

Principles of the Treaty of Waitangi Bill

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Public submissions are now being called for Principles of the Treaty of Waitangi Bill

The closing date for submissions is 1.00pm Tuesday, 14 January 2025

Updated Thursday, 9 January 2025

The Justice Committee has reopened submissions on the Principles of the Treaty of Waitangi Bill. The new deadline for submissions is 1.00pm, Tuesday, 14 January 2025.

The committee unanimously agreed to reopen submissions due to the technical issues affecting the Parliament website in the closing days of the submission period. The committee's intention is to ensure that everyone who tried to make a submission but was unable will have the opportunity to do so.

The committee strongly encourages those wishing to make submissions to do so promptly, and to not leave doing so until the final hours on Tuesday, 14 January.

Anyone who emailed a submission to treatyprinciples@parliament.govt.nz or justice@parliament.govt.nz between Monday, 6 January and 9.00am Thursday, 9 January will have their email submission accepted as a regular submission, provided their email references the technical issues with the website, contains a name, a submission, and meets the conditions put in place by the Justice Committee for this item of business. If your email submission meets the criteria above, you do not need to re-make your submission via the website portal.

The bill

The purpose of the bill is to set out the principles of the Treaty of Waitangi in legislation, and require, where relevant, those principles to be used when interpreting legislation. See "About the bill" further in this release for more information.

The committee is conscious that the bill is controversial, and intends to facilitate a measured debate.

The committee has agreed criteria for submissions that will not be accepted. This includes submissions containing strong swear words, racist material, and abusive personal reflections against MPs. The committee will decide whether a submission meets the above criteria. Submissions that are judged to include any of the above will be returned to the submitter. Submitters can re-submit their submissions without offensive language in this case if they wish to.

The committee has also agreed that anonymous submissions will generally not be accepted. This includes submissions made only under a first name, using only initials, or using a name that is clearly not a real name. Anonymous submissions will be returned to the submitter, if it is possible to do so.

The committee is intending to complete hearings by the end of February 2025. Further decisions about hearings will be made and communicated in due course.

Please get in touch with committee staff at treatyprinciples@parliament.govt.nz if you experience technical difficulties in lodging a submission through the website, or if you wish to check whether your emailed submission meets the committee's criteria. If your email is about technical difficulties, please include a screenshot of the issue you are experiencing.

Each submitter will be counted only once, even if a submitter makes multiple submissions.

Key information

- Submissions can only be made via the portal on the Parliament website or via post. For more information see "**How to Make A Submission** (<https://www.parliament.nz/en/pb/sc/how-to-make-a-submission/>)" on the Parliament website.
- Written submissions can be made in English and te reo Māori. Submissions made in te reo Māori will be translated into English, although this may take some time.
- The committee will not accept submissions containing racist material, particularly overt racism and characterising people as racist, strong swear words, or abusive personal reflections against MPs or other individuals.
- The committee will not, as a general rule, accept anonymous submissions. This includes submissions made only under a first name, using only initials, or using a name that is clearly not a real name. Anonymous submissions will be returned to the submitter, if it is possible to do so.

About the bill

Parliament first introduced the concept of the Treaty principles in legislation in the Treaty of Waitangi Act 1975, but did not define them. The Treaty principles help reconcile differences between the te reo Māori and English texts and give effect to the spirit and intent of the Treaty when applied to contemporary issues. They apply to Government policy and operational decisions and are used to interpret legislation, and by the Waitangi Tribunal to review proposed Crown action or inaction, policies, and legislation.

The purpose of the bill is to set out the principles of the Treaty of Waitangi in legislation, and require, where relevant, those principles to be used when interpreting legislation. The bill proposes the following principles:

- Principle 1: The Government of New Zealand has full power to govern, and Parliament has full power to make laws. They do so in the best interests of everyone, and in accordance with the rule of law and the maintenance of a free and democratic society.
- Principle 2: The Crown recognises the rights that hapū and iwi had when they signed the Treaty/te Tiriti. The Crown will respect and protect those rights. Those rights differ from the rights everyone has a reasonable expectation to enjoy only when they are specified in Treaty settlements.
- Principle 3: Everyone is equal before the law and is entitled to the equal protection and equal benefit of the law without discrimination. Everyone is entitled to the equal enjoyment of the same fundamental human rights without discrimination.

The overarching objective of the bill is to define what the principles of the Treaty of Waitangi are in statute to:

- create greater certainty and clarity to the meaning of the principles in legislation
- promote a national conversation about the place of the principles in the country's constitutional arrangements
- create a more robust and widely understood conception of New Zealand's constitutional arrangements, and each person's rights within them

- build consensus about the Treaty/te Tiriti and New Zealand's constitutional arrangements that will promote greater legitimacy and social cohesion.

To come into force, the bill would require the support of a majority of electors voting in a referendum.

For media queries please contact TreatyPrinciples@parliament.govt.nz or call 04 817 6172.

For more information please visit **Frequently asked questions: Principles of the Treaty of Waitangi Bill** (<https://www.parliament.nz/en/pb/sc/select-committee-news-archive/frequently-asked-questions-principles-of-the-treaty-of-waitangi-bill/>) (this page will be updated when new information is available) or contact TreatyPrinciples@parliament.govt.nz.

This bill is available online from the 'Related links' panel.

What do you need to know?

Further guidance on making a submission can be found from the 'How to make a submission' link in the 'Related documents' panel.

If you have any questions about your submission or the submission process please contact the Committee Staff through the contact details provided on this page.

Submissions are publicly released and published to the Parliament website. Only your name or organisation's name is required on a submission. Please keep your contact details separate, as if they are included on the submission they will become publicly available when the submission is released.

If you wish to include information of a private or personal nature in your submission you should discuss this with the clerk of the committee before submitting.

If you wish to speak to your submission, please state this clearly.

RELATED

-  **New Zealand Legislation** (<http://www.legislation.govt.nz/>)
 -  **How to make a submission** (<https://www.parliament.nz/en/pb/sc/how-to-make-a-submission/>)
 -  **Read the bill here** (<https://www.legislation.govt.nz/bill/government/2024/0094/latest/whole.html>)
 -  **FAQ for the bill** (<https://www.parliament.nz/en/pb/sc/select-committee-news-archive/frequently-asked-questions-principles-of-the-treaty-of-waitangi-bill/>)
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New Zealand Legislation

Principles of the Treaty of Waitangi Bill

- defeated on 10 April 2025

Principles of the Treaty of Waitangi Bill

Government Bill

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Explanatory note

General policy statement

The Principles of the Treaty of Waitangi Bill implements the Government policy to introduce a Treaty principles Bill, based on existing ACT Party policy, and to support it to a select committee as soon as practicable.

The overarching objective of the Bill is to define what the principles of the Treaty of Waitangi are in statute to—

- create greater certainty and clarity to the meaning of the principles in legislation:
- promote a national conversation about the place of the principles in our constitutional arrangements:
- create a more robust and widely understood conception of New Zealand’s constitutional arrangements, and each person’s rights within them:
- build consensus about the Treaty/te Tiriti and our constitutional arrangements that will promote greater legitimacy and social cohesion.

Parliament introduced the concept of the Treaty principles into legislation in the Treaty of Waitangi Act 1975, partially to reconcile the differences between the 2 texts. Parliament, however, did not define those principles.

The Treaty principles, as defined at this time, help reconcile differences between the te reo Māori and English texts and give effect to the spirit and intent of the Treaty when applied to contemporary issues. They apply to policy and operational decisions by Government (exactly what this requires depends on the context and there is guidance available to assist decision makers). They are used in the interpretation of legislation and are used by the Tribunal to review proposed Crown action or inaction, policies, and legislation.

Summary of key features

Principles

Civil government—the Government of New Zealand has full power to govern, and Parliament has full power to make laws. They do so in the best interests of everyone, and in accordance with the rule of law and the maintenance of a free and democratic society.

Rights of hapū and iwi Māori—the Crown recognises the rights that hapū and iwi had when they signed the Treaty/te Tiriti. The Crown will respect and protect those rights. Those rights differ from the rights everyone has a reasonable expectation to enjoy only when they are specified in Treaty settlements.

Right to equality—everyone is equal before the law and is entitled to the equal protection and equal benefit of the law without discrimination. Everyone is entitled to the equal enjoyment of the same fundamental human rights without discrimination.

Application

The Bill is an instrument of Parliament created for the purpose of interpreting Parliament's intent when it passes legislation.

The defined principles would be used exclusively to assist with the interpretation of an enactment where Treaty principles would normally be considered relevant, in addition to legislation that refers to Treaty principles directly. This does not necessarily require Treaty principles to be explicitly referenced in the legislation in question. Their application in decision making is determined by the nature of the decision rather than the explicit reference in legislation.

The Bill does not alter or amend the text of the Treaty/te Tiriti itself and does not apply to the interpretation of a Treaty settlement Act.

Commencement

The Bill will come into force if a majority of electors voting in a referendum support it. The Bill will come into force 6 months after the date on which the official result of that referendum is declared.

If a majority of electors voting in a referendum do not support the Bill, it will automatically be repealed.

Departmental disclosure statement

The Ministry of Justice is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2024&no=94>

Regulatory impact statement

The Ministry of Justice produced a regulatory impact statement on 28 August 2024 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <https://www.beehive.govt.nz/release/next-steps-agreed-treaty-principles-bill>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides for the Bill to come into force 6 months after the date on which the official result of a referendum is announced if a majority of electors voting in that referendum support the Bill coming into force.

Part 1

Preliminary provisions

Clause 3 states the purpose of the Bill.

Clause 4 defines terms used in the Bill.

Clause 5 provides that the Bill, when enacted, will bind the Crown.

Part 2

Principles of Treaty of Waitangi

Clause 6 sets out the principles of the Treaty of Waitangi for the purposes of the Bill.

Clause 7 provides that the principles of the Treaty of Waitangi set out in the Bill must be used to interpret an enactment if principles of the Treaty of Waitangi are relevant to interpreting that enactment. This is the case whether the reference to principles is express or implied.

Clause 8 provides that the Bill does not apply to the interpretation of a Treaty settlement Act, or the Treaty of Waitangi Act 1975 in relation to the settlement of a historical Treaty claim entered into after the commencement of the Bill.

Clause 9 provides that the Bill does not amend the text of the Treaty of Waitangi/te Tiriti o Waitangi.

Principles of the Treaty of Waitangi Bill

Government Bill

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- 8 Act not to apply to interpretation of Treaty settlement Act or settlement of historical Treaty claim under Treaty of Waitangi Act 1975
- 9 Treaty of Waitangi/te Tiriti o Waitangi not amended

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Principles of the Treaty of Waitangi Act **2024**.

2 Commencement

- (1) If a majority of electors voting in a referendum respond to the question in **subsection (2)** supporting this Act coming into force, this Act comes into force 6 months after the date on which the official result of that referendum is declared.
- (2) The wording of the question to be put to electors in a referendum for the purposes of **subsection (1)** is—

“Do you support the Principles of the Treaty of Waitangi Act **2024** coming into force?”
- (3) The wording of the 2 options for which electors may vote in response to the question is—

“Yes, I support the Principles of the Treaty of Waitangi Act **2024** coming into force.”

“No, I do not support the Principles of the Treaty of Waitangi Act **2024** coming into force.”
- (4) If a majority of electors voting in a referendum respond to the question in **subsection (2)** that they do not support this Act coming into force, this Act is repealed on the day after the date on which the official result of that referendum is declared.
- (5) This Act is repealed if it does not come into force under **subsection (1)** within 5 years after the date on which it receives Royal assent.
- (6) In this section, **referendum**—
 - (a) means a referendum providing electors with an opportunity to decide whether this Act should come into force; and
 - (b) includes any fresh referendum required to be held if the High Court, on a petition, declares the referendum under **paragraph (a)** to be void.

Part 1 Preliminary provisions

3 Purpose

The purpose of this Act is—

- (a) to set out the principles of the Treaty of Waitangi in legislation; and
- (b) to require, where relevant, that those principles must be used when interpreting legislation.

4 Interpretation

In this Act,—

historical Treaty claim has the same meaning as in section 2 of the Treaty of Waitangi Act 1975

Treaty settlement Act means—

- (a) an Act listed in Schedule 3 of the Treaty of Waitangi Act 1975; and
- (b) any of the following:
 - (i) the Maori Commercial Aquaculture Claims Settlement Act 2004;
 - (ii) the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;
 - (iii) the Nga Wai o Maniapoto (Waipa River) Act 2012;
 - (iv) the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010;
 - (v) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and secondary legislation that gives effect to section 10 of that Act;
 - (vi) any other Act that—
 - (A) provides collective redress or participation arrangements for claimant groups whose historical Treaty claims are, or are to be, settled by another Act; or
 - (B) otherwise relates to the settlement of a historical Treaty claim.

5 Act binds the Crown

This Act binds the Crown.

Part 2 Principles of Treaty of Waitangi

6 Principles of Treaty of Waitangi

The principles of the Treaty of Waitangi are as follows:

Principle 1

The Executive Government of New Zealand has full power to govern, and the Parliament of New Zealand has full power to make laws,—

- (a) in the best interests of everyone; and
- (b) in accordance with the rule of law and the maintenance of a free and democratic society.

Principle 2

- (1) The Crown recognises, and will respect and protect, the rights that hapū and iwi Māori had under the Treaty of Waitangi/te Tiriti o Waitangi at the time they signed it.
- (2) However, if those rights differ from the rights of everyone, **subclause (1)** applies only if those rights are agreed in the settlement of a historical treaty claim under the Treaty of Waitangi Act 1975.

Principle 3

- (1) Everyone is equal before the law.
- (2) Everyone is entitled, without discrimination, to—
 - (a) the equal protection and equal benefit of the law; and
 - (b) the equal enjoyment of the same fundamental human rights.

7 Principles of Treaty of Waitangi set out in section 6 must be used to interpret enactments

- (1) The principles of the Treaty of Waitangi set out in **section 6** must be used to interpret an enactment if principles of the Treaty of Waitangi are relevant to interpreting that enactment (whether by express reference or by implication).
- (2) Principles of the Treaty of Waitangi other than those set out in **section 6** must not be used to interpret an enactment.
- (3) This section applies despite any other enactment, except **section 8**.

8 Act not to apply to interpretation of Treaty settlement Act or settlement of historical Treaty claim under Treaty of Waitangi Act 1975

This Act does not apply to the interpretation of a Treaty settlement Act, or the Treaty of Waitangi Act 1975 in relation to the settlement of a historical Treaty claim entered into after the commencement of this Act.

9 Treaty of Waitangi/te Tiriti o Waitangi not amended

Nothing in this Act amends the text of the Treaty of Waitangi/te Tiriti o Waitangi.