

Principles of the Treaty of Waitangi Deletion Bill

Member's Bill

Explanatory note

This Bill eliminates all references to the expressions “the principles of the Treaty”, “the principles of the Treaty of Waitangi”, and the “Treaty of Waitangi and its principles” from all New Zealand Statutes including all Preambles, interpretations, schedules, regulations and other provisos included in or arising from each and every such statute.

The Bill seeks to correct an anomaly which has harmed race relations in New Zealand since 1986 when the vague term “the principles of the Treaty of Waitangi” was included in legislation.

As this anomaly was created by Parliament through the legislative process, Parliament must address the damage and harm these “principles” have inflicted on both Maori and non-Maori. The first step must therefore be to remove all reference to these insidious principles from all legislation. This Bill achieves this.

We note the following in relation to these principles:

Firstly, they were inserted by the Fourth Labour Government, not at the request of Maori, but by paternalistic and interfering Ministers.

Secondly, while Parliament inserted them in legislation, Parliament never actually defined them. This task has fallen to Judges, who have taken an increasingly activist, liberal, and broad licence in providing a form of definition. However, despite nearly two decades of existence, these principles remain largely undefined and ambiguous.

Thirdly, these principles have become a source of ongoing litigation regarding their relevance and meaning. While this has substantially

benefited those associated with the legal process, there has been no tangible benefit for Maori as a consequence of their existence. Indeed, the focus on and cost of the associated legal processes has not only needlessly diverted large amounts of money away from more pertinent issues, it has also surreptitiously created unrealistic expectations among Maori in relation to their entitlements from society.

Fourthly, these principles have become a diversion away from the true pathway to success for both Maori and non-Maori: a strong education system, reliable healthcare, employment and housing and a spirit of entrepreneurship and vision. The principles have allowed some Maori to continue to portray themselves as victims constantly in grievance mode, a mentality which leads down a dead-end path from which no true progress can come. It also anchors Maori (and tries to do the same to non-Maori) to the past, limiting their prospects for the future.

Finally, these principles are a divisive mechanism which has set one group of New Zealanders against another. The world watched with horror last century as South Africa went down a destructive path of separate development and it would be tragic indeed for New Zealand to follow such an ideology.

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Principles of the Treaty of Waitangi Deletion Act **2006**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent. 5
- 3 Purpose**
The purpose of this Act is to delete and remove from every enactment those provisions which contain the expressions—
(a) “the principles of the Treaty”; and 10
(b) “the principles of the Treaty of Waitangi”; and
(c) “Treaty of Waitangi and its principles”.
- 4 Repeals and revocations**
(1) The following enactments are repealed: 15
(a) section 4 of the Conservation Act 1987;
(b) section 4 of the Crown Minerals Act 1991;
(c) section 84(b) of the Crown Pastoral Land Act 1998;
(d) section 10 of the Crown Research Institutes Act 1992:

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| (e) | section 181(b) of the Education Act 1989; | |
| (f) | section 6(d) of the Energy Efficiency and Conservation Act 2000; | |
| (g) | section 3 of the Foreshore and Seabed Endowment Revesting Act 1991; | 5 |
| (h) | section 3 of the Harbour Boards Dry Land Endowment Revesting Act 1991; | |
| (i) | section 6 of the Hauraki Gulf Marine Park Act 2002; | |
| (j) | section 8 of the Hazardous Substances and New Organisms Act 1996; | 10 |
| (k) | section 115(2) of the Historic Places Act 1993; | |
| (l) | section 4 of the Land Transport Management Act 2003; | |
| (m) | section 4 of the Local Government Act 2002; | |
| (n) | section 6(c)(ii)(B) of the Maori Fisheries Act 1989; | |
| (o) | section 4 of the New Zealand Public Health and Disability Act 2000; | 15 |
| (p) | section 6(1), (2)(e), and (4)(c) and section 7 of the Ngati Tama Claims Settlement Act 2003; | |
| (q) | section 5.1. of the Ngati Turangitukua Claims Settlement Act 1999; | 20 |
| (r) | section 6(2) and section 10(1)(a)(i) of the Ngai Tahu Claims Settlement Act 1998; | |
| (s) | section 7(3) of the Pouakani Claims Settlement Act 2000; | |
| (t) | section 8 of the Resource Management Act 1991; | 25 |
| (u) | section 10(o) of the Royal New Zealand Foundation of the Blind Act 2002; | |
| (v) | section 24(2)(a) of the Royal Society of New Zealand Act 1997; | |
| (w) | section 9 of the State Owned Enterprises Act 1986; | 30 |
| (x) | section 10(a) and (b) of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; | |
| (y) | section 4 of Te Runanga o Ngai Tahu Act 1996; | |
| (z) | section 8(e) of Te Uri o Hau Claims Settlement Act 2002; | 35 |
| (za) | section 6(1)(d), section 8(1), and section 8HB of the Treaty of Waitangi Act 1975. | |
| (2) | The enactments set out in subsection (1) are further amended by omitting from every Preamble and every schedule in each place they occur— | 40 |
| (a) | “the principles of the Treaty”; and | |

- (b) “the principles of the Treaty of Waitangi”; and
 - (c) “Treaty of Waitangi and its principles”.
- (3) Every regulation made under any of the enactments set out in **subsection (1)** is revoked where that regulation contains references to—
- (a) “the principles of the Treaty”; and
 - (b) “the principles of the Treaty of Waitangi”; and
 - (c) “Treaty of Waitangi and its principles”.

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