



Treaty of Waitangi

1. The role of the Treaty of Waitangi in New Zealand's constitution

The Treaty of Waitangi is an agreement made between the British Crown and Māori chiefs in 1840. It enabled the British to establish a government in New Zealand and confirmed to Māori the right to continue to exercise rangatiratanga.

The Treaty is generally regarded as New Zealand's founding document and influences the relationship between the Crown and Māori.

2. Treaty and the exercise of public power

The Treaty is one of the factors that may be taken into account in law-making and public decision-making.

References to the Treaty in legislation require public decision-makers to take the Treaty into account in the specific context of the legislation. For example, the reference to the Treaty in the Education Act 1989 does not mean that the Treaty affects all legislation.

Generally legislation refers to principles of the Treaty rather than the Treaty itself. For example, to recognise and respect the principles of the Treaty, the New Zealand Public Health and Disability Act 2000, provides opportunities for Māori to contribute to decision-making and the delivery of health and disability services.

3. Treaty principles

Treaty principles have developed because of the difference between the English and Māori texts, and the need to apply the Treaty to circumstances as they arise.

The Waitangi Tribunal and Courts have played key roles in defining the Treaty, using principles to express the mutual responsibilities of the Crown and Māori. The list of Treaty principles is not definitive and continues to evolve as the understanding of what it means to be a Treaty partner evolves. Partnership is the most commonly referred to principle.

4. The Waitangi Tribunal

The Waitangi Tribunal is an independent commission of inquiry. The Tribunal looks into historical and contemporary breaches of the Treaty. It makes recommendations to the Government based on its findings.

5. Treaty settlements

Treaty settlements have helped remedy breaches of the Treaty by the Crown. Settlements typically consist of cultural and commercial redress, an account of the breach and an apology. The terms of each settlement are negotiated by the Government and the claimant group. The settlement terms must be agreed to by Parliament in legislation.

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Glossary

The Crown: A term often used to symbolise "the state". The Crown is an institution that endures, while individual office-holders come and go.

Government: The government – the Prime Minister and Ministers – sets New Zealand's policy direction and asks Parliament to make or change laws to implement their policies.

Legislation: Laws that have been passed by Parliament or under the authority of Parliament. The main sorts of legislation are Acts and regulations.

Parliament: In New Zealand, Parliament consists of the House of Representatives and the monarch. Parliament makes laws and monitors the government.

Our constitution is the set of rules that determines how this country is governed and how we all live together. It's your constitution and your conversation.