

6 January 2025

SUBMISSION ON PRINCIPLES OF THE TREATY OF WAITANGI BILL

By Selwyn District Council

1. The Selwyn District Council (SDC) appreciates the opportunity to submit on the Principles of the Treaty of Waitangi Bill (the Bill). While SDC acknowledges the importance of Te Tiriti o Waitangi as a cornerstone of our nation, we oppose the Bill and recommend that it does not proceed.

Our Commitment to Te Tiriti Partnership

2. Te Tiriti represents a foundational and ongoing relationship between Māori and the Crown. SDC strives to honour this relationship, and this is exemplified through our **Bicultural Strategy – Te Rautaki Tikaka Rua**, which provides a framework for strengthening partnerships with mana whenua and enhancing our bicultural competence.
3. This strategy reflects SDC's aspiration to:
 - Be a respected and trusted Treaty partner;
 - Lead in bicultural engagement and practice; and
 - Support our communities in valuing and embracing biculturalism.
4. We are committed to fostering meaningful partnerships, grounded in dialogue, mutual respect, and shared aspirations. The Bill, however, undermines these efforts by introducing changes that are unnecessary and unhelpful.
5. The current frameworks for understanding and applying Treaty principles have been developed carefully and collaboratively over time by the courts, the Waitangi Tribunal, and through constructive Māori-Crown relationships. These principles are well-understood and provide a robust foundation for progressing bicultural partnerships across New Zealand.

Key Issues with the Bill

6. Lack of Consultation with Treaty Partners

Partnership is central to Te Tiriti. The absence of meaningful engagement with Māori during the development of the Bill is concerning and undermines the Crown's obligations under Te Tiriti. The unilateral approach taken by this Bill fails to respect the principles of partnership, participation, and protection.

7. A Distraction from Bicultural Progress

SDC is proud of the progress being made in our district to foster bicultural relationships and honour Treaty commitments. This work, grounded in cooperation and shared understanding, is delivering real benefits for our communities. The Bill risks diverting focus and resources away from these efforts, which are already supporting strong and meaningful partnerships with mana whenua.

8. Potential Legal and Financial Impacts

The Bill creates unnecessary uncertainty regarding established legislative frameworks such as the **Resource Management Act** and the **Local Government Act** (including s81), which rely on existing interpretations of Treaty principles. For councils like SDC, this could lead to:

- Increased litigation and legal costs as new interpretations are tested;
- Additional training and resourcing requirements, creating financial pressures, and diverting funding from essential services; and
- Unclear consultation requirements and processes.

9. Unilateral Definition of Treaty Principles

The Bill's attempt to define Treaty principles without Māori input undermines the integrity of Te Tiriti itself. Such an approach disregards decades of careful development of these principles through legal and institutional processes. Any attempt to unilaterally impose a definition, risks damaging the trust and cooperation that are central to the Treaty partnership.

Conclusion

10. The Selwyn District Council remains committed to fostering meaningful bicultural relationships and supporting positive outcomes for all our communities. The Bill is unnecessary, risks undermining existing progress, and diverts focus and resources from the significant work already being undertaken to strengthen bicultural partnerships.

11. We strongly recommend that the Bill not proceed.

12. We would welcome the opportunity to speak to this submission via video conference.

Nāku noa, nā



Sam Broughton - Mayor

On behalf of the Selwyn District Council