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S06.43

### **Submission to the Justice and Electoral Committee on The Principles of the Treaty of Waitangi Deletion Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 43 Nationally Organised Societies and National Members. It has 31 branches throughout the country attended by representatives of those societies as well as some 150 other societies, and many individual members. The Council's function is to work for the well-being of women, the family and the community at local, national and international levels through research, study, discussion and action. NCWNZ welcomes the opportunity to make this submission on behalf of its members.

#### **General Statement**

This Bill has provided NCWNZ with a very good tool for a lively discussion. NCWNZ has policy that is very supportive of the Treaty of Waitangi and all that it implies.

NCWNZ Resolution 2.11.1 (1992) reads:

That as a statement of policy NCWNZ:

- (a) Acknowledges the Treaty of Waitangi as New Zealand's founding document which created a bicultural partnership with rights and responsibilities for both partners;
- (b) Recognises that many ethnic groups have contributed to the cultural diversity of Aotearoa New Zealand; and
- (c) Is committed to the development of an harmonious multicultural society

A survey of members indicated that they are still supportive of this policy, with the majority against the intent of the Bill.

#### **Specific Statements**

- i. **Founding Document.** Most members acknowledged the Treaty of Waitangi as the founding document for Aotearoa New Zealand, which should always be considered when new laws are being drafted.
- ii. **Terminology:** It was generally agreed that confusion arises from the use of different phrases such as the terms "the Principles of the Treaty", "The Principles of the Treaty of Waitangi" and the "Treaty and its Principles" when the principles have not been clearly defined. This lack of definition means that they are open to interpretation. Many pieces of legislation are based on principles, where the principles have been defined (see for example Privacy Act 1993 Section 6). If the Treaty is one of the basic constitutional documents for New Zealand, then its principles ought to be defined using input from both Maori and non-Maori.
- iii. **Education:** One comment received was against making Treaty issues a compulsory paper unlike the current nursing studies programme. The majority of responses on the issue of education suggested that any changes in legislation regarding the handling of Treaty issues, should be accompanied by education. Most of the responses also indicated the need for consensus on the terms used and their meaning.





**Conclusion**

On the surface, this appears to be a simple Bill. Its intent, however, has caused deep concerns. While many understand the definitions may be open to subjective interpretations currently, achieving consensus for these definitions was seen as a first step. Elimination of the terms and then setting up a process to define their meaning was seen as back to front methodology.

NCWNZ does not support this Bill.

Christine Low  
National President

Christine Rattray  
Convener, Social Issues Standing Committee.