

5 Kohitātea (January) 2025

Justice Committee
Parliament Buildings
WELLINGTON 6160



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Tēnā koutou e ngā mema o te Komiti Pāremata

SUBMISSION ON THE PRINCIPLES OF THE TREATY OF WAITANGI BILL

This Submission

This submission is made on behalf of the Rangitāne o Wairau Group (comprising Te Rūnanga a Rangitāne o Wairau Trust, Rangitāne o Wairau Settlement Trust, Rangitāne Holdings Limited and Rangitāne Investments Limited) and relates to the Principles of the Treaty of Waitangi Bill, which is currently under consideration by the Select Committee.

About Rangitāne

As an iwi organisation representing the interests of our whānau, we are committed to upholding the principles of Te Tiriti o Waitangi and advocating for the rights and interests of our people.

Rangitāne have resided in Te Taihū o Te Waka-a-Māui (northern South Island) for many generations since the arrival of our tupuna Te Huataki in the sixteenth century. Rangitāne have occupied and used resources within a territory stretching from the Waiau-Toa (Clarence River) in the south to the Wairau (Marlborough), including the Nelson Lakes, and north to Kaituna and the Marlborough Sounds and west into the Whakatū (Nelson) area. Rangitāne customary rights often overlapped and intersected with Kurahaupō and other iwi, especially in the Waiau-Toa, Nelson Lakes, Marlborough Sounds and Whakatū districts.

Rangitāne communities were linked by a well-used system of trails across the interior, which also formed conduits for trade and means of contact with other iwi. Trade goods included pounamu (greenstone) and pakohe (argillite). The Nelson Lakes formed the hub of this extensive network of trails which connected Rangitāne with other tribal communities in Te Hoiere, Te Tai Aorere (Tasman Bay), Mohua (Golden Bay), Te Tai Tapu (the northern West Coast) and Kawatiri (Westport).

In 2014, our Treaty Settlement was passed into law, with the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act gaining royal assent on 22 April

2014. Our rohe/Area of Interest is defined in our Deed of Settlement and the Settlement Act, and is attached as **Appendix 1**.

Our Strategic Direction

Our submission is supported and guided by our Strategic Plan, set out in summary below (including our Vision, Strategic Priority Areas and Values).

OUR STRATEGIC PLANNING FRAMEWORK					
VISION	He waka uruuru moana, he waka uruuru whenua, he waka uruuru kapua		A canoe that braves the vast oceans, seeking endless opportunities, whose vision is limitless		
STRATEGIC PRIORITIES	RANGATIRATANGA	MANA MOTUHAKE	MANA TAIAO	MANA AHUREA	MANA TAHUA
	Tangata ora, mana tangata The health and wellbeing of our people is paramount	Mana mau, mana tū! Rights upheld, rights entrenched!	Toitū te taiao ki tua o ake tonu atu! Ensuring the integrity and sustainability of our environment	Taku Rangitānetanga, taku mana, taku oranga! Our Rangitāne identity is our pride and livelihood	Whakatupu tahua, whakatupu mana Growing sustainable wealth, status and influence
VALUES	RANGATIRATANGA	KOTAHITANGA	KAITIAKITANGA	MANAAKITANGA	WHANAUNGATANGA
	Kia pono, kia ngākau māhaki, kia mana-ā-kī Leading with honour, humility and integrity	Kia mahi tahi, kia kauuanu tētahi ki tētahi Working together, respectfully, as one	Tiakina ā tātou taonga kei ngaro Embracing our responsibility to protect, preserve and enhance our taonga	Kia tangata marae, kia manaaki tētahi i tētahi Upholding mana with hospitality, generosity and service	Kia renarena te taukaea tangata, tātou, tātou! Valuing our relationships and ensuring a shared sense of belonging

We oppose the Bill...

Rangitāne o Wairau opposes the Principles of the Treaty of Waitangi Bill on the grounds that it constitutes a significant breach of Te Tiriti o Waitangi, undermines the established constitutional framework of Aotearoa New Zealand, and is inconsistent with principles of natural justice and the rule of law.

We oppose the Bill in its entirety.

...for the following reasons

We consider that the Bill should not be progressed, on account of the following concerns:

1. Breach of Treaty Obligations:

Te Tiriti o Waitangi is a binding agreement entered into by Māori rangatira and the Crown in 1840. Its text, purpose, and principles have been consistently recognised in New Zealand law and jurisprudence as foundational to the Crown-Māori relationship. The Bill's attempt to redefine or limit these principles:

- Contradicts **Article 2**, which guarantees the tino rangatiratanga of iwi and hapū over their lands, taonga, and resources. By restricting Māori rights to

those explicitly set out in historical settlements, the Bill diminishes rights not codified in settlement legislation but affirmed by Te Tiriti.

- Breaches the principles of **active protection, partnership, and redress**, as outlined in numerous court decisions and Waitangi Tribunal findings. These principles are essential to the Crown's obligation to uphold the mana of tangata whenua.

The Bill's exclusion of Māori from meaningful consultation during its development further contravenes these principles, exacerbating historical grievances and undermining good faith in the Māori-Crown relationship.

2. Undermining of Constitutional Foundations:

Te Tiriti o Waitangi holds a unique status as Aotearoa New Zealand's foundational document. Its principles are incorporated into over 60 pieces of legislation, providing the basis for Māori rights and Crown obligations. This Bill seeks to:

- Redefine Māori rights as "ordinary rights" of citizens, in contravention of international legal standards, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- Remove the judiciary's ability to interpret and uphold Treaty principles in law, thereby centralising Treaty interpretations with Parliament and breaching separation of powers.
- Weaken the constitutional status of Te Tiriti, reversing decades of progress and calling into question New Zealand's commitment to the equitable treatment of its indigenous peoples.

3. Inconsistency with Legal Precedents:

Judicial decisions, including *New Zealand Māori Council v Attorney-General* (1987), have articulated the principles of partnership, active protection, and equity. The Bill disregards these precedents, destabilising established legal frameworks and introducing significant uncertainty. The courts and Waitangi Tribunal have played a critical role in interpreting the Treaty in contemporary contexts, and this Bill undermines their authority.

4. Impact on Social Cohesion and Justice:

The Bill's unilateral approach to redefining Treaty principles threatens to erode social cohesion. It disregards the enduring obligations of the Crown, perpetuates inequity, and marginalises tangata whenua. As noted in the Waitangi Tribunal's Part II interim report, this Bill would constitute one of the most comprehensive breaches of Te Tiriti in modern history, with long-lasting consequences for the Māori-Crown relationship and trust.

Our Ask of the Select Committee and the Government

Rangitāne o Wairau urges the Select Committee to recommend the withdrawal of this Bill in its entirety. Further, we recommend that:

- The Crown uphold its commitment to the Treaty principles of partnership, active protection, and equity.
- The Government abandon any legislative changes that limit the scope or enforceability of Treaty principles.
- Future legislative developments include meaningful and early consultation with Māori, respecting tikanga.

Te Tiriti o Waitangi was, and remains, a foundational agreement premised on respect, reciprocity, and unity. This Bill undermines these values, risks further breaches of Māori rights, and threatens the integrity of our nation's constitutional framework.

Request to be heard

We wish to speak to our written submission and present orally to the Select Committee.

Concluding Remarks

Thank you for considering our submission on this Bill. We trust that the Select Committee will carefully weigh the implications of the Bill and make recommendations that reflect a commitment to a fair, just and equitable society founded on the principles of Te Tiriti o Waitangi.

Ngā mihi nui, nā



Corey Hebberd

Kaiwhakahaere Matua (General Manager)

Rangitāne o Wairau Group

Appendix 1: Rangitāne o Wairau Area of Interest (Our Tribal Rohe)

Source: Deed of Settlement

