

### SUBMITTER INFORMATION

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**Iwi / Hapū:** Te Arawa

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### KUPU ARATAKI

E whakahē mariki a Te Tatau o Te Arawa ki ngā mātāpono e whakatakoto nei e te rōpū tōrangapu a Act i te pire e āta wetewete i Te Tiriti o Waitangi.

Inā, ki tā mātau e takahi tēnei pire i ngā ture Kāwanatanga me ngā herenga o Te Tiriti o Waitangi, ana, he mana motuhake i waenga o te Karauna me Ngāi Māori. Inā, he tirohanga motuhake tēnei āhua e tā te Tomokia Ngā Tatau o Matangireia – The Constitutional Kaupapa Inquiry Panel. Nā tēnei kapa i arotake i tēnei Pire e whakakanohi nei e te Kāwantanga onāiane (Crown’s Treaty Principles Bill) me ngā kōnae e arotake i ngā wāhanga kaupapa here e ū ai ki te Te Tiriti (Treaty Clause Review Policies). He tirohanga ēnei nā te Taraipunara o Waitangi i mokotā i te 15 o Hereturikōka me te 05 o Noema 2024.

Kua whati te pātuitanga i waenga i a Ngāi Māori me te Karauna, nā ngā mahi tinihanga e te Karauna (Nahinara, Act me Aotearoa Tuatahi) e arataki i tēnei pire. A, nā rātau hoki i whakamoe i ngā kaupapa a-kāwanatanga e kitea, e kaupare hoki i ngā pēhitanga raraunga e pāngia kino nei ki a Ngāi Māori. Ana, kua whakakorengia i ngā kaupapa e whakamana i a Ngāi Māori kia eke ki ngā raraunga whāinga ōrite o ngā hoanoho katoa o Aotearoa.

E whakahāwea te pire nei i te tino rangatiratanga me te mana motuhake a Ngāi Māori, a, ki a Te Arawa hoki me a mātau wawata motuhake o a mātau whānau, tangata whenua kei raro e pūtu ana. He kitenga kino tēnā mā te hapori whānui.

**E kaha whakahē mātau o Te Tatau o Te Arawa i ngā mātāpono o te Pire o Te Tiriti o Waitangi nā te pāti tōrangapu, Act, i kōkiri.**

### INTRODUCTION

1. This Submission is made by Te Tatau o Te Arawa (Te Tatau) on the Principles of the Treaty of Waitangi Bill (the Bill).
2. Te Tatau is an independent Charitable Trust working to achieve the sustainable well-being of people, culture and place within te rohe o Te Arawa, mai Maketū ki Tongariro.
3. We serve and represent the Te Arawa iwi who mandated the establishment of the Trust in 2015 and determined that the Trust board be made up of elected members representing multiple Te Arawa sectors – rangatahi (youth), koeke (elders), Te Arawa land trusts and incorporations, hapū, iwi, and pan-Te Arawa entities.
4. Importantly Te Tatau was also mandated as the Te Arawa Partner to Rotorua Lakes Council to create and foster a high trust environment in order to achieve enhanced socio-economic and cultural prosperity for Te Arawa, for Māori and for the wider community in the Rotorua district.

5. We wish to speak to our Submission.

#### GENERAL POSITION

6. Te Tatau o Te Arawa **strongly oppose** the Principles of the Treaty of Waitangi Bill.
7. **The Bill breaches the Crown’s constitutional and Te Tiriti / Treaty of Waitangi obligations to Māori** as evidenced in the *Tomokia Ngā Tatau o Matangireia – the Constitutional Kaupapa Inquiry Panel on the Crown’s Treaty Principles Bill (15 Aug 2024)* and *Treaty Clause Review Policies (05 Nov 2024)* reports by the Waitangi Tribunal.
8. The coalition government in pursuing this Bill and in their persistent attack on Māori, has caused significant damage to the Māori-Crown relationship and has eroded social cohesion.
9. The Bill undermines Māori rights, harming Te Arawa and negatively impacting tangata whenua well-being and our broader communities.
10. While claiming to provide a “robust and widely understood conception of New Zealand’s constitutional arrangements,” the Bill distorts the historical context, spirit, and intent of Te Tiriti o Waitangi signed in 1840.
11. Te Tatau o Te Arawa **strongly opposes** the Principles of the Treaty of Waitangi Bill within the context of the kōrero below:

#### PRINCIPLE 1: ABSOLUTE CROWN POWER

12. Principle 1 asserts the Crown’s absolute power to govern in the interests of all people in New Zealand. This is inconsistent with He Whakaputanga o te Rangatiratanga o Nu Tirenī (1835) and Te Tiriti, which affirmed Māori sovereignty and the right to self-governance.
13. In 1835, Māori signed He Whakaputanga o te Rangatiratanga o Nu Tirenī, which declared sovereignty over New Zealand to ‘Te Wakaminenga o ngā Hapū o Nu Tirenī’ (The sacred Confederation of Tribes of New Zealand). This was a documented confirmation of the sovereignty held by Māori in Aotearoa for thousands of years prior.
14. In 1840, upon signing Te Tiriti o Waitangi, **Māori did not cede their sovereignty to the Crown**. This has been confirmed in the Waitangi Tribunal’s *He Whakaputanga me te Tiriti Report 2014*, through extensive examination and the findings of leading Māori and Non-Māori researchers.
15. Due to the misconduct of settlers and the context of the time, Māori gave the Queen authority to govern her people and to buy land. Māori were the majority population at this time with an approximate 80,000 Māori and only 2,000 settlers. In no way did Māori give the Queen and the Crown authority over our people, land and tāonga.
16. Māori have maintained their position on sovereignty and are again being attacked by the government and challenged on this matter that has already been thoroughly interrogated by experts.
17. Principle 1 of the Bill suggests that the Crown is in a position to determine for Māori what is in their best interests. This violates our tino rangatiratanga, mana motuhake and right to be self-determining – to consider for ourselves the needs of our people and have laws constituted that reflect our own aspirations.
18. The Crown has continuously enacted laws in this country that breach the rights and best interests of Māori and we have no confidence in their ability to act in good faith. Laws enacted by the government have caused the loss and destruction of land and tāonga, and have resulted in intergenerational

trauma, manifesting in poor health, imprisonment, and alarming suicide rates amongst other poor wellbeing outcomes of which Māori feature amongst some of the worst statistics compared with indigenous people around the world.

19. The Bill perpetuates these harms by continuing to deny Māori the ability to implement solutions grounded in tino rangatiratanga.
20. The absence of consultation with Māori in the development of this Bill further breaches Te Tiriti principles of partnership and good faith.

### **PRINCIPLE 2: CONDITIONAL RECOGNITION OF MĀORI RIGHTS**

21. Principle 2 recognises Māori rights under Te Tiriti only if agreed through Treaty settlements. This diminishes the rights guaranteed to Māori in 1840.
22. The principle misrepresents Treaty settlements as fulfilling all Māori rights, rather than addressing historic breaches.
23. Māori did not agree to the Crown asserting sovereignty, and the Bill deliberately rewrites Te Tiriti to diminish Māori self-determination.
24. Treaty settlements have provided redress for some of the historical breaches of Te Tiriti o Waitangi and harm inflicted upon Māori, but they do not fulfil the ongoing right of Māori to have tino rangatiratanga and the undisturbed and complete authority over our lands, resources and lives.

### **PRINCIPLE 3: EQUALITY AND DISREGARD FOR TINO RANGATIRATANGA**

25. The inclusion of this principle, framed as a provision to ensure equal rights for all people in New Zealand, fundamentally undermines the right of Māori to exercise tino rangatiratanga as guaranteed under Te Tiriti o Waitangi.
26. By prioritising a homogenised notion of equality over the recognition of Māori as tangata whenua with specific rights and responsibilities, this principle effectively disregards the partnership obligations enshrined in Te Tiriti.
27. This Bill and approach by government has exacerbated tensions in Aotearoa by fueling a perception that Māori are seeking privileges above others, rather than justice and equity. It has contributed to the spread of divisive ideologies, fostering resentment and racism while deepening misunderstandings about the role and significance of tino rangatiratanga in achieving true partnership and fairness.
28. Such a framework risks further fragmenting our society by alienating Māori and misrepresenting their aspirations for self-determination as a threat to the rights of other New Zealanders.
29. To foster unity, it is critical that governmental principles respect and uphold Māori rights under Te Tiriti and reject narratives that frame these rights as incompatible with equity for all.

### **CONCLUSION**

30. As set out in the Waitangi Tribunals latest report, this Bill if enacted will be the most significant breach to Te Tiriti o Waitangi in modern history.
31. By prioritising coalition agreement commitments and neglecting to engage with its Te Tiriti partner and other relevant parties including subject matter experts in the development of this Bill, the Crown

has contravened the principle of partnership – which includes the duties of active protection and to act reasonably and in good faith.

32. The Crown must honour its obligations by recognising mana motuhake and Māori rights to self-determination and by upholding the commitments of He Whakaputanga o te Rangatiratanga o Nu Tireni, Te Tiriti o Waitangi, and international human rights frameworks (e.g., the UN Declaration on the Rights of Indigenous Peoples).
33. **Te Tatau o Te Arawa expresses strong opposition to the Bill** and calls on the government to abandon it in favour of principles that honour Te Tiriti o Waitangi.

**Date of Submission: 18 December 2024**