

## RECENT GOVERNMENT ACTIVITY

1975	Waitangi Tribunal established	Commission of enquiry for grievances occurring after 1975; can make findings of fact and recommendations only
1984	<b>Labour Government elected</b>	Manifesto included honouring the principles of the Treaty.
1985 (July)	Waitangi Tribunal reports decision on Manukau Claim	MCC voluntarily adopted a range of policies and strategies in relation to the Claim (1986), based on the objective of developing partnership with tangata whenua
1985	Treaty of Waitangi Amendment Act	Expanded the Waitangi Tribunal and extended its jurisdiction to hear claims arising since 1840
1986	State Owned Enterprises Act –does not allow the Crown to act 'contrary to the principles of the Treaty of Waitangi.'	NZ Maori Council sought injunction to stop transfer of Crown land to SOEs. Court ruled that Treaty clause prevented the Crown from transferring land without entering into proper arrangements to protect Maori claims.
1987	Maori Language Act	Made te reo Maori an official language of NZ.
1988	Picot Report	Led to Tomorrow's Schools and educational reform based on free market neo conservatism and individualism
1989	Minister of Local Government rejects recommendation that a Treaty clause be included in local government reform legislation	In 1986 the Labour Government had stated the intention that the reform should incorporate the Treaty.
1989	Lange announces "Principles for Crown action on the Treaty of Waitangi"	Concept of the Government's right to rewrite the Treaty as "principles" generally rejected by Maori
1989	Department of Maori Affairs replaced by Iwi Transition Authority (ITA) and Ministry of Maori Affairs for policy (now, Te Puni Kokiri)	Strong Maori opposition to: lack of consultation, absence of policy-making authority and resources for proposed iwi authorities
1990	Legislation passed to prohibit any electoral advertising (paid or not) by any political party contesting less than ten seats	A suggestion that an exception be made for any party standing candidates in only the Maori seats was rejected as "racist"; Maori Council of Churches launched major media campaign urging Maori to boycott the election
1990	<b>National Government elected</b>	Party manifesto pledged to settle all proven claims by 2000
1991	Cabinet rewrites Labour's Treaty principles to conform with National policy	Peters, as Minister of Maori Affairs, releases <i>Ka Awatea</i> , which contradicted National's intention to dissolve the ITA
1991	Resource Management Act passed	Includes provisions requiring that principles of Treaty be taken into account, that consultation with iwi occur, that kaitiakitanga be recognised.
1994	Cabinet adopted new position on Treaty, recognizing it as the founding document but further limiting its application	"[The Treaty] acknowledged the Crown's right to govern in the interests of all our citizens; It protected Maori interests; It made us all New Zealanders"
1995	Fiscal Envelope proposal published. Hui held around NZ to discuss it.	All hui opposed to it – to varying degrees and for many different reasons.
1995	Tainui settlement signed	The Crown 'apologises unreservedly' and agrees to return 1.4% of what was taken (\$170 million including some land).
1996	First MMP election	for the first time, the number of Maori seats is proportional to the number of voters on the Maori electoral roll
1997	Court decision allows members of a hapu to fish locally, without DoC licenses, if according tikanga (Conservation legislation has Treaty clause)	Court declines to find that Tuhoe are exempt from having dog licenses (Local Gov Act does not include clause)
1999	<b>Labour Government elected</b>	Margaret Wilson (Office Treaty Settlements) rewrites the Treaty Principles.
2002	Local Government Act	Parts 2 and 6 provide principles and requirements for councils that are intended to facilitate participation by Māori; Part 4 acknowledges Treaty
2004	Foreshore and Seabed Bill	Government policy is a serious breach of the Treaty, of the rule of law, and of the principles of fairness and non-discrimination (Waitangi Tribunal)
2009	<b>National Government elected</b>	Forms coalition with Māori Party



## RECENT GOVERNMENT ACTIVITY (education)

1961	Hunn report	successfully argued integration was a better approach than assimilation and inequities for Maori should be addressed
1975	Waitangi Tribunal established	Commission of enquiry for grievances occurring after 1975; can make findings of fact and recommendations only
1980s	focus on 'bi-culturalism'	
1982	first kohanga reo established	today there are 484 nationally, 58 in Auckland
1984	Labour Government elected	Manifesto included honouring the principles of the Treaty.
1985	first kura kaupapa established	today there are 45 nationally, 9 in Auckland region
1985	Treaty of Waitangi Amendment Act	Expanded the Waitangi Tribunal and extended its jurisdiction to hear claims arising since 1840
1986	Waitangi Tribunal reports decision on te reo	recommends an enquiry into the way Maori children are educated to ensure that all children who wish to learn Maori are able to do so <a href="http://www.waitangi-tribunal.govt.nz/reports">http://www.waitangi-tribunal.govt.nz/reports</a> (Wai 11)
1987	Maori Language Act	Made te reo Maori an official language of NZ.
1988	State Sector Act	Every employer in State Services has obligation to be good employer, including EEO which lists Maori as a target group
1988	Royal Commission on Social Policy report	popularised '3 P' concept of Treaty principles: participation, partnership, protection
1989	Lange announces "Principles for Crown action on the Treaty of Waitangi"	Concept of the Government's right to rewrite the Treaty as "principles" generally rejected by Maori
1989	Education Amendment Act	Gives statutory recognition to kura kaupapa and wananga; the latter share status of universities, polytechnics and colleges of education.
1990	National Government elected	Party manifesto pledged to settle all proven claims by 2000
1990s	concept of 'cultural safety' emerges	originally developed in nursing education and then practice; applicable in all areas of working with people of different cultures
1991	Resource Management Act passed	Includes provisions requiring that principles of Treaty be taken into account, that consultation with iwi occurs
1994	Cabinet adopted new position on Treaty recognising it as the founding document	"[The Treaty]... protected Maori interests; It made us all New Zealanders"
1995	Tainui settlement signed	The Crown 'apologises unreservedly' and agrees to return 1.4% of what was taken (\$170 million including some land).
1996	First MMP election	for the first time, the number of Maori seats is proportional to the number of voters on the Maori electoral roll
1999	Labour Government elected	Margaret Wilson (Office Treaty Settlements) rewrites the Treaty Principles.
2000	'Closing the Gaps' policy introduced	Māori participation in education increases but disparities remain. Education is identified as part of Treaty policy
2008	National Government elected	coalition with Maori party leads to initiatives such as funding to enable kura to retain secondary students for longer
2011	ERO recognises success for Maori students as National Evaluation Topic	prompted by disappointing findings in <i>Promoting Success for Māori Students: Schools' Progress</i>

## RECENT APPROACHES TO THE TREATY

In the 1970's, the Third Labour Government undertook amendments to what remained of legislation which overtly discriminated against Maori, and it established the Waitangi Tribunal, although at that time the Tribunal was only allowed to consider injustices after 1975. The Fourth Labour Government was the first government to be proactive in considering what the Treaty might mean in the future (as opposed to only addressing injustices from the past), by incorporating requirements to respect the Treaty into some legislation – notably the State Owned Enterprises Act and the Resource Management Act. It also enabled the Tribunal to consider Treaty violations from 1840. In this era, the concept of 'Treaty principles' began to supercede previous references to 'partnership'.

### *Treaty Principles*

You may come across references to Treaty principles in your work. The term is used very loosely in a wide variety of contexts.

- The Waitangi Tribunal is required by the 1975 Act to address the principles of the Treaty. Their principles may change as they consider new cases.
- The Royal Commission on Social Policy (1988) popularised the three P's: Participation, Partnership and Protection
- Legislation passed by parliament also refers to principles (see especially the State Owned Enterprises Act of 1986)
- Because the Treaty is in some legislation passed by parliament, the Courts are involved in considering principles when interpreting legislative references to it. These continue to be developed by the Courts on a case by case basis. As Justice McKay noted in the *Broadcasting* case (1992) *"It is the principles of the Treaty which are to be applied, not the literal words. The English and Maori texts in the first schedule to the Treaty of Waitangi Act 1975 are not translations the one of the other, and the differences between the texts and shades of meaning are less important than the spirit"*<sup>1</sup>
- Government policy includes references to principles, the strongest of which were produced by the Fourth Labour Government in 1989. The National Government (1990-1999) then developed its own set. The current Labour Government has changed its previous principles. They are continuing the preceding National Government's policy of financial settlements for past injustices but are reluctant to include the Treaty in legislation now.

It is important to remember that the Crown alone has generated these different sets of principles. None have been adopted by hapu/Maori. The principles are constantly changing with Court and Tribunal decisions and in response to public opinion, and they are not the Treaty itself.



Treaty Resource Centre  
Te Puna Matauranga o Te Tiriti

<sup>1</sup> Te Puni Kokiri, *The Principles of the Treaty of Waitangi as Expressed by the Courts and the Waitangi Tribunal*