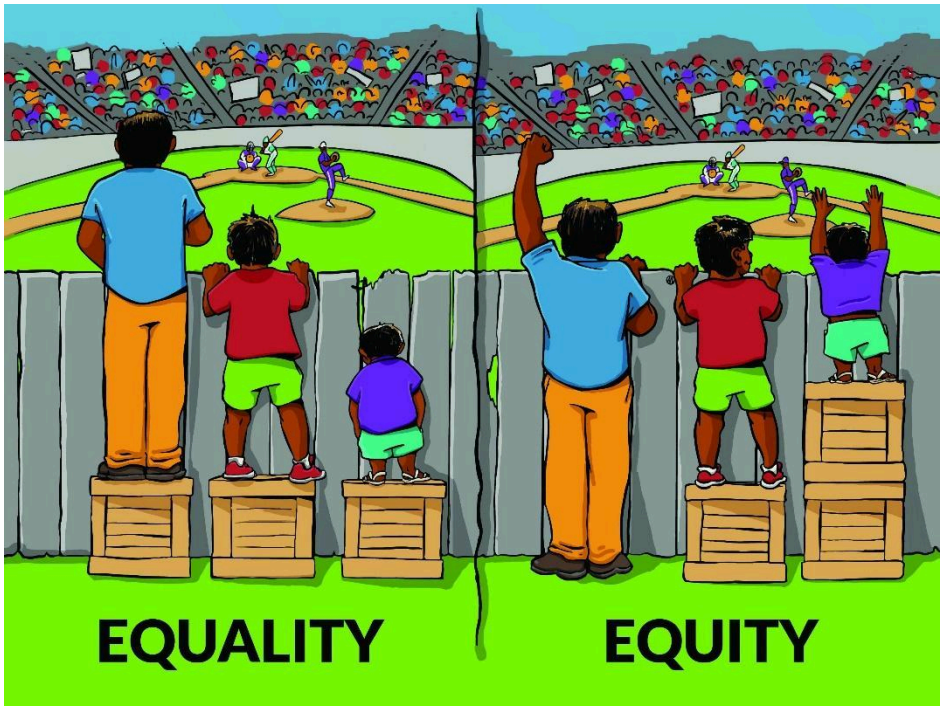


Credit: Interaction Institute for Social Change, Artist Angus Maguire

The Treaty Principles bill - get your submission in!

(and the Regulatory Standards Bill too - jump to the end)

Here's why

The Principles of the Treaty of Waitangi Bill is not just about equality versus equity, what the Treaty/te Tiriti really means or even about a racist pushback against te ao Māori.

It's all of these things - but even more, it's a cool deliberate move to remove regulatory and legal obstacles to the operations of local and global corporations in Aotearoa, and to The result of this bill will be to nullify the Treaty/te Tiriti and the rulings of the Waitangi Tribunal and to "prioritise corporations over the collective rights and good of the public" (Ryan Ward, Newsroom 18 Dec 2024)

Combined with the 'dull but dangerous" Regulatory Standards Bill, also now out for consultation over the Christmas holiday break, this gives the greater freedom of operation that the big funders of the coalition parties are seeking.

From this viewpoint alone, it is in the interests of ALL New Zealanders, both non-Māori and Māori, who are concerned about growing inequality in our country, to strongly push back against both of these bills.

Make a submission on the Treaty Principles bill now!

Closing date for submissions is 11.59pm Tuesday 7 January 2025

Go here to find the Bill and related documents on the Parliament website. Scroll down to upload and/or write your submission.

We need as many New Zealanders as possible – especially tauiwi/non-Māori - to voice our objections to the Bill now and in the crucial next 6 months.

Jump down below to find some great submission guides.

The Treaty is an obstacle to privatisation

Since the 1970s the rulings of the Waitangi Tribunal on The Treaty/Te Tiriti have slowed or prevented the privatisation of publicly-owned land and infrastructure in Aotearoa.

Dunedin lawyer Rupert O'Brien documents many instances of this and notes:

> "The Treaty principles have proved a significant roadblock to both corporatisation and privatisation in the past, and present a clear threat to any plans of future development of public assets to the private sector. This effect is likely one of the key, although unstated, reasons for the push to return Te Tiriti to its erstwhile status as a simple nullity." (Spinoff, 30 Sep 2024

Ryan Ward in Newsroom comments:

> "... [we need to be aware of and publicise] the ties that Seymour and his backers have to corporate interests, both domestic and international, and their plans to appropriate and exploit natural and public resources for private enrichment." (Newsroom, 20 Nov 2024)

The strategy to win a referendum against Te Tiriti

It's highly likely that David Seymour (and maybe Christopher Luxon) is playing a long game to get a referendum on whether to weaken the Treaty. Even if the bill is canned, he may yet get the referendum. As Carwyn Jones observes:

> "If the bill becomes law, a referendum will be held that would ask voters whether they support the law coming into force. If a majority of voters agree, then the law will come into force six months later.
>
> "That would mean that the newly created principles in the bill would replace the established principles that the courts and government have been working with for decades." E Tangata 24 Nov 2024

Ryan Ward also comments:

> "The bill going to select committee now means that there will be a six-month public consultation process. … more importantly, there will also be a six-month ad blitz and propaganda campaign in favour of the bill…" (Newsroom, 20 Nov 2024)

Watch out for the anti-Treaty media blitz

In 2023, after the shock loss of the Voice referendum aimed at giving Aboriginal people an advisory role in the Australian government, Mihingarangi Forbes talked with the leaders of the Yes campaign. They described the intensive six-month media campaign that swung voters from 75% in favour to 75% voting No. A campaign heavily funded by the fossil fuel, mining and other corporations standing to benefit from freer access to public rassets.

The Voice campaigners warned 1News that Aotearoa might well lose a referendum here to a similar intensive media blitz here, well-funded by corporations interested in opening Aotearoa up to fossil fuel and mining operations.

Such a campaign is already ramping up,. As Ryan Ward notes:

> ''By playing on many of the same fears that led to National's election win, this campaign, featuring right-wing lobbying groups Hobson's Pledge, Groundswell, the Taxpayers' Union, and others has a good chance of succeeding in winning over public support for the Treaty Principles referendum, with serious social and political consequences…

> "The right-wing group Hobson's Pledge has already organised to flood the submission process and lobby for a public referendum. Don Brash, founder of Hobson's Pledge, indicated "the need to deliver the kind of message that the Voice referendum in Australia delivered…" (Newsroom, 20 Nov 2024)

The bill is legally flawed and in bad faith

Both the content of the Bill and the process by which it is being made into law have been deemed deeply flawed by legal experts.

The Waitangi Tribunal is a body appointed and resourced by the government. In her initial report on the draft bill, Tribunal chair Caren Fox said:

> "If enacted, the Tribunal found, the Bill would reduce the constitutional status of the Treaty/te Tiriti, remove its effect in law as currently recognised in Treaty clauses, limit Māori rights and Crown obligations, hinder Māori access to justice, impact Treaty settlements, and undermine social cohesion." (**Waitangi Tribunal 16 Aug 2024**)

In her next report, released as the final draft reached parliament, her comment was even stronger:

> "… if this Bill were to be enacted, it would be the worst, most comprehensive breach of the Treaty/te Tiriti in modern times…
>
> "The Crown's process to develop the Bill has deliberately excluded any consultation with the Māori Treaty/te Tiriti partner. The Cabinet paper rejected the duty to consult Māori …[and] also rejected the "partnership interpretation" of the Treaty/te Tiriti.,," **E Tangata 10 Nov 2024**.)

More than 40 King's Counsels, some of New Zealand's most senior legal minds, have written to the Prime Minister and Attorney-General outlining their "grave concerns" about the substance of the Treaty Principles Bill and its wider implications for the country's and are calling on the Prime Minister and the coalition to "act responsibly now and abandon" it. (Lillian Hanly, Radio NZ, 14 Nov 2024)

Making a submission

Closing date for submissions is 11.59pm Tuesday 7 January 2025

Go here to find the Bill and related documents on the Parliament website. Scroll down to upload and/or write your submission.

A summary of the Bill can be found on the Parliament website here.

Key tips

- Be counted. Don't just sign a group submission – you won't get counted.
- Go into the Parliament website and leave your submission there, even if it's tiny or much the same as others. You can write straight into the website or write your submission and then pload it - or both.
- You must start by saying "I want this bill to be abandoned" – that's what's counted!
- Even if you use other people's ideas, try to use your own words.
- You don't have to be an expert - personal statements are powerful.
- You can ask to speak on your submission to the Select Committee, it may be in person or by zoom. It's a group of MPs of all parties.

Some good submission guides

This is just a few - there are lots more! Check your union, NGO, faith group…

- Emily Writes – clear, simple set of steps to follow & points to make
- ActionStation website - a good clear submission guide and their video with Carwyn Jones, Tina Ngata and Max Harris has points & tips.
- Green Party submission guide – best to use the points for your own submission rather than just signing the form
- The PSA has a good submission guide

More resources - commentaries critiquing the bill

Again this is a small selection - there is much more!

Note: some of these articles were published before the official version that got its first reading in Parliament was available and were based on early drafts.
The full text of the Bill as sent to the Justice Committee is here.

- **Waitangi Tribunal chair Caren Fox** "Tearing the Crown-Māori relationship apart", **in E Tangata 10 Nov 2024**. Dr Caren Fox (Ngāti Porou, Rongowhakaata, Te Whānau a Apanui) is chair of the Waitangi Tribunal and Chief Judge of the Māori Land Court.

- **The Waitangi Tribunal's initial report on Treaty Principles Bill,** Waitangi Tribunal 16 Aug 2024

- **The Waitangi Tribunal's latest report on the bill, E Tangata 10 Nov 2024**.)

- **Rupert O'Brien "The real reason behind Act's push to redefine the Treaty principles**", Spinoff, 30 Sep 2024

- **Ryan Ward "Let's not play into Seymour's hands:** The message against the coalition Treaty Principles Bill should be simple: the Treaty protects all New Zealanders from corporate exploitation**"**, Newsroom, 20 Nov 2024

- **1News with Mihingarangi Forbes "Trick or Treaty? Indigenous rights, referendums and the Treaty of Waitangi". 1News 22** Dec 2023, on Te Ao Māori News Mata Reports (same link)

- **Carwyn Jones "It's critical to submit on the principles bill",** E Tangata 24 Nov 2024

- **Carwyn Jones "The Treaty bill is an act of extreme bad faith",** E Tangata, 21 Jul 2024

- **Iwi Chairs Forum "Treaty Principles Bill Is Deliberately Divisive",** Scoop 6 Nov 2024

- **Paul Barlow "Toitū Te Tiriti, "We hate it but we'll vote on it" say coalition partners',** Paul Barlow substack, 15 Nov 2024

- **Paul Barlow "The Treaty Principles Bill will do the exact opposite of what Seymour says it will"**, Paul Barlow Substack, 14 Nov 2024 (youtube)

- **Labour, Greens And Te Pāti Māori Call On The Prime Minister To Block The Treaty Principles Bill'** Scoop 7 Nov 2024

- **Jane Kelsey "Rewriting history: how the Treaty 'principles' evolved and why they don't stand up to scrutiny"** **The** Conversation, 9 Sep 2024

- **Melanie Nelson 'Treaty Principles Bill: Painting over Te Tiriti'**, E Tangata 17 Mar 2024

- **Together for Te Tiriti "Frequently asked questions: Treaty Principles Bill"** Together for Te Tiriti website, accessed Dec 2024

Regulatory Standards Bill - another "dull & dangerous" bill

This bill also has the potential to affect all future legislation.

First draft is out for consultation - deadline Monday 13 January 2025.

It has not yet been presented to Parliament.

To make a submission - go to this government website.

Useful submission guides and commentaries

- Rosemary Neave has drafted a useful submission guide.

- Melanie Thompson. "The Overshadowed Bill Poised to Rewrite New Zealand's Legal System", Melanie Thompson substack 11 Dec 2024,

- Ryan Ward. "The Long Neo Liberal Con" Newsroom 18 Dec 2024 "The Regulatory Standards Bill is another attempt by Act leader David Seymour to prioritise corporations over the collective rights and good of the public"

- Melanie Nelson on the "dull but dangerous" cousin to the Treaty Principles bill, youtube interview in DOC Studios, 13 Dec 2024,

- Jonathan Boston's detailed submission on the Bill is a comprehensive analysis of it. Available as a guest blog on Melanie nelsons Substack q17 Dec 2024

- Jane Kelsey in discussion with Melanie Nelson. "A legal straitjacket: Jane Kelsey on Neoliberalism and the Regulatory Standards Bill" Podcast on Melanie Nelson Substack 19 Dec 2024 (click on a podcast provider to access)

NOTE ABOUT THIS POST

I've been writing posts for the He Kōrero Tapatahi substack. Ive posted here partl;y to get more familiar with Substack editing so we can improve the formatting and readability of posts in He Kōrero Tapatahi without risking crashing that page!
Your feedback on formatting and content is very welcomed.