

19 December 2024

Committee Secretariat
Justice Committee
Parliament Buildings
Wellington

By email: ju@parliament.govt.nz

Tēnā koutou

Submission from the Rangitikei District Council - Principles of the Treaty of Waitangi Bill

Rangitikei District Council (the Council) welcomes the opportunity to provide this submission on the Principles of the Treaty of Waitangi Bill (the Bill)). The Council wishes to be heard in support of this submission.

Rangitikei District Council believes the current Bill undermines the nature of the accord reached by iwi, hapū and the Crown in 1840 and will undermine the work done over many years by the Waitangi Tribunal, the courts and the Crown to navigate a path between mana whenua and iwi.

Our context

Rangitikei District is home to around 16,300 people. The proportion of people who are of Māori descent is 29%.

Te Rōpū Ahi Kā is a komiti of Council. The purpose of Te Rōpū Ahi Kā is to assist the Council to develop a partnership through engagement with Tangata Whenua. As well, it is to identify and advise on issues of concern to Tangata Whenua, the Rātana Community and Council, and facilitate resolution in the best interests of the residents, ratepayers, and Tangata Whenua of the Rangitikei District.

Membership of Te Rōpū Ahi Kā is defined by Tangata Whenua of Rangitikei and represent hapū, iwi, and marae within the Rangitikei District. Ngāti Parewahawaha, Ngā Wairiki - Ngāti Apa, Ngā Ariki, Ngāti Kauae/Tauira, Ngā Wairiki ki Uta Kauangaroa, Whangaehu, Ngāti Hauiti, Ngāti Hinemanu/Ngāti Paki, Ngāti Tamakōpiri, Ngāti Whitikaupeka, Ngāi Te Ohuake, Ngāti Rangituhia, and the Rātana Community, as well as two elected members of the Rangitikei District Council.

In alignment with our partnership with Te Rōpū Ahi Kā, Rangitikei District Council provides this submission on the Principles of the Treaty of Waitangi Bill. We are committed to working collaboratively with iwi, hapū, and marae ensuring our actions and policies reflect our guiding values, which are built on the principles of the Treaty of Waitangi. These values underpin our shared history and responsibilities, reinforcing our dedication to mutual respect and trust in our ongoing partnership with iwi, hapū and marae. As a trusted partner, the Rangitikei District Council recognises the importance of engaging with iwi, hapū and marae in a meaningful way that reflects the intent of the Treaty principles.

Making this place home.

This long-standing partnership between the Rangitikei District Council and Te Rōpū Ahi Kā is reflected in our values (ngā pou) – manaakitanga, rangatiratanga, whanaungatanga, kotahitanga, whakapono, and aroha. These values shape how we engage with iwi and our community, emphasising care, unity, and trust. The proposed Bill raises concerns about the potential impact on the foundations of this partnership, particularly regarding how Councils fulfill their obligations to iwi. The trust that has been built over time between the Rangitikei District Council and Te Rōpū Ahi Kā must be preserved and respected to ensure that our obligations under the Treaty are met in a way that reflects partnership, participation, and protection.

Te Rōpū Ahi Kā will submit in parallel to this submission of Rangitikei District Council. Rangitikei District Council supports the submission of Te Rōpū Ahi Kā.

Our submission

Council does not consider that the approach taken to this Bill aligns with those values and is concerned that the absence of consultation with Māori during the development of the Bill, means that it is not Treaty compliant. We consider that defining Treaty principles without input from one of the Treaty partners undermines the partnership and obligations to act honourably and in good faith.

The Council considers that altering New Zealand's constitutional arrangements requires meaningful dialogue, which can only be achieved through robust conversations with our Treaty partners, communities, and stakeholders. We believe the approach taken with this Bill has lacked the necessary care for such an important matter, contributing to the social division experienced this year.

Council is also concerned that the Bill's proposed principles conflict with Article 2 of Te Tiriti by limiting Māori rights to those agreed in Treaty settlements. The Bill also misinterprets Te Tiriti, relying on a flawed translation and retrospectively limits Māori rights.

Rangitikei District Council considers the principles as contained in the Bill are poorly drafted and are deficient because they:

- do not capture the essence of the accord between the two parties to Te Tiriti
- do not reflect the last 50 years of precedence set by the courts, the Waitangi Tribunal and the Government
- impose a static, one-size-fits-all framework that disregards regional/local nuances
- will introduce legal uncertainty, requiring established case law to be revisited

Likely impact

Rangitikei District Council values an inclusive, diverse community. The current Bill has already divided communities. Council is concerned the Bill will create uncertainty about the status of existing relationship mechanisms, pressure to reverse these and a chilling effect on progressing other and stronger relationships with Māori in the Rangitikei district.

Relief sought

Rangitikei District Council is strongly opposed to this Bill progressing any further.

Naku noa



Mayor Andy Watson