



Submission

Principles of the Treaty of Waitangi Bill (the Principles Bill)
7 January 2025

1.0 Introduction

The McGuinness Institute welcomes the opportunity to submit on the proposed Principles of the Treaty of Waitangi Bill (the Principles Bill). We would like to thank the Justice Committee for inviting feedback on this proposal.

We welcome the opportunity to make a oral submission.

1.1 About the Institute

The McGuinness Institute (the Institute) was founded in 2004 as a non-partisan think tank working towards a sustainable future for New Zealand. Project 2058 is the Institute's flagship project focusing on New Zealand's long-term future. Because of our observation that foresight drives strategy, strategy requires reporting, and reporting shapes foresight, the Institute developed three interlinking policy projects: *ForesightNZ*, *StrategyNZ* and *ReportingNZ*. Each of these tools must align if we want Aotearoa New Zealand to develop durable, robust and forward-looking public policies. The policy projects frame and feed into our research projects, which address a range of significant issues facing Aotearoa New Zealand. The 11 research projects are: *CivicsNZ*, *ClimateChangeNZ*, *EcologicalCorridorsNZ*, *GlobalConflictNZ*, *OneOceanNZ*, *PandemicNZ*, *PublicScienceNZ*, *ScenariosNZ*, *TacklingPovertyNZ*, *TalentNZ* and *WaterFuturesNZ*. This submission fits under our *CivicsNZ* research project.

2.0 Seven recommendations

The Institute makes the following seven recommendations. The decision-making proposed by the Institute is set out in Figure 1 below.

The Institute recommends:

1. The Principles Bill is not progressed as it currently stands.
2. A detailed work programme is put in place to define the problem the Principles Bill is trying to solve.
3. The problem the Principles Bill is trying to solve is identified and clearly defined. If the problem is definable and deemed solvable, a process is developed for solving the problem with all New Zealanders – gathering a wide range of options for further exploration. All parties to the Treaty/Te Tiriti should be involved at every stage.
4. If the Treaty/Te Tiriti principles are to be legally enshrined, it should be in a new preamble to the Constitution Act 1986 (as recommended on page 25 of the 2013 Constitutional Advisory Panel report). Alternatively, the Constitution Act 1986 itself could be amended.
5. The current Government responds to the 2013 Constitutional Advisory Panel report and acts urgently on the recommendation to improve civics education in schools. To our knowledge, the Government never responded to the report. The failure to educate young people on the Treaty/Te Tiriti and to develop skills to discuss and debate difficult and complex issues is likely to create long-term instability. Civics education is an investment in the future of our country.

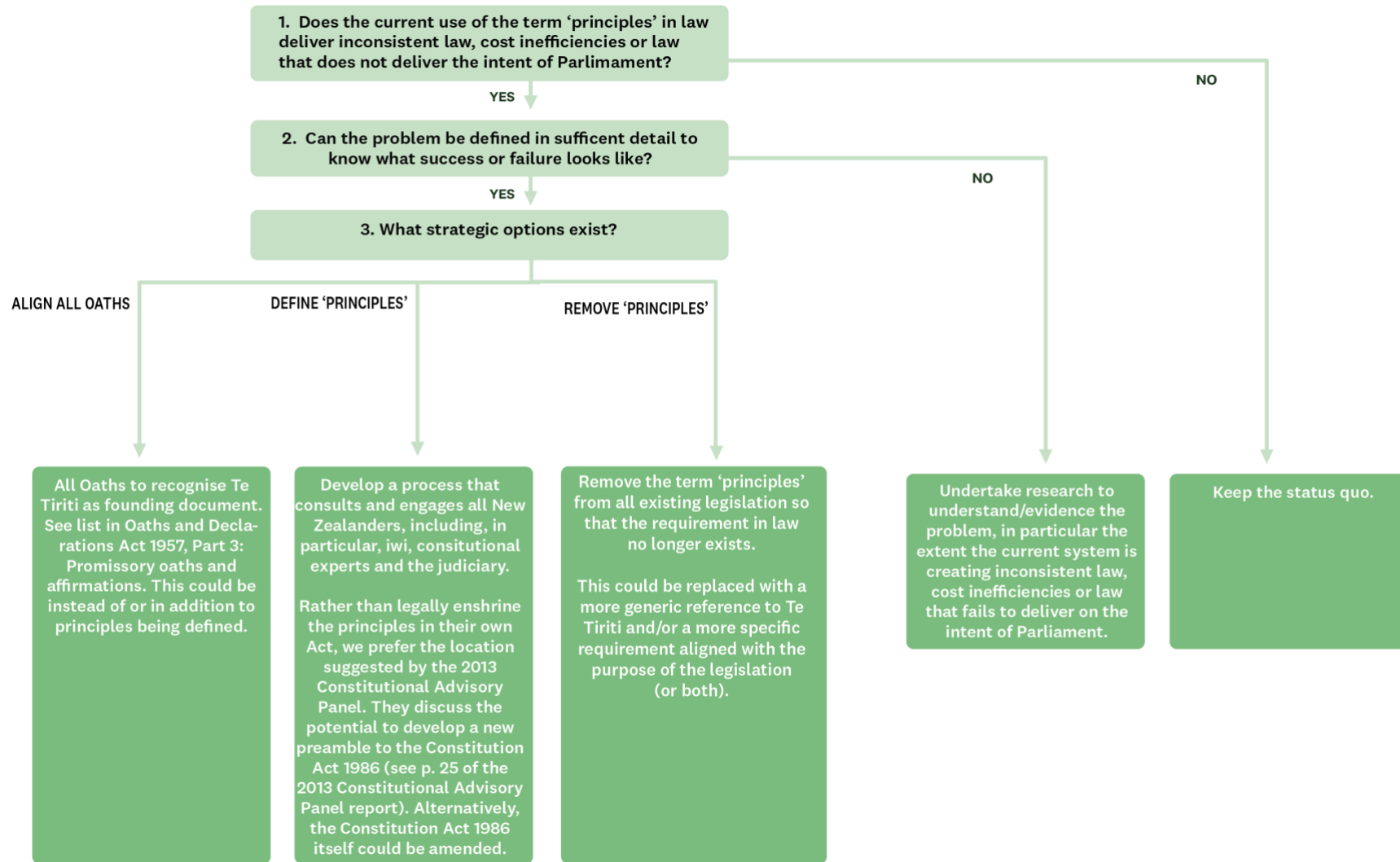
6. All Oaths recognise the Treaty/Te Tiriti as the founding document of New Zealand. This is currently not the case. (See full list in the Oaths and Declarations Act 1957, Part 3: Promissory oaths and affirmations.) Ensuring that our leaders begin their discussions and debates with a shared understanding of our history enables us to move forward together in partnership. We believe recognising this fact would help improve the quality of debate around issues such as the Principles Bill and how we might celebrate the Treaty/Te Tiriti in 2040.
7. Parliament establishes a committee to consider how New Zealand might celebrate the signing of the Treaty/Te Tiriti in the year 2040. This includes exploring what success might look like for the Crown, and inviting iwi to do the same on behalf of Māori. This is important because the Treaty/Te Tiriti is an agreement signed between the Crown and Māori. The committee could then identify processes to put in place today and enable a slow and considered conversation over the next 15 years. The Institute is currently scoping a research paper on the 1940 celebrations of the Treaty/Te Tiriti. This paper aims to understand the history and context of the Treaty/Te Tiriti to contribute to public discussion, with a view to identifying lessons learned and possible opportunities for New Zealand in 2040. New Zealand History notes:

In 1940 New Zealand celebrated its national coming of age. Māori history and the centenary of the signing of the Treaty of Waitangi took a back seat to the celebration of a century of European effort and progress in New Zealand. Local and provincial events plugged into a full diary of national events - the unveiling of memorials, historical re-enactments, and music and drama festivals. An array of specially commissioned publications recorded the stories of progress, re-writing the country's past.¹

One key learning from the Principles Bill is that the Treaty/Te Tiriti has complex issues which will take time and must involve multiple viewpoints to resolve. We need to have a collective discussion to agree on a fair process, working to identify what the problem is before trying to find a solution. A committee would be a critical part in ensuring this is a fair and transparent process.

1 See New Zealand History (27 June 2018). The 1940 Centennial. Retrieved 7 January 2024 from <https://nzhistory.govt.nz/culture/nz-centennial-1940>

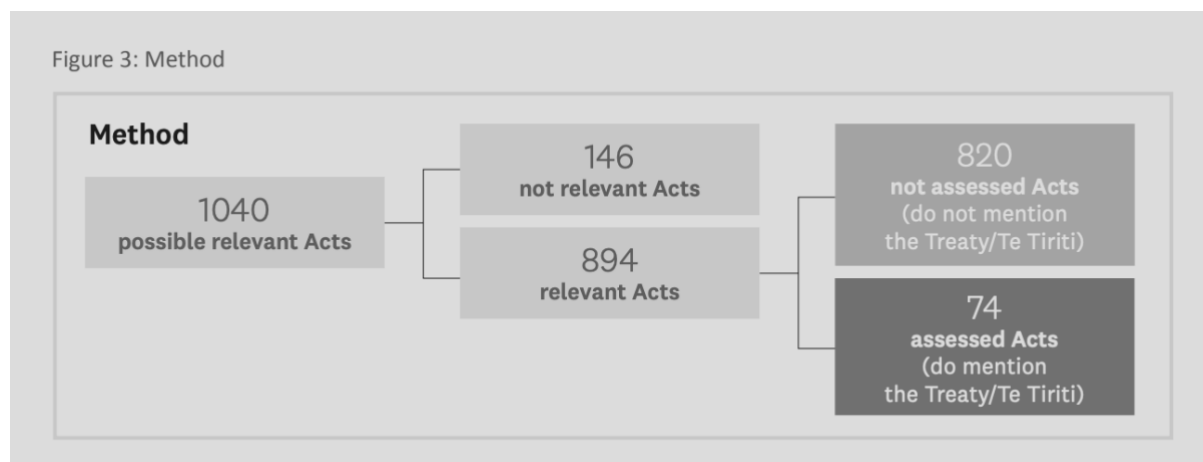
Figure 1: Proposed decision-making flowchart



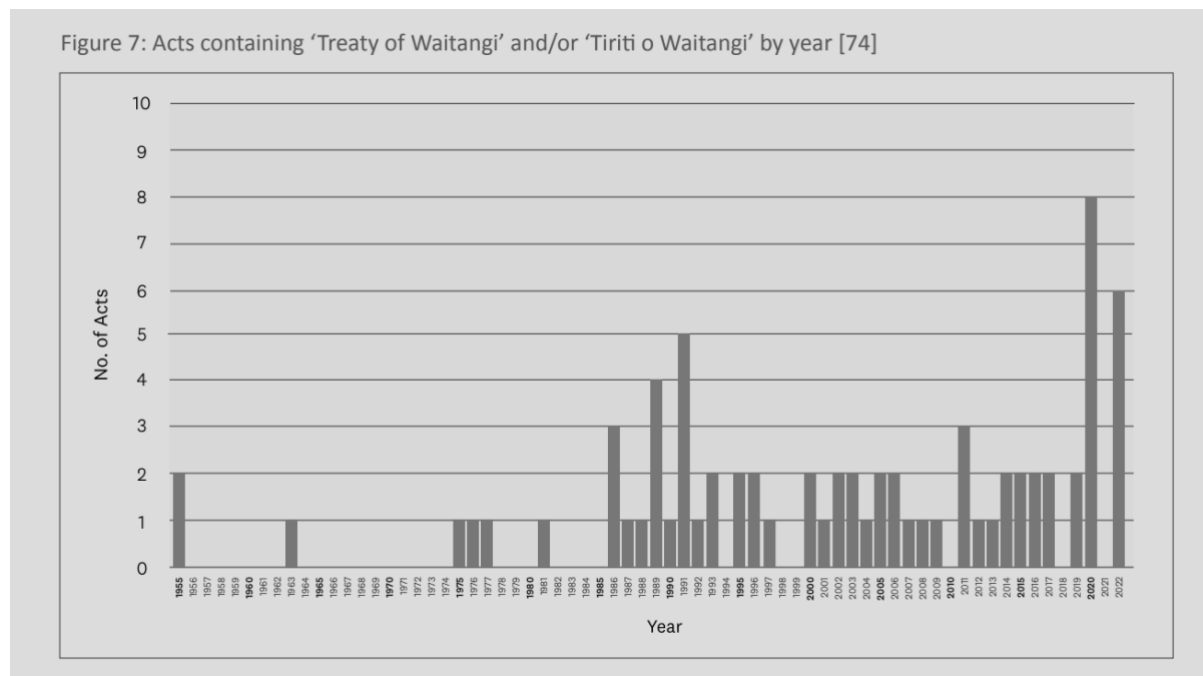
3.0 Our research: the Treaty/Te Tiriti in New Zealand legislation

In July 2023, the Institute undertook the following research: *Working Paper 2023/03 – Appearances of the Treaty/te Tiriti in New Zealand Legislation*.² Below are key excerpts.

The process was as follows: 1040 possible relevant Acts were identified between the years 1858 and 2022. Of these 1040 Acts, 894 were considered to be relevant. Of the 894, 74 mentioned the Treaty/Te Tiriti.



When all 74 Acts were grouped by the year they passed into law, it became clear that mentions of the Treaty/Te Tiriti in legislation were on the increase.



² See McGuinness Institute (July 2023). *Working Paper 2023/03 – Appearances of the Treaty/te Tiriti in New Zealand Legislation*. Retrieved 7 January 2025 from www.mcguinnessinstitute.org/publications/working-papers

Other key findings are also relevant. A review was undertaken of the difference between substantive mentions and minimal mentions of the terms (the Treaty/Te Tiriti) in each of the 74 Acts. Of the 74 Acts that mention the terms, 25 contain both substantive and minimal mentions, 20 have only substantive mentions, and 29 have only minimal mentions. Importantly, a substantive mention means that the legislation is likely to refer to the ‘principles’ of the Treaty/Te Tiriti directly in the legislation.

All 74 pieces of legislation are listed by type of mention in Appendix 1: Appearances of provision types in assessed Acts (pp. 20-22). For convenience, Appendix 1 is also added as an appendix to this submission. A quick review of the list indicates that legislation with substantive mentions (and therefore mentions of the principles of the Treaty/Te Tiriti in law) tend to be of an environmental nature or related to other laws that require a long-term view, for example, legislating institutions to consider long-term impacts on areas like infrastructure, health or technology use.

The Institute’s 2023 working paper concluded by asking more questions. Many of these are directly relevant to the Principles Bill.

Broader questions raised by this research include:

- Is the current approach to inclusion of the Treaty/te Tiriti effective?
- Should there be a reworking of the approach to inclusion to promote uniformity across legislation?
- Is one type of mention more effective or appropriate than another?
- Are other complementary or alternative tools available such as including ‘Treaty of Waitangi’ and/or ‘Tiriti o Waitangi’ in the MP oath for all members of the Legislature (given they make the laws by proposing and debating Bills)?
- Should the terms ‘Treaty of Waitangi’ and/or ‘Tiriti o Waitangi’ not be in legislation at all (as suggested recently by a few politicians)?²⁰

This analysis may provide a bare starting point from which some of these questions can be further explored.

3.1 Implications of this research for those considering the Principles Bill

Here are a few thoughts:

A: Have the 45 Acts been assessed against the proposed principles?

The Principles Bill, if passed, will immediately impact the 45 Acts that mention principles (see Appendix 1). The question then becomes how the proposed principles might impact those Acts in terms of organisational decision-making and case law. From our understanding, testing the proposed principles against each of the 45 Acts is critically important.

This is a key concern to the Institute. If the proposed principles have not been tested and assessed against the 45 specific Acts, New Zealand would be changing the law without taking into account how those changes might impact individuals, communities, businesses, institutions and iwi.

B: Is the status quo appropriate? If the mentions of principles are increasing in law, but we have no definition/description of what those principles are, is this problematic?

As noted, the 45 Acts either directly or indirectly refer to principles. The question is then whether a legally enshrined definition of the principles creates a legal problem.

If a legal problem exists, it is important to define the problem the Principles Bill is trying to solve. In particular, which of the 45 Acts listed are currently failing to deliver the intent of Parliament and the interpretation of the judiciary? Alternatively, it may be the proposed changes are being driven by political ideology rather than an actual legal problem. We hope this is not the case, however if it is, it may lead to major issues going forward. There are significant democratic issues if coalition parties move to embed political ideology into law (such as opinions on gender or race-related issues).

We have some sympathy for the argument that although the ‘principles’ are mentioned in law, they are not defined in law. However, it is unclear what problems the proposed Principles Bill is trying to solve. Without a clear set of examples as to the problem, we cannot know if the Principles Bill, if passed, will solve those problems. For example:

1. Does a lack of consistency exist across decisions by institutions and the judiciary? If yes, the principles may be required to deliver consistency of decision making.
2. Does current decision-making no longer align with the intent of Government? If yes, it may be more cost-effective to change specific Acts rather than define more generic principles.
3. Does the judiciary increasingly apply ideology when making decisions under these 45 Acts, and more widely when making legal decisions per se? If yes, this requires a lot more than defining the principles.

C: Does this law protect society and/or build a more robust society?

In our view, it is not good process to introduce a Bill to the House based solely on a coalition agreement. The law of our country needs to have more substance and consistency than whatever a political party may want at a given point in time. There must be clarity over the costs, benefits and risks that the change in law will deliver (as related to B above). The supporting documents to this Bill are inadequate for the level of change it could deliver. Our research in 2023 was the start of an in-depth conversation on the Treaty/Te Tiriti and it raises questions that we consider should be answered before this Bill is progressed.

4.0 Our limitations and assumptions

Although the Institute has undertaken a lot of work in this area (see Appendix 2), we make this submission on the basis of the following limitations.

1. The Institute cannot speak on behalf of iwi. As the Treaty/Te Tiriti is a treaty between the Crown and Māori, it is essential that voices from iwi are heard on how principles are described and how principles are incorporated into law.
2. The Institute has little expertise in the Treaty/Te Tiriti and how it currently sits within constitutional law.
3. The Treaty/Te Tiriti was signed in 1840. It is not possible to fully understand that context today, or what the Treaty/Te Tiriti will mean for people born in the future. This creates both limitations and opportunities. We cannot step backward into the minds of those who signed the Treaty/Te Tiriti and we cannot step forward into the minds of future New Zealanders. But what is true is that the Treaty/Te Tiriti is and will remain, over the long term, the founding document of New Zealand. It, therefore, deserves to be respected and recognised as an opportunity to bring citizens together to work towards shared goals.

4. Our view is that all New Zealanders are equal before the law and should be treated fairly under the law. Our fundamental responsibility to treat each other with fairness and respect is part of the two-way agreement that was first intended in the Treaty/Te Tiriti – an agreement to move forward as peoples with both shared and separate goals and aspirations.

5.0 Specific concerns

5.1 Timing issues

The Principles Bill passed its first reading on 14 November 2024. The consultation process began on 13 December 2024 (approx.) and closes on 7 January 2025. Government and a number of other businesses and organisations in New Zealand close down over the summer period (e.g. the Justice department closed from 20 December to 6 January 2025). Over this summer period, a significant number of New Zealanders also enjoy a holiday from work and will have already locked in personal commitments with whānau and friends. Taking this into account, citizens have had, in practice, less than nine working days to consult on the content of this important and complex Bill. Importantly, it is only at the date of consultation that all the supporting documents are collected in one place. The Institute has concerns the public was given insufficient time to prepare submissions, especially because the majority of time allowed for research and analysis took place over the summer holiday period. This is particularly concerning given that, based on our understanding, there has been no other form of public consultation process. The list of documents available to support this Bill are shallow for an issue of this magnitude.

We also note this consultation has occurred at the same time as the consultation for the proposed Regulatory Standards Bill (due 13 January 2025). Both Bills are significant and contain complexity. The Institute will submit on both, however, we want to record that the timeline for submitting is short, particularly over the summer period and with two Bills of significant complexity to respond to. This places pressure on individuals, organisations and groups by reducing the ability to provide detailed and informed responses.

5.2 Process issues

Law needs to be durable. The best insurance policy is to ensure that law follows good processes (such as being evidence-based and transparent). We are unsure if an agreement made by two political parties to form a government should, on its own, be sufficient to place a new Bill for consideration before the House. The checks and balances in the House should deliver law that can be trusted. The process around the Principles Bill raises concerns that it would be accepted, only to be removed when another government is formed. As an example of this happening, we note the regular changes to the Local Government Act to add and remove ‘wellbeing’ in law. It is an example of political processes not resolving complex issues and taking a short-term approach to long-term issues. The Principles Bill could easily end up creating the same level of confusion and cost, with little-to-no benefit.

5.3 Constitutional issues

Below, we consider three significant documents that discuss our constitution.

A: The 2013 Constitutional Advisory Panel report

The 2013 Constitutional Advisory Panel report came about in a similar way to the Principles Bill.³ The 2013 report was the result of a Relationship and Confidence and Supply Agreement between the National Party and the Māori Party. The parties agreed to establish a group to consider constitutional issues, including Māori representation. Of major significance and concern is that the government never responded to the report. All of that work and consultation throughout the country, and all those voices sought and heard, remain unacted.

The original proposal by Government stated:

6. We will issue a final report by the end of 2013 summarising the views of New Zealanders on constitutional issues. The Government will be required to respond to that final report within six months.⁴

In response to a discussion on principles, the 2013 Constitutional Advisory Panel report notes that:

In recent decades the Treaty has had a significant and increasing influence on New Zealand law. The Treaty may be taken into account in public decision-making, but is only required to be taken into account if referred to in legislation. The Treaty's legal enforceability therefore relies on Parliament, in which Māori are a minority, referring to the Treaty or the Treaty principles in legislation. Partly because of the differences between the texts, and also because of the need to apply the text to modern circumstances, **reference is often made to the 'principles' of the Treaty**. The President of the Court of Appeal observed in a unanimous decision that the Treaty signified a 'relationship akin to partnership between the Crown and Māori people, and of its obligation on each side to act in good faith.'

About 30 Acts of Parliament require decision-makers to have regard to, or take account of, the Treaty or its principles when exercising powers under the Act.⁵ Other legislation recognises the rights of Māori in matters such as education, broadcasting and language, and also recognises rights to be consulted or to participate through advisory boards. Cabinet guidelines for many years have required that Treaty implications be considered when preparing legislation. **Since July 2013 proposed legislation is accompanied by a disclosure statement which sets out, amongst other matters, the steps that have been taken to determine whether the policy to be given effect is consistent with the principles of the Treaty.**

The Waitangi Tribunal, established in 1975, has played a key role in developing the understanding of the **Treaty and its principles** in the contemporary context. It can determine the practical application of the **principles of the Treaty** and whether Crown actions or omissions **are inconsistent with those**

³ See Constitutional Advisory Panel (November 2013). *Report of the Constitutional Advisory Panel on New Zealand's constitution*. Retrieved 6 January 2024 from <https://www.parliament.nz/en/get-involved/features/report-now-available-on-the-constitution-conversation>

⁴ See Office of the Deputy Prime Minister and Office of the Minister of Māori Affairs (n.d.) Consideration of Constitutional Issues (proposal). Retrieved 6 January 2024 from https://www.beehive.govt.nz/sites/default/files/CR_Cab_paper_8.12.10.pdf and <https://www.parliament.nz/en/pb/research-papers/document/00PlibCIP081/consideration-of-constitutional-issues>

⁵ As noted in our research above, the number has increased from 30 Acts in 2012 (approx.) to 45 Acts at the end of 2022 – an increase of 50% in approximately 10 years. See McGuinness Institute (July 2023). *Working Paper 2023/03 – Appearances of the Treaty/te Tiriti in New Zealand Legislation*, pp. 20–22. Retrieved 7 January 2025 from www.mcguinnessinstitute.org/publications/working-papers

principles. The Tribunal can examine historic and contemporary legislation and government policies and practices for consistency with **the Treaty and its principles**, and reports its findings and any recommendations to the Crown.⁶

This raises questions as to whether the July 2013 requirement would/should continue if the current Principles Bill was passed. The Institute is not aware of any discussion or decision on whether it would continue, or whether the Principles Bill would replace this requirement.

B: The 2005 Constitutional Arrangements Committee 2005 report

A 2005 report, undertaken by the Constitutional Arrangements Committee in 2004/5 ‘undertook a stock-take exercise that traced historical milestones in the development of New Zealand’s current constitutional arrangements’. The Committee reported back to the House of Representatives in August 2005.

Our *Working Paper 2012/01: The State of the Constitutional Review, as at June 2012*, notes in regard to the 2005 report that the Constitutional Arrangements Committee consisted of representatives from Labour, ACT, United Future and the Green Party. The National Party, in opposition at the time, and New Zealand First chose not to participate in the process. The committee reported back in August 2005 with the following three core recommendations.

The 2005 committee made the following three recommendations:

The first is a select committee to give specific consideration to constitutional issues as they arise in the course of Parliament’s regular activity, which is discussed in Chapter 2. The second relates to fostering public understanding of New Zealand’s constitution. The third, discussed in Chapter 6, is to suggest that **consideration be given to improving civics and citizenship education in schools.** (bold added) (p. 10)⁷

Regarding their first recommendation, the report made the following comments:

1 Some generic principles should underpin all discussions of constitutional change in the absence of any prescribed process.

(a) The first step must be to foster more widespread understanding of the practical implications of New Zealand’s current constitutional arrangements and the implications of any change.

(b) Specific effort must be made to provide accurate, neutral, and accessible public information on constitutional issues, along with non-partisan mechanisms to facilitate ongoing local and public discussion. (By majority*)

(c) A generous amount of time should be allowed for consideration of any particular issue, to allow the community to absorb and debate the information, issues and options.

(d) **There should be specific processes for facilitating discussion within Māori communities on constitutional issues.** (By majority*) [bold added]⁸

Note: * The ACT New Zealand member dissents from public education proposals he considers susceptible to partisan promotion, as explained in the report.

⁶ See Constitutional Advisory Panel (November 2013). *Report of the Constitutional Advisory Panel on New Zealand’s constitution*, p. 30. Retrieved 6 January 2024 from <https://www.parliament.nz/en/get-involved/features/report-now-available-on-the-constitution-conversation>

⁷ See Constitutional Arrangements Committee (August 2005). *Inquiry to review New Zealand’s existing constitutional arrangements*. Retrieved 6 January 2024 from <http://www.converge.org.nz/pma/cacre05.pdf>

⁸ See Constitutional Arrangements Committee (August 2005). *Inquiry to review New Zealand’s existing constitutional arrangements*. Retrieved 6 January 2024 from <http://www.converge.org.nz/pma/cacre05.pdf>

Interestingly, two parties that chose not to participate in the process, National and New Zealand First, are currently in Government and the third, the ACT Party, chose to dissent from the public education proposals. Given the response to the Principles Bill, there is clearly some value in revisiting these 2005 recommendations.

C: The Cabinet Manual

Over this time, we have also seen an evolution in the Cabinet Manual and an acknowledgement that policy and procedures are likely to evolve.

In the *2023 Cabinet Manual*, the texts of the Treaty/Te Tiriti are appended to the Cabinet Manual for the first time. The change in text, the removal of ‘may’ in the second line between the 2008 and 2023 versions may simply be an editorial change.⁹

New Zealand’s policy and procedures regarding the Treaty/Te Tiriti are expected to evolve over time, and we need to get better at building durable policy in this area (see for example the suggestion by the 2005 committee above).

2008 Cabinet Manual text

The New Zealand constitution: Its main features

The New Zealand constitution is to be found in formal legal documents, in decisions of the courts, and in practices (some of which are described as conventions). It reflects and establishes that New Zealand is a monarchy, that it has a parliamentary system of government, and that it is a democracy. **It increasingly reflects the fact that the Treaty of Waitangi is regarded as a founding document of government in New Zealand.** The constitution must also be seen in its international context, because New Zealand governmental institutions must increasingly have regard to international obligations and standards.

- **The Treaty of Waitangi**, which may indicate limits in our polity on majority decision making. The law may sometimes accord a special recognition to Māori rights and interests such as those covered by Article 2 of the Treaty. And in many other cases the law and its processes should be determined by the general recognition in Article 3 of the Treaty that Māori belong, as citizens, to the whole community. In some situations, autonomous Māori institutions have a role within the wider constitutional and political system. In other circumstances, the model provided by the Treaty of Waitangi of two parties negotiating and agreeing with one another is appropriate. Policy and procedure in this area continues to evolve.

⁹ See Cabinet Office (2008). *2008 Cabinet Manual*. Retrieved 6 January 2024 from https://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps_pid=IE761028
See also Cabinet Office (2023). *2023 Cabinet Manual*. Retrieved 6 January 2024 from <https://www.dPMC.govt.nz/sites/default/files/2023-06/cabinet-manual-2023-v2.pdf>

The New Zealand constitution: Its main features

The New Zealand constitution is to be found in formal legal documents, in decisions of the courts, and in practices (some of which are described as conventions). It reflects and establishes that New Zealand is a constitutional monarchy, that it has a parliamentary system of government, and that it is a democracy. It increasingly reflects the fact that the Treaty of Waitangi is regarded as a founding document of government in New Zealand (see appendix A). The constitution must also be seen in its international context, because New Zealand governmental institutions must increasingly have regard to international obligations and standards.

- **The Treaty of Waitangi**, which may indicate limits in our polity on majority decision-making. The law sometimes accords a special recognition to Māori rights and interests, particularly those covered by Article 2 of the Treaty. And in many other cases the law and its processes should be determined by the general recognition in Article 3 of the Treaty that Māori belong, as citizens, to the whole community. In some situations, autonomous Māori institutions have a role within the wider constitutional and political system. In other circumstances, the model provided by the Treaty of Waitangi, of two parties negotiating and agreeing with one another, is appropriate. Policy and procedure in this area continues to evolve.

5.4 Civics education issues

From the Institute's perspective, the poor process that resulted in the Principles Bill is one further piece of evidence that New Zealand is failing to educate ourselves and our young people about the Treaty/Te Tiriti and how the Crown must treat its treaty partner. Opposition to the Principles Bill is significant and spans age, race and gender. For instance, the police initially estimated the crowd size for the final leg of the Hīkoi mō te Tiriti was over 35,000 people.¹⁰ (The photo on the front cover is from the beginning of the hīkoi.) However, it is important to recognise that not all New Zealanders supported the hīkoi. It is these vastly different perspectives, and the division in society they have created, that require the attention of Government.

In our view, at the heart of all Treaty/Te Tiriti issues is the need to understand deeply the history and the terminology of the original document, in particular where nuances exist and meanings vary. This requires a focus on civics education. As a society, we have come a long way, however the public debate on the Principles Bill indicates we still have a long way to go. Part of the solution to informed dialogue is civics education. In recent years, Parliament has received numerous reports that called for significant improvements to our existing civics education. Refer the discussion on constitutional issues above.

There have also been a number of attempts to provide guidance to teachers and those working in this space,¹¹ however, the current level of guidance lacks the urgency or scale of social investment imagined by the 2013 Constitutional Advisory Panel. Our conclusion is that there is a lot of policy work to be undertaken in the next few years to resolve existing tensions in society.

¹⁰ MacManus, J. (20 November 2024). Was the hīkoi New Zealand's largest-ever protest? The Spinoff. Retrieved 6 January 2024 from <https://thespinoff.co.nz/atea/20-11-2024/was-the-hikoi-new-zealands-largest-ever-protest>

¹¹ See for example, Ministry of Education (2020). *Civics and Citizenship Education Teaching and Learning Guide*. Retrieved 6 January 2024 from <https://sltk-resources.tki.org.nz/assets/Uploads/Teaching-and-Learning-Guide.pdf>

6.0 Conclusion

There is no doubt the Principles Bill is controversial and the Institute, like many others, believe it should be rejected. It would change the meaning of the Treaty/Te Tiriti without adequate consultation with the parties who agreed to it, which is a breach of process and goes against the values that underlie New Zealand's democracy.

It is also unclear what problem the Principles Bill is trying to solve, and the Institute believes more detailed analysis is required to identify any issues before trying to agree on the best outcome. The documents accompanying the Principles Bill do not provide any detailed consideration on how the Principles Bill would impact current legislation. This has the potential to cause significant ambiguity if the Principles Bill was passed as it currently stands.

As well as this, the Principles Bill has the potential to increase social division and harm to minority groups, at a time when we need to have well-informed, constructive conversations on the future of New Zealand. There is an opportunity here to build our civics education so all young people understand and are engaged with our history, have pride in our ancestors, can engage in informed discussion and work towards a shared future for our country. We believe much further consultation and analysis (with all involved parties) is required before any legal changes are made.

Our seven recommendations are set out at the beginning of this submission. Thank you for taking the time to read our submission.

Appendix 1: Appearances of provision types in assessed Acts

Source: McGuinness Institute. Working Paper 2023/03: Appearances of the Treaty/te Tiriti in New Zealand Legislation

No.	Act	Number of times mentioned in each Act					Provision types by specific Act		
		Substantive mentions			Minimal mentions		Both substantive and minimal	Substantive only	Minimal only
		G	D	S	E	O			
1	Maori Reserved Land Act 1955				1			1	
2	Housing Act 1955				1			1	
3	Queen Elizabeth the Second Postgraduate Fellowship of New Zealand Act 1963					1		1	
4	Treaty of Waitangi Act 1975				35	1		1	
5	Waitangi Day Act 1976					1		1	
6	Remuneration Authority Act 1977				2			1	
7	Public Works Act 1981				1			1	
8	Constitution Act 1986				1			1	
9	State-Owned Enterprises Act 1986	1			6		1		
10	Environment Act 1986	1				1	1		
11	Conservation Act 1987	1			1	1	1		
12	Treaty of Waitangi (State Enterprises) Act 1988				2	3		1	
13	Oranga Tamariki Act 1989 Children's and Young People's Well-being Act 1989	1	1					1	
14	Public Finance Act 1989	1			2		1		
15	Crown Forest Assets Act 1989				10			1	
16	Local Legislation Act 1989				1			1	
17	New Zealand Railways Corporation Restructuring Act 1990				4			1	
18	Māori Purposes (Wi Pere Trust) Act 1991				1			1	
19	Resource Management Act 1991	1	2		2		1		
20	Crown Minerals Act 1991	1	1		1		1		
21	Harbour Boards Dry Land Endowment Revesting Act 1991	1			1		1		
22	Ministry of Maori Development Act 1991				1			1	
23	Crown Research Institutes Act 1992		1					1	
24	Te Ture Whenua Maori Act 1993 Maori Land Act 1993		1		2	1	1		
25	Human Rights Act 1993		2					1	
26	Finance Act 1995				1			1	
27	Department of Justice (Restructuring) Act 1995				1			1	
28	Hazardous Substances and New Organisms Act 1996	1				1	1		

No.	Act	Number of times mentioned in each Act					Provision types by specific Act		
		Substantive mentions			Minimal mentions		Both substantive and minimal	Substantive only	Minimal only
		G	D	S	E	O			
29	Fisheries Act 1996	1			5		1		
30	Crown Pastoral Land Act 1998	1	3		1		1		
31	Hauraki Gulf Marine Park Act 2000	1				4	1		
32	Energy Efficiency and Conservation Act 2000	1						1	
33	Public Audit Act 2001				1				1
34	Climate Change Response Act 2002		1	1				1	
35	Local Government Act 2002		2	1	1	1	1		
36	Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003	1				1	1		
37	Land Transport Management Act 2003			1				1	
38	Maori Fisheries Act 2004			1	30	4	1		
39	Public Records Act 2005	1		1				1	
40	Overseas Investment Act 2005				1				1
41	Insolvency Act 2006				1				1
42	Evidence Act 2006				1				1
43	Income Tax Act 2007				10				1
44	New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008			1	1		1		
45	Local Government (Auckland Council) Act 2009		1			1	1		
46	Marine and Coastal Area (Takutai Moana) Act 2011	2		1	4	2	1		
47	Legal Services Act 2011				1				1
48	Environmental Protection Authority Act 2011		2	1				1	
49	Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012			2	1				1
50	Inquiries Act 2013				1				1
51	Heritage New Zealand Pouhere Taonga Act 2014			1				1	
52	Children's Act 2014		1					1	
53	Hawke's Bay Regional Planning Committee Act 2015				1	1			1
54	Environmental Reporting Act 2015			1				1	
55	Te Ture mō Te Reo Māori 2016 Māori Language Act 2016	1				2	1		
56	Senior Courts Act 2016		2					1	
57	Contract and Commercial Law Act 2017				1				1

No.	Act	Number of times mentioned in each Act					Provision types by specific Act			
		Substantive mentions			Minimal mentions		Both substantive and minimal	Substantive only	Minimal only	
		G	D	S	E	O				
58	Land Transfer Act 2017				1			1		
59	Kāinga Ora–Homes and Communities Act 2019		2	1	2		1			
60	Criminal Cases Review Commission Act 2019		1				1			
61	COVID-19 Response (Requirements For Entities—Modifications and Exemptions) Act 2020				1			1		
62	Mental Health and Wellbeing Commission Act 2020		1	1			1			
63	COVID-19 Recovery (Fast-track Consenting) Act 2020	1	5		4		1			
64	Education and Training Act 2020	3	8	1	5		1			
65	Public Service Act 2020	1						1		
66	Urban Development Act 2020	1	1		6	1				
67	Infrastructure Funding and Financing Act 2020					1				
68	Taumata Arowai—the Water Services Regulator Act 2020		2	1			1			
69	Income Insurance Scheme (Enabling Development) Act 2022			1			1			
70	Pae Ora (Healthy Futures) Act 2022	1	4	1			1			
71	Data and Statistics Act 2022	1	1	1			1			
72	Appropriation (2022/23 Estimates) Act 2022					1		1		
73	Plant Variety Rights Act 2022		1	1			1			
74	Water Services Entities Act 2022	1	4	1	1		1			
	Total	27	50	21	158	29	25	20	29	
	COMBINED TOTAL						285			74

Appendix 2: Selected publications from the Institute’s Civics NZ project

Date	Title	Type
Feb-13	Report 14 – EmpowerNZ: Drafting a constitution for the 21st century	Project 2058 Report
May-16	Proceedings of The Civics and Media Project: A report on the three workshops held in 2015	Workshop Booklet
Oct-16	CivicsNZ – Civics, citizenship and political literacy	Slideshow
Nov-17	WakaNZ: Navigating with foresight – exploring a post-Treaty settlement New Zealand	Press Releases
Apr-18	WakaNZ: Navigating with foresight	Workshop Booklet
May-18	Think Piece 29 – Civics and Citizenship Education in New Zealand: A case for change	Think Piece
May-18	2018/02 – Civics and Citizenship Education in New Zealand Schools: Current state	Working Paper
Sep-20	Working Paper 2020/07 – Analysis of the 2017 Labour-New Zealand First Coalition Agreement, three years on	Working Paper
Sep-20	Working Paper 2020/08 – Analysis of the 2017 Labour-Green Party Confidence and Supply Agreement, three years on	Working Paper
Dec-20	Working Paper 2020/11 – A List of Coalition Agreements and Support Agreements since 1996	Working Paper
Jul-21	Significant political agreements since 1996	Infographic
Jun-23	Discussion Paper 2023/03 – National and International Comparisons of Codes of Conduct for Members of Parliament	Discussion Paper
Jul-23	Working Paper 2023/03 – Appearances of the Treaty/te Tiriti in New Zealand Legislation	Working Paper