



**METHODIST  
ALLIANCE**  
NGĀ PURAPURA WETERIANA

# **Methodist Alliance Submission on the Principles of the Treaty of Waitangi Bill**



## 1. Ko wai tātou | Who we are

The Methodist Alliance is a formal alliance of Methodist Missions, parishes and community based social services and trusts, including cooperating ventures.

The Methodist Alliance brings together a number of large and medium social service providers such as Lifewise in Auckland, Methodist City Action in Hamilton, Palmerston North Methodist Social Services, Wesley Community Action in Wellington, Christchurch Methodist Mission, Methodist Mission Southern in Dunedin, as well as local community services provided by individual parishes. It includes new social service organisations, such as Siaola Vahefonua Tongan Methodist Mission; Puna’Oa - the Samoan Methodist Mission that operates within the Samoan Synod of the Methodist Church; and Te Taha Māori.

**Ka whakahōnore mātou i tō mātou whakahoatanga Tiriti** – we honour our Tiriti partnership. Te Tiriti o Waitangi is the covenant establishing our nation on the basis of a power-sharing relationship. It is the foundation for social, economic and political equality in Aotearoa New Zealand.

The Methodist Alliance is grounded in our commitment to Te Tiriti o Waitangi and the bi-cultural journey of the Methodist Church of New Zealand - Te Hāhi Weteriana o Aotearoa, where Te Taha Māori and Tauīwi work in partnership. We claim the right bestowed by Article Four of Te Tiriti o Waitangi:

“E mea ana te Kawana ko ngā whakapono katoa o Ingarangi, o ngā Weteriana, o Roma, me te ritenga Māori hoki e tiakina ngatahitia e ia.”

“The Governor says the several faiths of England, of the Wesleyans, of Rome, and also the Māori custom shall alike be protected by him.”

The Methodist Alliance and our member organisations work collaboratively to achieve our vision of a just and inclusive society in which all people flourish, through our commitment to our faith and Te Tiriti o Waitangi.

## 2. Tirohanga Whānui | Overview

The Methodist Alliance welcomes the opportunity to provide feedback and express opposition to the Principles of the Treaty of Waitangi Bill. We strongly oppose this bill and warn of the serious repercussions of passing it.

Taking this bill to referendum would be a distortion of Te Tiriti o Waitangi, as it presents a binary choice; either the ACT Party's interpretation of the issues at hand, or the status quo. Rather than provide a mature conversation between Tauwi and Māori, it reduces the conversation to its most base and crude potential outcomes.

### Our main points are:

1. This bill should not progress past the second reading.
2. This bill has relied upon inaccurate translations and is therefore flawed and misguided.
3. It is unclear what problem this bill is intended to solve.
4. This bill has ignored expert opinions throughout its drafting.
5. Restricting rights to those granted through the Waitangi Tribunal would have a significant negative impact.
6. Removing reference to tino rangatiratanga alters the original text and restricts Māori rights.
7. Te Tiriti o Waitangi provides for equity for Māori to be pursued, not equality.

## 3. Taunakitanga | Recommendations

**Item One:** This bill is fundamentally flawed and does not align with the context, wording and intention of the original document. In its drafting, it has taken no consideration of the Te Reo version of Te Tiriti o Waitangi which was signed and understood by most signatories<sup>1</sup>.

The legitimacy of this bill relies upon Te Tiriti guaranteeing equal rights for all New Zealanders, regardless of their status as Tauwi or Tangata Whenua. This is simply not the case. It is widely agreed Te Tiriti guarantees Māori tino rangatiratanga, as well as the protection of their taonga<sup>2</sup>. To achieve this, it is necessary for Māori to be included in decision making in all areas which impact them and their taonga (including whenua, reo and oranga).

A bill which challenges the legal status of Tangata Whenua so significantly should pass through a thorough consultation process which prioritises Māori voices as well as taking account of the historic legal precedents which have brought Aotearoa to this point. The

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<sup>1</sup>Manatū Taonga. *Treaty signatories and signing locations*. New Zealand Government <https://nzhistory.govt.nz/politics/treaty/making-the-treaty/signing-the-treaty>

<sup>2</sup> Te Puni Kōkiri. (2001). *He Tirohanga o Kawa ki te Tiriti o Waitangi* <https://www.tpk.govt.nz/en/o-matou-mohiotanga/crownmaori-relations/he-tirohanga-o-kawa-ki-te-tiriti-o-waitangi>

Department of Internal Affairs hosts guidelines for government consultation which explicitly lay out this process in its ideal form, including the active consultation of Māori both as partners in Te Tiriti and as a segment of citizens of Aotearoa<sup>3</sup>. The Legislation Design and Advisory Committee also lays out specific guidelines for the consultation of Māori regarding Te Tiriti<sup>4</sup>; these guidelines have not been followed, and as such the process which has brought this bill to Select Committee has breached Te Tiriti o Waitangi.

While it is likely that robust consultation would have shown an unwillingness from many Māori to accept the proposed changes, it would have illuminated these perspectives as well as those of Tauīwi partners and allowed legislators to draft a bill that accurately reflected our collective understanding of Te Tiriti o Waitangi.

The process of drafting is one which allows a small group to independently decide the values of Aotearoa New Zealand's foundational constitutional document without wider consulting. Providing the potential for a referendum on this issues is disingenuous, as it reduces the constitutional future of Aotearoa to a choice between ACT's vision of Aotearoa and the status quo. This choice removes the potential to have an inclusive and wide-ranging conversation about how best to embed Te Tiriti into both our legislation and our daily lives.

### **Recommendation 1:**

We recommend that this bill not proceed past the second reading.

**Item Two:** It is unclear what problem this bill is intended to solve.

This bill proposes to provide certainty and clarity, promote a national conversation and build both a consensus and more widely understood conception of New Zealand's constitutional arrangements. However, this bill itself will not achieve these goals.

If the intention was to educate and inform the public about Te Tiriti and implement constitutional changes based on this, a more fitting approach would have been to educate first, then allow for Māori and public sentiment to guide potential changes. This process has happened in reverse.

The bill has created greater public awareness of Te Tiriti o Waitangi, not through its passing into legislation but through the overwhelming public opposition to it.

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<sup>3</sup> Department of Internal Affairs. (2015). *Kia Tūtahi*. New Zealand Government  
[https://www.dia.govt.nz/vwluResources/Kia-Tutahi-Relationship-Accord-EngagementGuide2016%20pdf/\\$file/Kia-Tutahi-Relationship-Accord-EngagementGuide2016%20\(final\)1.pdf](https://www.dia.govt.nz/vwluResources/Kia-Tutahi-Relationship-Accord-EngagementGuide2016%20pdf/$file/Kia-Tutahi-Relationship-Accord-EngagementGuide2016%20(final)1.pdf)

<sup>4</sup> Legislation Design and Advisory Committee. (2021). *Legislation Guidelines*. Pp.30.  
<https://assets.ctfassets.net/2p6zm5b439dq/6aiZYGGoVQ4Kym4HcsdhaZ/87ef91bc80dc6705e939c00bab54da10/LDAC-Legislation-Guidelines-2021-edition.pdf>

**Recommendation 2:** Significant public education is appropriate to achieve the stated goals of this bill, rather than legislative change.

**Item Three:** The bill is based upon inaccurate translations of Te Tiriti which have been rejected by experts.

At least two open letters have been penned by respected and experienced translators of Te Reo Māori making it clear that this bill has been based upon inaccurate translations of Te Tiriti, distorting the intentions of both the writers and the signatories.<sup>5 6</sup> To progress with this bill following the receipt of these letters is concerning, given that the basis of any piece of legislation should be accurate information informing an intended outcome.

**Recommendation 3:** Considerations of Te Tiriti must access appropriate translation resources to ensure they are informed and accurately reflect the contents of the document.

**Item Four:** The use of Waitangi Tribunal settlements to define Māori rights is contrary to Te Tiriti.

The bill proposes to hold all New Zealanders under the same set of rights and obligations aside from those laid out in Waitangi Tribunal settlements<sup>7</sup>. A reduction of the right to kotahitanga and rangatiratanga in this manner does not hold to the guarantees set out in Te Tiriti and would rewrite it without putting quill to parchment.

The Waitangi Tribunal exists to assess the Crown's failing's regarding Te Tiriti, where grievances have been raised and to find resolutions to these issues. To rely upon the Waitangi Tribunal to hold this role would be working reactively to affirm the rights of Māori, rather than holding them as sacred as defined under the covenant of Te Tiriti.

This proposition also puts the onus on Māori to actively pursue the rights guaranteed by Te Tiriti through a tribunal process, a process which requires significant resources, and which takes time. It takes the responsibility to honour Te Tiriti from the Crown and invites further breaches with the knowledge they will be litigated at a later date and only if Māori are willing and able to bring a case.

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<sup>5</sup>New Zealand Society of Translators and Interpreters. (2024). *An open letter to the prime minister and ministers of New Zealand from the national professional associations of translators and interpreters.* <https://nzsti.org/NZSTI-Press-Release-Treaty-Principles-Bill/11003-2854437e-164b-413c-b913-53325f449c36/>

<sup>6</sup>NZ Herald. (2024). *Māori translators pen letter over deeply flawed translations.* <https://www.nzherald.co.nz/kahu/treaty-principles-bill-maori-translators-pen-letter-over-deeply-flawed-translations/BJEJZEYDYBCVZJNELATVYL65HU/>

<sup>7</sup> Principles of the Treaty of Waitangi Bill 2024  
<https://www.legislation.govt.nz/bill/government/2024/0094/latest/whole.html>

The Waitangi Tribunal's findings are not binding, and enforcement of settlements is dependent on the government. As demonstrated by the introduction of this bill, for the rights of Māori to be dependent on a government which asserts them through legislation is precarious and does not reflect the covenant that was entered.

**Comment 4:** The proposition to restrict rights to those defined through the Waitangi Tribunal is improper and will disadvantage those who have limited resources to pursue claims.

**Item Five:** The removal of tino rangatiratanga from the principles changes the meaning of Te Tiriti and causes imbalance between the texts.

It has been known for many years that there are two texts that make up the constitutional basis of Aotearoa. One is the Treaty of Waitangi, and the other is Te Tiriti o Waitangi. They say different things, and the vast majority of Māori signed Te Tiriti o Waitangi – which includes a guarantee of tino rangatiratanga for Māori over their whenua and taonga. To remove this from the principles would be to disregard and rewrite history and the covenant itself.

**Comment 5:** By removing tino rangatiratanga, the bill changes the contents and intention of Te Tiriti o Waitangi.

**Item Six:** This bill's focus on equality disregards the lack of equality experienced by Māori from the point of colonisation to the present day.

Through the mistreatment of Māori by early settlers, the process of raupatu and the urbanisation wave that came following the Second World War, Māori have been disenfranchised in many ways since prior to the signing of Te Tiriti o Waitangi. Many Māori have no way to know their marae, their whenua or their whakapapa – and until the 1970s it was expected that their reo would be extinct in the near future due to abuse in workplaces and schools and the pressure to assimilate into Pākehā culture.

While the redress system and various government and iwi initiatives have made an impact on some of these issues, Māori continue to be consistently overrepresented in negative statistics across the board. These programmes are guided by the principles in Te Tiriti o Waitangi, especially that of equity. The Waitangi Tribunal considers that Article 3:

‘not only guarantees Māori freedom from discrimination but also obliges the Crown to positively promote equity. It is through article 3 that Māori, along with all other citizens, are placed under the protection of the Crown and are therefore assured

equitable treatment from the Crown to ensure fairness and justice with other citizens.<sup>8</sup>

Equity differs from equality in that it requires the Crown to bring people towards equal standing in society, rather than treating everyone the same. Equity requires actions which recognise Māori as Tangata Whenua, and work to rectify the harm that has been done since colonisation began.

**Comment 6:** By referring to equality rather than equity, the bill misrepresents the intention of Te Tiriti o Waitangi. Equity must be accepted to be the objective of Article 3 of Te Tiriti.

#### 4. Conclusion

The Methodist Alliance strongly opposes this bill and believes that it should not progress past the second reading. It is based upon a misreading and misunderstanding of both the text and the intention behind the signing of Te Tiriti o Waitangi and has not gone through the consultation process which would have rectified these mistakes.

Through denying tino rangatiratanga to vast swathes of Tangata Whenua and misrepresenting equity as equality, this bill would actively harm Māori and Aotearoa as a nation state.

Te Hāhi Weteriana o Aotearoa has long recognised the importance of the relationship entered into by Māori and Tauīwi upon the signing of Te Tiriti, and we will continue to oppose efforts to undermine this sacred covenant.

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<sup>8</sup> Waitangi Tribunal.(2023) *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry*. Pp.33.