NZCTU
Te Kauae Kaimahi

Submission to the JUSTICE SELECT COMMITTEE on the:

Principles of the Treaty of Waitangi Bill

Submitted by the New Zealand Council of Trade Unions Te Kauae Kaimahi

7 January 2025

IN UNION, TOGETHER.
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1. Introduction

1.1. This submission is made on behalf of the unions affiliated to the New Zealand Council of Trade Unions Te Kauae Kaimahi (CTU). With over 300,000 members, the CTU is one of the largest democratic organisations in New Zealand.

1.2. The CTU acknowledges Te Tiriti o Waitangi (Te Tiriti) as the founding document of Aotearoa New Zealand and formally acknowledges this through Te Rūnanga o Ngā Kaimahi Māori o Aotearoa (Te Rūnanga) the Māori arm of Te Kauae Kaimahi (CTU) which represents approximately 60,000 Māori workers.

1.3. The NZCTU carries a long tradition of standing in solidarity with Māori. The struggle for workers' rights and the struggle for Tino Rangatiratanga are inextricably linked. Both struggles stand in solidarity against the greed and ignorance of the powerful and claim for ordinary people what they justly deserve.

1.4. From restricting the rights of unions to organise to attacking the concept of Tino Rangatiratanga, this Government has proven itself the enemy of collective rights and collective power.

1.5. Just as workers are weakened when they are atomised and separated from their collective strength, Māori face the risk of losing, power and authority if their collective rights are stripped from them.

1.6. The Union Movement stands in solidarity with Māori in the face of yet another attempt to undermine the collective strength of ordinary people.

2. Genuine principles against false principles

2.1. This Bill interpolates principles upon Te Tiriti o Waitangi[1] that are not derived from the text, the intention of the parties or, the historical context in which the document was signed.

[1] The term "Te Tiriti o Waitangi", or " Te Tiriti," refers to the compact signed between Māori Rangatira and the Crown that was originally written in Te Reo Māori. The term "Treaty of Waitangi", or "The Treaty" refers to the version of that compact that was written in the English language.

2.2. These alien principles distort Te Tiriti and seek to usurp genuine interpretations of what the document is and what it sought to achieve.

2.3. In the following paragraphs, we contrast genuine principles that are rooted in Te Tiriti itself against the new "principles" which this Bill seeks to impose.

Tino Rangatiratanga against the 'right to personal property'

2.4. The ACT party claims that this Bill upholds a version of Tino Rangatiratanga that promotes equality for all New Zealanders. In its policy, it states:

> *ACT believes the principle of rangatiratanga over one's own property is a basic human right. The right to use and enjoy one's own property is a basic human right for natural persons embodied in a number of overseas constitutions and the UN Declaration of Human Rights. ACT believes in the words of the Treaty: that rangatiratanga over one's property and possessions are protected.*[2]

2.5. ACT's policy misrepresents the true meaning of Tino Rangatiratanga, stripping it of it's meaning as an expression of Māori political authority and its association with collective rights and equating it with a neoliberal conception of "private property".

2.6. Despite this distortion, the meaning of Tino Rangatiratanga as an expression of collective power cannot be re-written:

> *Kaumātua have analysed the word rangatira as follows: Tirohia tō mata ki te moana, he ika e ranga ana. Tirohia tō mata ki uta, he tira tangata e haerere ana. Mā wai e raranga kia kotahi ai? Look to the sea where the fish shoal (as one body); look to the land where a group of people wander about. Who will bind them in unity? The essential words here are ranga: 'shoal'; raranga: 'weave, plait'; and tira: 'group'. A rangatira, then, holds a group of people together so that they move as one, like a shoal. Rangatiratanga is often translated literally as chieftainship. This is not a good translation. In truth it is the exercise of leadership in a manner that ensures that the iwi preserves and upholds its mana. The distinguishing feature*

We recognise that these are two distinct documents with very different provisions and acknowledge that most Māori Tupuna signed the Māori language document. The small number who signed the English version were induced into doing to by explanations given by the Crown that led them to believe that the English version was a faithful rendering of the Te Reo version.

[2] ACT policy document- *A path from co-governance to democracy*, 16 September 2023

https://assets.nationbuilder.com/actnz/mailings/6642/attachments/original/230916_ACT_Policy_Document_%28CoGovernance%29.pdf?1694902554

of rangatiratanga is encapsulated in the notion of 'taking care of one's people'. In practical terms it means exercising paramount power, and authority in respect of the people and their resources, so that the people can prosper and enjoy social, economic and spiritual well-being. Rangatiratanga is a control exercised not only by particular individuals, but by local groups collectively as well. It is, in short, the manifestation of the iwi political system. Tino rangatiratanga is the exercise of ultimate and paramount power and authority.[3]

2.7. The analysis of the word "rangatiratanga" above reveals that rangatiratanga has a clear and inseparable link with collective powers and collective rights.

2.8. Those Māori tupuna who signed Te Tiriti did not agree to any watered-down concept of this independent and collective power.

2.9. This is clearly indicated by the prefix "Tino" meaning "verily" which confirms that the notion of rangatiratanga being upheld by the signatories of Te Tiriti is without any qualification, dilution, or defect.

2.10. Having regard for the plain and obvious meaning of the phrase "Tino Rangatiratanga" we cannot accept the claims made by those who support the Bill and attempt to cast it as a way of supporting Māori rights.

2.11. Truthfully, the Bill seeks to quash the collective rights that inhere within Māori society by discarding the meaning of Tino Rangatiratanga and replacing it with an unrelated, atomised, and weakened conception of neoliberal property rights.

Partnership not cession

2.12. The Bill is also based on a principle that Māori have ceded to the Crown "full power to govern" them and make laws in their interests[4].

2.13. While this view is based on a longstanding contention, derived (solely) from the English version of the Treaty of Waitangi[5], it is misconceived, one-sided and not supported by the historical context of Te Tiriti O Waitangi.[6]

[3] Waitangi Tribunal *Ngā Mātāpono/The Principles* (WAI 3300,2024) at 19
[4] Principles of the Treaty of Waitangi Bill 2024 (94-1) cl 6 (princople 1)
[5] Claudia Orange, 'Te Tiriti o Waitangi – the Treaty of Waitangi', Te Ara - the Encyclopedia of New Zealand, http://www.TeAra.govt.nz/en/te-tiriti-o-waitangi-the-treaty-of-waitangi/print
[6] Waitangi Tribunal

2.14. Te Tiriti is often described as being a compact between two sovereign entities, an international document like modern treaties that exist between sovereign nation states.[7] To understand what Māori gave over to the Crown, we must understand, along with the plain words of the instrument, the intention of the Māori tupuna who signed the document.

2.15. The text of Te Tiriti O Waitangi is clear that what the tupuna retained for themselves was "Tino Rangatiratanga" and what they gave over to the Crown was described as "Kawanatanga".

2.16. The Māori who signed Te Tiriti knew clearly what both these terms meant[8].

2.17. Tino Rangatiratanga, as explained above, related to a fulsome and substantive rights for Māori to rule themselves and govern their own affairs. Kawanatanga on the other hand, related to administrative functions, carried out by agents who are subordinate to a higher authority. [9]

2.18. The intention of the Māori tupuna who signed Te Tiriti was clearly expressed in the plain words of the document. Thus, the document itself cannot be regarded as an instrument of cession. [10]

2.19. Also relevant to understanding what Māori gave over to the Crown in signing Te Tiriti are the representations made to them by agents of the Crown to convince Māori to affix their signatures to the document.[11]

2.20. These representations are well remembered by the descendants of those who signed Te Tiriti, and it is considering these promises, commitments and explanations that the true principles of Te Tiriti should be discerned.

2.21. The representations of Crown representatives as they took Te Tiriti across Aotearoa led Māori to legitimately believe that the establishment of the Crown as a Kawana in the land

[7] The Treaty in brief, URL: https://nzhistory.govt.nz/politics/treaty/the-treaty-in-brief, (Manatū Taonga — Ministry for Culture and Heritage), updated 17-May-2017
[8] Waitangi Tribunal, *Te Mana Whatu Ahuru,* vol 1 (WAI 898,2018) at 146–149
[9] Waitangi Tribunal *Ngā Mātāpono/The Principles* at 22:

That Tribunal noted that in He Whakaputanga, the 1835 declaration of independence, 'sovereign power and authority was translated as 'ko te Kingitanga ko te mana i te wenua', whereas kāwanatanga was used for 'any functions of government', implying an administrative authority, not a supreme, unconditional power.

[10] Waitangi Tribunal, *He Whakaputanga me te Tiriti: the Declaration and the Treaty* (WAI 1040,2014) at 10.44
[11] Waitangi Tribunal, *Te Mana Whatu Ahuru,* vol 1 at 146- speaks of the assurances and explanations given by crown representatives that traditional rights would continue.

would not undermine in any way their independence and collective rights. Instead, the Kawana would represent a co-equal power, who shares authority in a separate but overlapping sphere of government.

2.22. This was done to place Pākehā settlers under the rule of law and to ensure that Māori land, resources, taonga and self-governing power was protected against encroachment.

2.23. In affording the Kawana such a sphere, Māori intended to secure a space for the two sovereign entities to work together in mutual benefit.

2.24. Thus, in place of "cessation", the genuine principle that underlies the signing of Te Tiriti o Waitangi is that of "Equal Partnership". Yet nowhere in the Bill is the principle expressed.

Equality

2.25. This Bill co-opts the language of "equal rights" while having nothing to do with delivering equality.

2.26. As correctly observed by the Waitangi Tribunal, Aotearoa/ New Zealand already guarantees equality before the law, and equal rights for all its citizens[12]. Statutes such as the Bill of Rights Act 1990 and the Human Rights Act 1993 along with common law doctrines are cornerstones of our legal system's formal commitment to equality.

2.27. Against the protections that already exist to guarantee "equal rights for all", the statements in the Bill about delivering equality are substantively empty. The purpose of these statements is to provide window dressing for a legislative policy that is in fact diametrically opposed to securing meaningful equality for Māori.

2.28. Underlying the Bill's superficial commitment to equality is a view that Māori receive special privileges by virtue of their ancestry and that such privileges stem from the way Te Tiriti is interpreted.[13]

2.29. The allegation that Māori receive race-based privilege is manifestly untrue. Māori suffer tremendous social and economic inequality as illustrated by practically every empirical standard. [14]

[12] Waitangi Tribunal *Ngā Mātāpono/The Principles* at xvii
[13] https://www.treaty.nz/ : Claiming that certain interpretations of the treaty afford "unique privileges to one group" (namely Māori).
[14] Kerryn Pollock, 'Health and society', Te Ara - the Encyclopedia of New Zealand, http://www.TeAra.govt.nz/en/health-and-society/print.

2.30. Māori are structurally disadvantaged as a community and this disadvantage is the legacy of a state that has habitually breached its obligations under Te Tiriti.[15]

2.31. Measures taken to redress these structural disadvantages and restore historical breaches of Te Tiriti are not "special privileges." Such measures are taken to redress violations of a legal compact by one party against another.

2.32. Seeking and receiving redress for a violation of a legally binding agreement is essential for maintaining equality between the parties. There is no equality if one side can breach an agreement with impunity and not face any repercussions.

2.33. The language of equality is also co-opted (improperly) to undermine traditional Māori rights, especially where those rights are held collectively.

2.34. Principle 2 of the Bill illustrates this hostility to traditional rights. While the first part of that "principle" affirms the existence of the rights of iwi and hapū, paragraph 2 of the principle utterly contradicts this affirmation and says:

> *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.*

2.35. In other words, Māori may have no traditional rights. These can be removed and replaced with uniformed access to narrowly construed, "private property" rights.

2.36. This so-called "principle" is a simple breach of the text and the spirit of Te Tiriti as well as its English language counterpart which itself promises that Māori shall have:

> *… **full exclusive and undisturbed** possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession [**emphasis** added].*[16]

2.37. This Government has a special hostility towards property rights that are collectively held for the benefit of communities and not for the exclusive benefit of individuals. With

[15] ACT policy document- *A path from co-governance to democracy* at p 3:

However, New Zealand's history has shown
poor regard for upholding Māori property rights.

[16] Claudia Orange, 'Te Tiriti o Waitangi – the Treaty of Waitangi', Te Ara - the Encyclopedia of New Zealand, http://www.TeAra.govt.nz/en/te-tiriti-o-waitangi-the-treaty-of-waitangi/print.

traditionally held customary rights that attach to the seabed and foreshore have already been targeted.[17]

2.38. While such attacks on the collective property rights may seem unusual from a Government that stridently promotes the property rights of landlords, big business and the wealthy, it is consistent with the ACT party's policy of rooting out traditionally held Māori property[18].

2.39. Stripping indigenous communities of their traditionally held property does not promote equality. It promotes an unequal society where the property rights of some (namely the wealthy and powerful) are protected, while the property rights that benefit communities of ordinary people are disregarded and trampled.

2.40. Collective rights are a safeguard against inequality.

2.41. Whether these rights relate to the ability of unions to organise workers for better wages and conditions or, for of communities to hold resources for the common good, collective rights are dangerous to those who seek to establish exploitative societies.

2.42. Instead of attempting to destroy collective rights, this Government should do more to protect and promote them.

2.43. Accordingly, the Government should abandon this Bill and uphold the genuine treaty principle of leaving Māori rights undisturbed.

3. Importance of the separation of powers

3.1. As a constitutional document, Te Tiriti o Waitangi properly belongs in all spheres of government. All institutions have a role in upholding, interpreting and implementing the principles of the document.

3.2. Supporters of the Bill have said that the concept of Parliamentary Sovereignty enables and justifies the legislature to pass law with respect to Te Tiriti. While it is true that the sovereignty of parliament enables the government to pass any law, including laws that

[17] Waitangi Tribunal *Takutai Moana Act 2011- Urgent Inquiry, stage 1 report* (WAI 3400,2024) at 67-69.
[18] Ibid at 3:

The Tribunal considered that 'Māori will, or are likely to, suffer significant and irreversible prejudice from such an approach', and that it appeared the Crown aimed 'to intentionally make it harder for Māori claimant groups to successfully obtain customary marine title'.

limit, distort and quash Te Tiriti, it is not true that such powers cannot be abusive and cannot cause a constitutional crisis.

3.3. In terms of our constitutional arrangements, the separation of powers is described as the "foundation of liberty".[19] It means that the three branches of government, the executive, the legislature and the judiciary, each keep to their respective spheres and functions without undermining one and other.

3.4. Unfortunately, this Government does not understand separation of powers and its role in upholding democracy.

3.5. This lack of understanding is illustrated by the Bill's attempt to undermine the constitutional functions of the courts and the Waitangi Tribunal.

3.6. The courts and the Waitangi Tribunal have an interpretative function that Parliament is not qualified to carry out.

3.7. In relation to upholding the constitutional nature of Te Tiriti, these functions help determine, clarify, and apply the genuine principles of that underlie the instrument. For example, the inquisitorial functions of the Waitangi Tribunal have produced clear, research-based conclusions on what the original intentions of the parties to Te Tiriti were at the time of signing[20].

3.8. Courts too have an important role in upholding the constitutional role of Te Tiriti. A fundamental element of the judiciary's role is to apply the compact expressed by Te Tiriti to real world situations. This process is dynamic, requires argument and the weighing up of different perspectives.

3.9. Courts and judges are indeed fallible and make mistakes[21]. Yet the persistence of Te Tiriti as a matter for the courts shows the enduring relevance of this document in the lives of all who live on this whenua.

3.10. By limiting and belittling the role of the courts and the Waitangi Tribunal, the enactment of this Bill would indeed transgress the separation of powers and the checks and balances that this principle maintains.

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[19] Montesquieu, *The Spirit of Laws*, at 151–53
[20] Waitangi *Tribunal, He Whakaputanga me te Tiriti*, p 529
[21] Chief Justice declares treaty 'worthless' and a 'simple nullity', URL: https://nzhistory.govt.nz/the-chief-justice-declares-that-the-treaty-of-waitangi-is-worthless-and-a-simple-nullity, (Manatū Taonga — Ministry for Culture and Heritage), updated 7-Sep-2020.

3.11. Moreover, by imposing these narrow and unsubstantial principles on the court and the Tribunal, this Bill will stifle the social, legal and constitutional conversation that has been playing out in these institutions since the signing of the Treaty.

3.12. Parliament too has a distinct role in upholding Te Tiriti. However, using populist rhetoric to gloss over and supress the genuine principles of a constitutional document is not consistent with that function.

3.13. By considering Te Tiriti in making legislation and inserting processes for consulting with Māori into important pieces of legislation, parliament plays a part in ensuring that conversations about this document continue happen in all spheres of public life.

3.14. Yet this Bill goes hand in hand with a review that is aimed at removing statutory references to Te Tiriti and supressing processes and regulations that require treaty-based consultation[22].

3.15. Despite the rhetoric, this Bill and the accompanying review seek to tear Te Tiriti from public life. It does not seek to, nor will it achieve, a "conversation" about the role and principles of Te Tiriti in this country. It will supress a conversation that is already taking place at all levels of our society.

3.16. Te Tiriti is a document that draws New Zealanders from all walks of life into debates about its principles. This happens through consultation, through collective bargaining, through the courts and through the Tribunal.

3.17. This Bill is not needed to give people a say in how Te Tiriti applies. In fact, it seeks to supress an ongoing conversation that is already happening.

4. Modern democracy against colonial baggage

4.1. Trampling indigenous rights is not the hallmark of a "modern liberal democracy" as claimed by the supporters of the Bill.

[22] Waitangi Tribunal *Ngā Mātāpono/The Principles* at 186:

We also agree with the claimants and interested parties that they are unlikely to be able to influence the process ahead. To support that position, they referred to what they called an 'established pattern of bad faith' on the part of the coalition Government and its evident hostility towards the Treaty/te Tiriti.

4.2. Modern international law requires governments to respect indigenous rights, including those that are collectively held.

4.3. This Bill is plainly inconsistent with that trend and would breach international law.

4.4. If the Government is serious about bringing New Zealand in step with modern democracy, it should abandon this Bill and look to implement the **United Nations Declaration on the Rights of Indigenous Peoples** as well as the ILO's **Indigenous and Tribal Peoples Convention, 1989 (No. 169).**

4.5. Both these international instruments clearly affirm the need to maintain the integrity traditional rights and collective interests[23]. This means that traditional concepts of collective ownership and social formation should be preserved as they are, not overwritten and replaced by non-indigenous concepts.

4.6. The idea that indigenous communities must be able to define for themselves the meaning and nature of their traditional rights, and that these rights should be preserved and protected in modern democracies is clearly outlined in Article 1 of the ILO Convention on Indigenous and Tribal Peoples, where it says:

> **(1) This Convention applies to**:
>
> (a) *tribal peoples in independent countries whose social, cultural and economic conditions* ***distinguish them*** *from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;*
>
> (b) *peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status,*

[23] International Labour Organisation- *Indigenous and Tribal Peoples Convention*, 1989 (No. 169) (Part II- Land); United Nations (General Assembly). *Declaration on the Rights of Indigenous People*. 2007 (art 7).

> *retain some or all of **their own** social, economic, cultural and political institutions.*[24]

4.7. This Bill's attempt to re-define traditional concepts like Tino Rangatiratanga in accordance with neoliberal concepts of property clearly violates the basic premise of this Convention.

4.8. Both instruments recognise that indigenous rights have been eroded to the detriment of communities[25]. The UNDRIP particularly recognises that indigenous people have a right to redress the harmful impacts of colonialisation:

Article 28

> 1. *Indigenous peoples have the **right to redress**, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.*
>
> 2. *Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.*[26]

4.9. In contrast to New Zealand's obligations as a modern, democratic state, this Bill seeks to undermine the ability of Māori to seek redress. In fact, it is accompanied by political rhetoric that misrepresents redress for breaches of Te Tiriti as "special privileges" that are accorded to Māori.

4.10. In contrast to other countries that are bound by the same international obligations to uphold indigenous rights, New Zealand has Te Tiriti, a document that explicitly guarantees these rights, as a foundational document.

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[24] ILO Convention (No.169) at art 1.
[25] Ibid, Preamble:

Noting that in many parts of the world these peoples are unable to enjoy their fundamental human rights to the same degree as the rest of the population of the States within which they live, and that their laws, values, customs and perspectives have often been eroded
[26] United Nations (General Assembly), 2007, art 28.

4.11. Yet New Zealand is conspicuously lagging in its commitment to securing indigenous rights. When UNDRIP was adopted by the United Nations Security Council in 2007, New Zealand was one of 4 countries that voted in opposition to the declaration[27]. It was not until 2010, after opposing it for 3 years, that New Zealand finally endorsed the declaration.

4.12. Moreover, New Zealand is still to ratify the ILO Convention on Indigenous and Tribal Peoples (1989), having also not ratified its predecessor which was established in 1957.

4.13. New Zealand is a longstanding member of the ILO. As such all ILO conventions, even unratified ones, are relevant to our legal landscape[28]. The decades long delay in ratifying this Convention, even with Te Tiriti as part of our constitutional fabric, is inexcusable.

4.14. This Bill, and other measures taken by this Government[29] threaten to alienate New Zealand from international practise when it comes to respecting indigenous rights.

4.15. In Aotearoa, applying genuine Te Tiriti principles has meant that our natural resources have been protected from the worst excesses of corporate exploitation. [30]

[27] "United Nations Declaration On The Rights Of Indigenous Peoples" https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples:

143 countries voted in favour and 11 abstain. New Zealand was one of 4 countries to vote against

[28] New Zealand is a founding member of the ILO and is bound by the ILO constitution.
In *Hixon, Labour Inspector v Campbell* [2014] EmpC 213, the ILO membership means that unratified conventions are still relevant to the law.

[29] Measures such as the Crown's "Treaty clause review
Policy" and the recent amendment to the proposed amendments to the Marine and Coastal Area (Takutai Moana) Act.
[30] *Paterson, TA, (2024, 10 December). Explainer:Tina Ngata warns Treaty Principles Bill threatens Māori Sovereignty and rights. The New Zealand Herald.*

https://www.nzherald.co.nz/kahu/explainer-tina-ngata-warns-treaty-principles-bill-threatens-maori-sovereignty-and-rights/Q4A3EBSKFBCR7JVG7DFYTZGETQ/

4.16. Treaty settlements that have brought redress to historic Māori grievances have frequently contained provisions that ensure that resources and whenua are preserved and made available for all people[3132].

4.17. This Bill has nothing to do with modern democracy. It represents backward colonial baggage that should be consigned to the dustbin of history. Modern democracies are those that strive to preserve indigenous rights and promote collectivism.

4.18. If this Government is serious about modernising our constitutional and legal framework, the NZCTU urges lawmakers to comply with international standards and not breach them.

5. Summary of recommendations

5.1. Our recommendation is that the Government completely abandon this Bill.

5.2. We recommend that the Government make no further attempts to distort the genuine principles of Te Tiriti. The document is capable of speaking for itself, it contains explicit principles and is in no need of a neoliberal gloss.

5.3. Leave the courts and the Tribunal to carry out their well established and constitutional functions. Improve access to these institutions as a means of ensuring Te Tiriti based justice.

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[31] *Community Law Manual 2024-2025* (Published by Community Law Wellington and Hutt Valley, Wellington 2024) at 69:

In 2014, New Zealand became the first country in the world to grant legal personality to a natural feature, Te Urewera – the mountainous region bordering Hawkes Bay and the Bay of Plenty. This means Te Urewera has the same legal status as an individual person.

In 2017, legal personality was also granted to Whanganui Awa, the Whanganui river.

Later in 2017, the government ("the Crown") and Taranaki iwi signed a Record of Understanding to state their shared intention that legal personality will be granted to Taranaki Maunga (Mount Taranaki) as well.

These natural features were granted legal personality following lengthy Treaty of Waitangi negotiations between the government and the different iwi that have ancestral connections with them. Te Urewera, Whanganui Awa and Taranaki Maunga are considered to be ancestors and taonga, as well as sources of food, shelter and spiritual connection for their people.

[32] *Te Uruwera Act 2014* was the first statute to grant legal personality to a natural feature and was enacted pursuant to a Treaty Settlement. The Act expresses (at s 4 (a)) a statutory purpose to:

provide for Te Uruwera as a place for public use and enjoyment, for recreation, learning, and spiritual reflection, and as an inspiration for all.

5.4. Recognise that equal partnerships must allow for parties to seek redress when their rights are transgressed. Such redress is not "special privilege", but essential to ensuring the equality of partners and in securing a harmonious and just society.

5.5. Commit to fulfilling Parliaments constitutional role in promoting conversations about Te Tiriti. This requires abandoning the 'Treaty Clause Review" policy that seeks to erase references to Te Tiriti and treaty-based consultation from existing legislation.

5.6. Protect all the rights that stem from Te Tiriti and its inherent affirmation of Tino Rangatiratanga. Recognise that these rights include collective rights and understand that a modern democracy protects the interests of communities, not just those of wealthy individuals.

6. Conclusion- Toitū Te Tiriti

6.1. The Bill before this Select Committee is not progressive in any way. It represents backward colonial ideology that belongs in the dustbin of history.

6.2. This Bill presents the absurdity of claiming to codify principles derived from the Treaty of Waitangi while at the same time contradicting the plainest interpretations of both versions of this document.

6.3. This Bill is not about starting a conversation, and it is not about unity. It is about undermining collective rights and interests of communities. These interests have, and always will, stand against corporate greed and are essential for a fair, equal and democratic society.

6.4. All the people of Aotearoa owe a tremendous debt of gratitude to those tupuna who signed Te Tiriti o Waitangi. They did not cede the interests of the many and signed Te Tiriti with the intention of protecting their communities.

6.5. The signatories of Te Tiriti have made it so that collective values are ingrained into the constitutional fabric of our society.

6.6. The NZCTU calls upon the Government to stop its attack on collective rights. Toitū Te Tiriti! You do not understand it, so leave it undisturbed.

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