full potential. As the professional body of secondary teachers, the Association has a responsibility to promote best professional practice in teaching and learning.

We have policies that would see the end of academic streaming in our schools by 2030, and we stood strong against what we see as the biggest attack on our public education system since the last time the Associate Minister of Education introduced Charter Schools, seeing the privatisation of our public education system as a dangerous move into a more unequal future. We have campaigned around language and cultural allowances for our kaiako Māori and Pasifika and championed equitable funding models for our schools and kura.

This Bill will undermine the mahi that has been done and needs to be done to recalibrate the playing field for our students. To have equality, redress must happen. It is sometimes said that ‘equity is the unequal distribution of resources for equal outcomes’. For us to be equal, the Crown must first address the past wrongs.

### **Response to the proposed principles**

This Bill does more than propose a referendum on the way that the Crown interprets the Treaty/te Tiriti. The Bill has been cynically framed in a certain way – to give equal rights for all, using the dog whistle phrase *regardless of race*.

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<sup>4</sup> <https://teachingcouncil.nz/professional-practice/our-code-our-standards/>

<sup>5</sup> Education for Māori: Context for our proposed audit work until 2017, Retrieved from <https://oag.parliament.nz/2012/education-for-maori/part3.htm>

<sup>6</sup> He Awa Ara Rau – A Journey of Many Paths. (2020). Tokona Te Raki, Waikato Tainui, BERL, The Southern Initiative. Retrieved from <http://www.maorifutures.co.nz/wp-content/uploads/2020/08/He-Awa-AraRau-A-Journey-of-Many-Paths-Nov-2019.pdf>

Dame Jenny Shipley, former Prime Minister of a National government has spoken out on the Bill, saying that “past attempts to codify Treaty principles in law had failed”<sup>7</sup>.

The dynamic of the Treaty, then, is manifested in the exchanges defined in its various parts and, importantly, its parties: the Queen of England, the Rangatira and the hapu of New Zealand.

She spoke of how previously, “there have been principles leaked into individual statutes, [but] we have never attempted to - in a formal sense - put principles in or over top of the Treaty as a collective. And I caution New Zealand - the minute you put the Treaty into a political framework in its totality, you are inviting civil war”<sup>8</sup>.

She goes on to say, “I would fight against it. Māori have every reason to fight against it”.

“This is a relationship we committed to where we would try and find a way to govern forward. We would respect each other's land and interests rights, and we would try and be citizens together - and actually, we are making outstanding progress, and this sort of malicious, politically motivated, fundraising-motivated attempt to politicise the Treaty in a new way should raise people's voices, because it is not in New Zealand's immediate interest.”

She said New Zealand could be proud of the redress it had made to Māori, “where we accepted we had just made a terrible mess on stolen land and misused the undertakings of the Treaty, and we as a people have tried to put that right”<sup>9</sup>.

As Distinguished Professor Dame Salmond says, Te Tiriti, signed by Māori in 1840 must be understood as relational, “neither individualist nor collectivist, but a kin-based combination of both, expressed in the language of chiefly gift exchange”<sup>10</sup>.

She adds that “Act’s attempt to rewrite Te Tiriti as a statement about individual liberty and property rights is presumptuous, since they clearly can’t read the original”<sup>11</sup>.

Indeed, twenty-seven licensed Māori translators have called the Bill “factually incorrect and misleading”, and that it was “deeply flawed and failed international translation ethical standards”<sup>12</sup>. It is embarrassing.

Clearly David Seymour has attempted to ‘neatly’ thrust three principles on top of the three articles in The Treaty/te Tiriti. There is no ‘neat’ way to ride roughshod over the top of our founding document.

Principal 1 gives the Executive Government of New Zealand the ‘full power to govern’, effectively providing Cabinet with levels of power that our constitutional system has been at pains to prevent. Given the lack of understanding that many of the current government seem to have when it comes to te Tiriti, this is of great concern.

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<sup>7</sup> <https://www.rnz.co.nz/news/political/533944/treaty-principles-bill-inviting-civil-war-jenny-shipley-says>

<sup>8</sup> Ibid

<sup>9</sup> Dame Jenny Shipley, November 2024

<sup>10</sup> <https://newsroom.co.nz/2023/12/15/anne-salmond-on-the-treaty-debate-maori-and-pakeha-think-differently/>

<sup>11</sup> Ibid

<sup>12</sup> <https://www.rnz.co.nz/news/te-manu-korihi/521201/treaty-principles-bill-maori-translators-pen-letter-over-deeply-flawed-translations>



The Waitangi Tribunal themselves have said that the proposed contents of the Bill do not reflect the “texts or meaning of the Treaty/te Tiriti”<sup>13</sup>. Principal 1 “misinterprets the kāwanatanga granted to the Crown in 1840 which is not an unbridled power restrained only by its own sense of what is in the best interests of everyone”.

They go on to say that the very approval of Principle 2 by Cabinet (that Executive Branch that would hold ‘full power to govern’), is itself a breach of the principles of tino rangatiratanga, kāwanatanga, partnership, and active protection” and would make a liar of the Queen who guaranteed these to iwi Māori in 1840.

Principal 3, where “everyone is equal before the law” is a further breach of the principles of “partnership, equity, and active protection”.

If allowed to continue, this Bill will cause significant harm and prejudice to Māori. Aotearoa New Zealand is a truly remarkable place. The whenua is world-renowned for its beauty. Te Ao Māori is equally treasured and is a taonga to one and all. If only it was treasured by our current government.

Te Huarahi Māori Motuhake are united in our opposition to the Treaty Principles Bill. We share the view that the Bill is based upon ‘a disingenuous historical narrative that distorts the language of Te Tiriti and undermines social progress and cohesion’.

The principles of Te Tiriti o Waitangi provide a mechanism to address Treaty breaches and improve relations between the Crown and iwi and hapū and should not be used to alter the intent of Te Tiriti o Waitangi. Tampering with these principles is a regression of the last 50 years of positive movement forward for Te Tiriti relations.

Tangata whenua, educationalists and tangata Tiriti have worked hard over many years to understand and enact practices that give life to Te Tiriti o Waitangi, and we want to ensure this hard work is not wasted.

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<sup>13</sup> <https://www.waitangitribunal.govt.nz/en/news-2/all-articles/news/tribunal-releases-chapter-6>