Treaty of Waitangi at Victoria

Te Tiriti o Waitangi ki Te Whare Wānanga o te Ūpoko o te Ika a Māui
Introduction

Kei ngā hoa mahi o Te Whare Wānanga o Te Ūpoko o te Ika a Māui, tēnā koutou katoa. Tēna koutou e whai whakaaro ana mō te Tiriti o Waitangi i roto i te tahi āhuatanga o a koutou mahi. Ahakoa he tīmatanga noa, he tī noa, he pouamā kē hai whakatairanga i te Tiriti.

Welcome to the Treaty of Waitangi at Victoria. This booklet has been compiled to help staff understand the place of the Treaty of Waitangi in both Aotearoa New Zealand generally, and in our workplace at Victoria University of Wellington. It canvases Victoria’s Treaty responsibilities and provides some guidance about how to apply the Treaty within the University environment. This is, however, a general overview only and we recommend that it be supplemented with the ‘Introduction to the Treaty of Waitangi’ workshop offered as part of Victoria’s Te Hāpai staff development programme (see victoria.ac.nz/te-hapai for details).

While we have taken care to be as accurate as possible with the information contained in this booklet, please be aware that the wording of the various plans and statutes that we have drawn from is constantly being updated and amended. As such, you should check the Victoria University of Wellington website (www.victoria.ac.nz) for the most current versions of each document. Where possible, direct links to the online version of each document have been provided on the relevant pages.

We hope that you find this booklet informative and useful, and that it helps you to further contribute to Victoria’s goal of being “imbued with distinctive qualities through its values and through the Treaty of Waitangi, mātauranga Māori and te reo Māori” (Victoria University of Wellington Strategic Plan, page 7).
### Treaty history—Migration

The following map shows the likely pattern of early human settlement in the Pacific. The Lapita dispersal from the Bismarck Archipelago to West Polynesia is quite closely dated to the period 3400 BP to 2900 BP. However, the precise chronology of Polynesian settlement remains uncertain and contentious. In particular, recent revisions to dating techniques have resulted in slightly younger dates for the initial settlement of a number of islands and island groups in East Polynesia. Included in the revision is a likely 1350 AD settlement date for New Zealand, which, coincidentally, is all likelihood matches proposed dates based on Māori oral tradition.

### Treaty timeline

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tr>
<td>1300–1350</td>
<td>Arrival of people from East Polynesia in Aotearoa</td>
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<td>1350–1769</td>
<td>Through adaptation and culture change, people from East Polynesia became Māori</td>
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<tr>
<td>1769</td>
<td>Arrival of Captain Cook and crew in New Zealand</td>
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<td>1770s–1830s</td>
<td>Arrival of sealers, whalers, traders and missionaries</td>
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<td>1835</td>
<td>Declaration of independence signed by the United Tribes of New Zealand</td>
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<tr>
<td>1839</td>
<td>Arrival of New Zealand Company in New Zealand</td>
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<td>1840</td>
<td>Treaty of Waitangi signed</td>
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<tr>
<td>1840</td>
<td>Hobson proclaims British sovereignty over New Zealand—by Treaty in the North Island and by discovery in the South Island</td>
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<tr>
<td>1843</td>
<td>Waitangi incident. Te Rauparaha and Te Rangihaeata vilified for defending their land and homes</td>
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<td>1845</td>
<td>Hone Heke cuts down flagpole above Kororareka (Russell) four times in protest of Crown actions in the Bay of Islands</td>
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<tr>
<td>1852</td>
<td>New Zealand Constitution Act passes in Britain. It establishes independent government in New Zealand and fundamentally undermines the Treaty</td>
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<td>1858</td>
<td>First Māori King, Potatau Te Wherowhero, appointed</td>
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<td>1860</td>
<td>Tawhiao, son of the first Māori King, succeeds his father</td>
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<td>1863</td>
<td>Crown attack on Wairepo King and Te Ati Awa in Waitara for refusing to vacate their land after an erroneous land sale. These are the first shots of the New Zealand Wars</td>
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<tr>
<td>1863</td>
<td>Crown attack on Waiakato Māori and the Māori King</td>
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<td>1877</td>
<td>Treaty of Waitangi Amendment Act passes</td>
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<td>1877</td>
<td>Chief Justice Prendergast in Wi Parata v Bishop of Wellington rules the Treaty’s cession of sovereignty ‘a simple nullity’</td>
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<td>1880–1900</td>
<td>Popular opinion assumes that Māori are a dying race</td>
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<tr>
<td>1881</td>
<td>Sacking of Pākehā is the final act of the New Zealand Wars</td>
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<td>1892</td>
<td>First meeting of Māori Parliament</td>
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<td>1893</td>
<td>Āpirana Ngata the first Māori to graduate with a university degree</td>
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<td>1899</td>
<td>Victoria University of Wellington established</td>
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<td>1900s</td>
<td>Māori population increasing again</td>
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<tr>
<td>1935</td>
<td>First official celebration of Waitangi Day</td>
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<td>1970</td>
<td>Ngā Tamatoa Māori activist group forms</td>
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<td>1974</td>
<td>Waitangi Day becomes a national holiday</td>
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<td>1975</td>
<td>Māori land march occurs, led by Whina Cooper</td>
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<td>1975</td>
<td>Treaty of Waitangi Act passes</td>
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<td>1980–1910</td>
<td>Popular opinion assumes that Māori are a dying race</td>
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<tr>
<td>1985</td>
<td>Treaty of Waitangi Amendment Act passes</td>
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<td>1992</td>
<td>‘Fiscal envelope’ proposed to cap Treaty settlement amounts</td>
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<td>1995</td>
<td>Tainui settlement signed</td>
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<tr>
<td>1998</td>
<td>Ngā Tahu settlement signed</td>
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<tr>
<td>2004</td>
<td>Foreshore and Seabed Act passes</td>
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The Declaration of Independence of New Zealand—English

1. We, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, here assembled, do hereby declare the independence of our country, which is hereby constituted and declared to be an independent State, under the designation of the United Tribes of New Zealand.

2. All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in the Congress assembled.

3. The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United Tribes.

4. They also agree to send a copy of this Declaration to His Majesty the King of England, to thank him for his acknowledgement of their flag; and in return for the friendship and protection they have shown, and are prepared to show, to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its Protector from all attempts upon its independence.
The Treaty of Waitangi—Māori text

Te Tiriti o Waitangi / Treaty of Waitangi 1840

Te Tiriti o Waitangi / Treaty of Waitangi 1840

The Treaty was drafted in English by Hobson, Busby and Freeman (Hobson’s private secretary). Busby amended Hobson’s and Freeman’s initial notes on the Treaty and added several of his own new points, most notably to Freeman’s three articles.

The final draft was produced from both Hobson’s and Busby’s notes by Freeman, although he is not generally credited as adding anything new or substantive to the document at this point. On the evening of 4 February 1840 this English version was given to Henry Williams and his son Edward to translate into Māori, which they did overnight for a hui (gathering) of 500 assembled rangatira (chiefs) on Busby’s front lawn that took place on 5 February. The English version they worked from was later lost and has never been found. To complicate matters further, the missionary Richard Taylor copied the Williams’ translation onto high-quality parchment on the evening of 5 February and it is this Māori version that he worked from but this has also now disappeared. There are nine versions of the Treaty documents known to exist today—one in English and eight in Māori. 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Post-Treaty contemporary issues

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Treaty principles

The Education Act 1989 refers to "the principles of the Treaty of Waitangi". The principles of the Treaty come from the realisation that the two versions of the Treaty, namely the English and Māori versions, are so different to each other in wording that they are difficult to use to shape the relationship between the two partners. Instead, it was decided by the Crown that the intent and the principles that underlie the Treaty should be used to develop the relationship instead. As a result, references to the Treaty principles began to emerge in legislation by the 1980s, and by 1989 the Treaty of Waitangi Policy Unit (later to become the Treaty of Waitangi Policy Unit, 1989) had been charged with articulating what the principles were. They came up with the following list.

The Principles for Crown action on the Treaty of Waitangi

PRINCIPLE 1
The Principle of Government/The Kāwanatanga Principle
The Government has the right to govern and make laws.

PRINCIPLE 2
The Principle of Self Management/The Rangatiratanga Principle
The iwi have the right to organise as iwi and, under the law, to control the resources they own.

PRINCIPLE 3
The Principle of Reasonable Cooperation
Both the government and the iwi are obliged to accord each other different to each other in wording that they are difficult to use to shape the relationship between the two partners. Instead, it was decided by the Crown that the intent and the principles that underlie the Treaty should be used to develop the relationship instead. As a result, references to the Treaty principles began to emerge in legislation by the 1980s, and by 1989 the Treaty of Waitangi Policy Unit (later to become the Office of Treaty Settlements (OTS)) had been charged with articulating what the principles were. They came up with the following list.

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PRINCIPLE 3
The Principle of Reasonable Cooperation
Both the government and the iwi are obliged to accord each other reasonable cooperation on major issues of common concern.

PRINCIPLE 4
The Principle of Equality
That all New Zealanders are equal under the law.

PRINCIPLE 5
The Principle of Redress
The Principle of Self Management/The Rangatiratanga Principle
The iwi have the right to organise as iwi and, under the law, to control the resources they own.

The Treaty of Waitangi Policy Unit, 1989

The Treaty at Victoria—Education Act 1989

The requirement for all educational providers in New Zealand to acknowledge the Treaty of Waitangi is clearly set out in Section 181(b) of the Education Act 1989. This is the legislative basis on which Victoria’s Treaty goals, plans, statutes, policies and practices rely.

Section 181 of the Education Act 1989

DUTIES OF COUNCILS

- It is the duty of the council of an institution, in the performance of its functions and the exercise of its powers, —
- a. to strive to ensure that the institution attains the highest standards of excellence in education, training, and research;
- b. to acknowledge the principles of the Treaty of Waitangi;
- c. to encourage the greatest possible participation by the communities served by the institution 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 institution;
- d. to ensure that the institution does not discriminate unfairly against any person;
- e. to ensure that the institution operates in a financially responsible manner that ensures the efficient use of resources and maintains the institution’s long-term viability;
- f. to ensure that proper standards of integrity, conduct, and concern are maintained.

See the full Education Act 1989 at www.legislation.govt.nz

The Treaty at Victoria—Victoria University of Wellington Strategic Plan

The following are Treaty-related excerpts from the Victoria University of Wellington Strategic Plan, confirmed by the Council in September 2014. The Strategic Plan sets the direction for Victoria for the next five years, through the articulation of the University’s mission, vision, values and strategies.

Victoria will be imbued with distinctive qualities through its values and through the Treaty of Waitangi, mātauranga Māori and te reo Māori.

With, and as, tangata whenua, we value to Tiriti o Waitangi, rangatiratanga (leadership), manaakitanga (the generous fostering of knowledge), kaitiakitanga (responsibility for, and guardianship of, knowledge), whai mātauranga (intellectual curiosity), whanauingatanga (collaboration and collectiveness) and akoāranga (collective responsibility for learning).

Primary Strategy 4—Secure the intellectual potential put at risk through experience of disadvantage
Victoria University will endeavour to increase enrolments of talented students currently denied access to university study by their social, cultural or financial circumstances or by disabilities. Victoria will enrol 1,000 Māori students over and above the current number and reach a similarly increased proportion of Pasifika students. The progression of students from under-represented groups to postgraduate study is vital if the University, and New Zealand more generally, are to have the opportunity to employ additional talented and qualified staff representing the diversity of New Zealand society. Victoria will maximise its efforts to recruit such students and retain them through to successful Master’s and doctoral degrees. In addition, the University will do all it can to help the nation to secure the intellectual potential of these ‘missing thousands’ through collaboration with schools and communities; through the focus and quality of its teacher education programmes and through the outcomes of each of the distinctive academic themes identified on page 13.

The following are Treaty-related excerpts from the Victoria University of Wellington Investment Plan (2015–2017). They cover all aspects of University activity, from students to staff, facilities to external engagement and research to teaching. The University writes the Investment Plan for the Tertiary Education Commission (TEC). The Investment Plan details the services that the TEC is buying from Victoria.

Our distinctive place in the tertiary education sector stems from a range of factors, namely

→ a strong focus on our commitment to the Treaty of Waitangi. (Page 3.)

The University will, however, continue to focus on goals relating to research, learning and teaching, and on our contribution in improving social, economic and environmental outcomes for all New Zealanders. The success of Māori and Pasifika learners will be of primary importance. Victoria will seek to address the priorities of Government in the next investment period through a range of initiatives focused on areas such as increasing our research intensity and responding to employer and industry stakeholder needs. It will ensure graduates are equipped for careers in the modern world and increase the proportion of Māori and Pasifika students attending and achieving at university. (Page 3.)

The plan presents a summary of the University’s strategic intent, including our performance story which outlines our contribution to the high-level outcomes sought by Government for tertiary education. It describes how Victoria will contribute to the priorities within the Tertiary Education Strategy 2014–2019 with a focus on delivering skills for industry, boosting achievement for Māori and Pasifika learners, strengthening research-based institutions and growing international linkages. (Page 4.)

By implementing these strategies, we expect that Victoria will grow its enrolments over this investment plan period. We expect to increase the numbers of students in government priority subject areas such as Engineering, ICT and Science, and an increase in Māori and Pasifika students through ongoing outreach activities. (Page 7.)

Our distinctiveness as a capital city university comes from:

→ a strong focus on our commitment to the Treaty of Waitangi. Evidenced by ongoing advice to the University Council by Te Aka Matua advisory group, Te Herenga Waka Marae’s ongoing community programme, course provision and the support of Māori staff through Victoria’s pan-university Toihuarewa faculty led by the Pro Vice-Chancellor (Māori). (Page 8.)

The success of equity groups such as Māori, Pasifika and students from low-decile schools will also continue to be of primary importance. (Page 20.)

Mātauranga Māori, pedagogy, programmes, resourcing and staffing capability

→ Victoria will develop a framework for evaluating and growing Mātauranga Māori research and curriculum management initiatives across the university.

→ The first objective of Victoria’s Capability Strategy (Te Rautaki Kaiaka (2013–2017)) is to establish a university community where there is respect for diversity. A specific goal is to continue to develop Māori staff capability and increase the ability of all staff to engage with Māori.

→ Victoria will continue to support Māori student achievement by continuous improvement of our methods of engagement, curriculum and teaching practices.

→ A wide range of specialist facilities, services and tautoko (Māori support) mechanisms exist across the university to support Māori students such as specific mentoring and tutorial programmes, Māori Student Advisors, and Kaihiau Tauria (Māori Students’ Counsellor). In addition, Ngāi Taura—the Victoria University Māori Students’ Association—provides services and support to all Māori students. We will develop our capability to monitor the impacts of these services during the next plan period.

→ Te Herenga Waka, the University marae on Kelburn Campus will continue to serve as a key gathering place and teaching facility.

→ We will continue to develop staff ability to engage with Māori students. (Pages 26–27.)

The University’s student retention plan includes specific actions for further improving Māori student retention by:

→ maintaining and further developing a comprehensive Māori orientation programme

→ disseminating course completion and retention information and develop interventions where these are low

→ increasing and enhancing Māori student whānau/learning spaces and communities

→ piloting and scaling up projects that have demonstrated improvements in academic performance for Māori students

→ intensifying research into what raises achievement for Māori students

→ encouraging teaching staff to reflect on and use pedagogical approaches appropriate to Māori learners, particularly to engage students in their first year. (Pages 27–28.)
Collaborative partnerships with iwi, hapū and wānanga to grow and advance Mātauranga Māori research and research capability

Victoria researchers across the university will continue to work on local, national and international Māori research projects, many of which are collaborations with iwi, Māori asset holders and other Māori stakeholders.

Victoria is also investigating establishing a Māori research institute that would provide a means of coordinating and enhancing Mātauranga Māori research at Victoria. The research would continue to cover a wide range of topics from Māori language and customs and the Treaty of Waitangi, to education, politics, resource management, science and health.

 Increasing Māori postgraduate student numbers will continue to be a key focus area.

New Scholarship opportunities are currently being explored with funding from iwi, matched by Victoria, to support Māori students.

Victoria is committed to providing reo Māori tuition for all people and at all levels.

The primary facility needs highlighted in the 2014 SAMP [strategic asset management plan] gap analysis can be summarised as:

- Māori and Pasifika facilities and wider multi-cultural iconography.

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The Treaty at Victoria—Treaty of Waitangi Statute

The following are excerpts from Victoria's current Treaty of Waitangi Statute. The Statute outlines the principle-based framework adopted by the Council to discharge its duties under the Treaty of Waitangi.

### 4.3 Principle of Government or the Kawanatanga Principle

... the Council shall take into account the Principle of Government or the Treaty of Waitangi when it:

- (r) Commits to using the Treaty to guide our obligations to Māori as tangata whenua and Treaty Partners.

### 4.3 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:

- (t) Commits to the contribution of Matauranga 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.

### Educational Performance

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<td>The proportion of SAC eligible EFTS (equivalent full-time student) who are Māori</td>
<td>8.8%</td>
<td>8.4%</td>
<td>8.7%</td>
<td>10.4%</td>
<td>10.6%</td>
<td>10.9%</td>
<td>10.9%</td>
</tr>
<tr>
<td>Proportion of SAC eligible EFTS for Māori</td>
<td>0.7%</td>
<td>0.6%</td>
<td>0.7%</td>
<td>1.0%</td>
<td>1.2%</td>
<td>1.3%</td>
<td>1.3%</td>
</tr>
<tr>
<td><strong>EDUCATIONAL PERFORMANCE</strong></td>
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</tr>
<tr>
<td>Course completion</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>The successful course completion rate (SAC eligible EFTS) for Māori</td>
<td>77.4%</td>
<td>76.8%</td>
<td>76.9%</td>
<td>70.9%</td>
<td>80.5%</td>
<td>83%</td>
<td>82.1%</td>
</tr>
<tr>
<td>Proportion of SAC eligible EFTS for Māori</td>
<td>82%</td>
<td>80.6%</td>
<td>80.3%</td>
<td>new</td>
<td>80.2%</td>
<td>80.4%</td>
<td>80.8%</td>
</tr>
<tr>
<td>Qualification completion</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>The qualification completion rate (SAC eligible EFTS) for Māori</td>
<td>66.4%</td>
<td>67.6%</td>
<td>67.3%</td>
<td>70.9%</td>
<td>69.5%</td>
<td>69%</td>
<td>70%</td>
</tr>
<tr>
<td>Proportion of SAC eligible EFTS for Māori</td>
<td>68%</td>
<td>73.5%</td>
<td>73.3%</td>
<td>new</td>
<td>70%</td>
<td>71%</td>
<td>72%</td>
</tr>
<tr>
<td>Student Retention</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The student retention rate (SAC Eligible student count) for Māori</td>
<td>77.2%</td>
<td>74.9%</td>
<td>81.1%</td>
<td>new</td>
<td>82.5%</td>
<td>82.7%</td>
<td>83%</td>
</tr>
</tbody>
</table>

See the full Victoria University of Wellington Investment Plan at victoria.ac.nz/investment-plan

See the full Victoria University of Wellington Treaty of Waitangi Statute at victoria.ac.nz/treaty-of-waitangi-statute

Treaty of Waitangi Statute

#### 4.3 Principle of Government or the Kawanatanga Principle

... the Council shall take into account the Principle of Government or the Treaty of Waitangi when it:

- (r) Commits to using the Treaty to guide our obligations to Māori as tangata whenua and Treaty Partners.

#### 4.4 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:

- (t) Commits to Matauranga Māori and Tikanga 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.
Self-reflection

The following are some questions to pose yourself as you come to the end of this booklet. They are designed to help identify ways that you and your work team can contribute to Victoria’s achievement of its Treaty goals.

1. What are three new things that you have learnt about the Treaty at Victoria?
2. What are some ways you could share your learning with your colleagues?
3. What are some things that you, or your team, already do that help give effect to the Treaty of Waitangi?
4. What is one thing that you could do today to help you become more Treaty responsive in your work?
5. How can you take what you have learned and apply it to your own life?
6. What prevents you or your team from doing more Treaty-related activity?
7. What further support or training do you need to help you become more Treaty responsive?

Further Information

Additional information about the Treaty of Waitangi can be found at:

www.justice.govt.nz/tribunals/waitangi-tribunal
