
Treaty of Waitangi Statute

Governance Policy Group

1 Purpose

This statute outlines the principle-based framework adopted by Council to discharge its duties under the Treaty of Waitangi.

This statute records the Treaty of Waitangi obligations of the University endorsed by Council, on 24 August 2009. The obligations derive from the Education Act 1989 and other non-statutory sources.

This statute also records the Principles for Crown Action on the Treaty of Waitangi endorsed by Council, on 4 December 2000. Those principles are:

- a) The Principle of Government or the Kawanatanga Principle
- b) The Principle of Self-Management or the Rangatiratanga Principle
- c) The Principle of Equality
- d) The Principle of Reasonable Cooperation
- e) Principle of Redress

The principles, together with the identified tasks, constitute the operational Treaty framework. Each task has been listed under one of the five principles for initial consideration. Any other(s) of the five principles might also be considered relevant and therefore be applicable. The Protection principle has been included alongside the Principle of Redress to accord with the current framework of the Tertiary Education Commission (2001). The Council, its members, or any member of the University acting under its delegated authority may discharge duties.

2 Organisational Scope

This is a University-wide statute. It shall apply to all students, staff and Council members of Victoria University.

3 Definitions

For purposes of this statute, unless otherwise stated, the following definitions shall apply:

Council:	Victoria University of Wellington Council
Kawanatanga:	Governance and Government
Rangatiratanga:	Self determination or self-management
Taonga:	Treasure or prized possession
Tikanga:	Customary use or usual and accepted practice

These definitions provide general guidance for staff. Māori tribal authorities may not necessarily agree to these interpretations.

4 Policy Content and Guidelines

4.1 *Principle of Government or the Kawanatanga Principle*

Consistent with the Principles for Crown Action on the Treaty of Waitangi and in order to give practical effect to its Treaty obligations, the Council or any member of the University acting under the delegated authority of the Council shall take into account the Principle of Government or the Kawanatanga Principle when it:

- (a) Appoints a Vice-Chancellor in accordance with the State Sector Act 1998 and monitors and evaluates his or her performance.
- (b) Prepares and submits a proposed plan if the institution is seeking funding under a funding mechanism that provides for funding via plans.
- (c) If the institution has a plan:
 - (i) ensures that the institution is managed in accordance with that plan; and
 - (ii) determines policies to implement that plan.
- (d) Determines subject to the State Sector Act 1988, the policies of the institution in relation to the management of its affairs.
- (e) Undertakes planning relating to the institution's long-term strategic direction.
- (f) Ensures that the Council has all powers reasonably necessary to enable it to perform its functions efficiently and effectively.
- (g) Authorises the making of grants or loans out of the money of the institution to the chief executive, to members of the staff or students of the institution, or to any association of staff or students, on such terms and conditions as the council thinks fit and guarantee loans made by other persons to the chief executive or members of the staff of the institution for housing purposes.
- (h) Accepts gifts, devises and bequests made to the University, whether on trust or otherwise.
- (i) Agrees to the disestablishment of the University and its incorporation in another institution of the same class or a different class.
- (j) Agrees to the incorporation in the University of another institution or other institutions, whether of the same class as itself or a different class from itself.
- (k) Arranges for the manufacture of and distributes any article or thing bearing a mark, symbol or writing that is associated with the University.
- (l) Prescribes fees payable by the students of the University or any of them.
- (m) Does anything incidental to the exercise of any of the preceding powers.
- (n) Appoints committees consisting of such persons, whether or not members of the Council, as the Council determines to exercise such powers as are delegated to them under section 222 of the Education Act 1989 and such powers as are conferred on them by statutes made by the Council, and to alter, discharge, and reconstitute committees so appointed.
- (o) Strives to ensure that the University attains the highest standards of excellence in education, training and research.
- (p) Ensures that the University operates in a financially responsible manner that ensures the efficient use of resources and maintains the university's long term viability.
- (q) Ensures that proper standards of integrity, conduct and concern for the public interest and well-being of students attending the University are maintained.
- (r) Commits to using the Treaty to guide our obligations to Māori as tangata whenua and Treaty Partners.

4.2 Principle of Self-Management or the Rangatiratanga Principle

The Council or any member of the University acting under the delegated authority of the University shall take into account the Principle of Self-Management or the Rangatiratanga Principle when it:

- (s) Commits to Māori research excellence with the potential for significant social, economic, and scholarly impacts.
- (t) Commits to the contribution of Mātauranga Māori (Māori knowledge) to scholarship across disciplines.
- (u) Commits to building Māori staff capability.
- (v) Commits to the contribution of Te Reo Māori and Tikanga Māori to the culture of Victoria.

4.3 Principle of Equality and the Principle of Reasonable Co-operation

The Council or any member of the University acting under the authority of the Council shall take into account the Principle of Reasonable Cooperation and the Principle of Equality when it:

- (w) Encourages the greatest possible participation by the communities served by the University so as to maximise the educational potential of all members of those communities with particular emphasis on those groups in those communities that are under-represented among the students of the University.
- (x) Ensures that the University does not discriminate unfairly against any person.
- (y) Provides courses of study or training, admit students and grant awards.
- (z) Grants fellowships, scholarships, bursaries or prizes.
- (aa) Arranges for the provision of goods and services to staff or students of the University or other persons using, or otherwise attending at, facilities of the University.
- (bb) Strengthens the position of Māori within the University.
- (cc) Commits to Māori student recruitment, retention, and achievement.
- (dd) Establishes boards or other bodies within the University to give advice to the Council.
- (ee) Commits to building long-term and positive relationships with Māori stakeholders.
- (ff) Acknowledges the principles of the Treaty of Waitangi.
- (gg) Commits to increasing the capability of all staff to engage with Māori interests.
- (hh) Commits to the equity of opportunity for all staff.

4.4 Principle of Redress (and Protection)

The Council or any member of the University acting under the delegated authority of the Council shall take into account the Principle of Redress.

Note: There are currently no identified issues across the University that oblige the Principle of Redress (this applies to the protection of Taonga, including Te Reo Māori and Tikanga Māori).

5 Legislative Compliance

The University is required to manage its policy documentation within a legislative framework. The legislation directing this statute is:

[Education Act 1989 No 80 \(as at 17 December 2008\), Public Act – New Zealand Legislation](#)

[Employment Relations Act 2000](#)

[Human Rights Act 1993](#)

[Public Finance Act 1989](#)

[State Sector Act 1988](#)

6 References

[Conduct Policy](#)

[Equal Employment Opportunities Guidelines](#)

[Information Systems Statute](#)

[Principles for Crown Action on the Treaty of Waitangi 1989](#)

[Student Conduct Statute](#)

[He Tirohanga ō Kawa ki te Tiriti o Waitangi - Te Puni Kokiri \(2001\)](#)

7 Approval Agency

University Council

8 Policy Sponsor

Pro Vice-Chancellor (Māori)

9 Contact Person

The following person may be approached on a routine basis in relation to this statute:

Pro Vice-Chancellor (Māori)

Ext. 5220