

6 January 2025

Submission on the Principles of the Treaty of Waitangi Bill

Kindergartens Aotearoa opposes the Principles of the Treaty of Waitangi Bill (“the Bill”) and calls for it to be rejected. We do this because the Bill is unilateral, unethical, unconstitutional, inequitable, and has the potential to reverse much of the important work that has been undertaken over the past few decades to increase understanding of and support for Te Reo Māori and Te Ao Māori. The results of this will be detrimental for all tamariki in Aotearoa New Zealand, both now and in the future.

Te Tiriti o Waitangi is the founding document of our nation and should not be undermined by a small political party that has no mandate to inflict such fundamental change on our country. In addition, the bill has been drafted without any meaningful consultation with Maoridom as Treaty partner.

This amounts to a unilateral attempt to vary, amend or alter the Treaty.

This is unethical.

The bill has been drafted under the guise of promoting equal rights for all New Zealanders, but this ignores the whole basis of the Treaty, which was about recognising the existing rights of the Treaty partner, and allowing the crown to govern and giving tangata Tiriti the right to stay in Aotearoa New Zealand.

This is unconstitutional.

The Bill introduces three entirely new principles to replace established interpretations of the Treaty of Waitangi, undermining nearly 50 years of legal and policy precedent. The proposed new definition of Treaty principles would mark a significant shift in how Treaty rights are determined.

Principle 1 of the bill removes the core values of partnership, equity and inclusion enshrined in the Treaty, and undermines the democratic foundations of our society.

Principle 2 of the bill purports to recognise the rights of iwi and hapu who signed the Treaty, but this contradicts the first Principle.

Principle 3 of the bill says everyone is equal before the law, but this ignores the whole basis of the Treaty, and also the statement in Principle 2 that recognises the role of iwi and hapu.

This is inequitable.

Kindergartens Aotearoa is a collective of six regional kindergarten associations around the country that operate more than 260 of New Zealand’s kindergartens, catering for more than 12,000 children each day, from Auckland’s North Shore to South Otago. We also provide several homebased early childhood education services and provide social services to many families and young people in our regions.

As an organisation dedicated to the education and care of babies and young children and their families and the wellbeing of whānau and communities, we oppose the bill because it threatens to erase the Tiriti guarantee of tino rangatiratanga, prioritise formal equality over equity, and remove a key legal framework that has supported informed pro-equity social policies, including in education. This includes our world-leading national early childhood curriculum, Te Whāriki.

This is because the Bill seeks to remove the requirement for education leaders to be ‘giving effect’ to Te Tiriti o Waitangi and that the unique rights of iwi and hapū will only be protected if these are set out in a historical Treaty settlement. This would redefine those rights as they appear in numerous Acts of Parliament including but not limited to The Education and Training Act 2020.

The Bill threatens the foundations of our education system and equity in Aotearoa New Zealand in multiple direct and indirect ways. This will have a negative impact on not only tamariki Māori, but on all tamariki from all cultures who live in Aotearoa New Zealand.

To this end, we urge the Select Committee to:

1. Recommend that this Bill not proceed.
2. Encourage meaningful engagement with Māori. Any discussion regarding the interpretation or application of Te Tiriti must be led by and in partnership with Māori.
3. Reaffirm Te Tiriti o Waitangi as a founding document of Aotearoa.

We welcome the opportunity to speak to our submission.