

Title	Describe relevance and application of the principles of the Treaty of Waitangi in the workplace		
Level	3	Credits	5

Purpose	People credited with this unit standard are able to describe the relevance of the principles of the Treaty of Waitangi to, and explain the application of the principles of the Treaty of Waitangi in, the workplace.
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Classification	Māori Business and Management > Māori Management - Generic
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Available grade	Achieved
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Guidance Information

- 1 Recommended skills and knowledge for entry
Unit 16049, *Compare the English and Māori versions of te Tiriti o Waitangi/ the Treaty of Waitangi*, or demonstrate equivalent knowledge, skills or experience.
- 2 This unit standard is designed for people with little working knowledge of the Treaty of Waitangi.
- 3 Resource support includes:
A guide to the *principles of the Treaty of Waitangi* as interpreted by the Waitangi Tribunal and the Courts, has been produced by Te Puni Kōkiri, Ministry of Māori Development entitled *He Tirohanga o Kawa ki te Tiriti o Waitangi* (available from <https://www.tpk.govt.nz/en/a-matou-mohiotanga/crownmaori-relations/he-tirohanga-o-kawa-ki-te-tiriti-o-waitangi>).
Another document, *The Principles of the Treaty of Waitangi*, which draws together some statements by the courts, the Waitangi Tribunal, and the Government in New Zealand regarding the interpretation and application of the principles of the Treaty was Waitangi, was prepared as an appendix to the *Waitangi Tribunal Rangahaua Whānui Series – National Overview (vol. ii)*, and can be downloaded at <https://waitangitribunal.govt.nz/assets/Documents/Publications/NatO2.pdf>.
These two documents serve as the basis of this unit standard.
There is a library of resources available that will support the learning required for this standard. Without being prescriptive, candidates should look for those resources that are relevant, provide context, and which are fit for purpose.
- 4 Definitions
Workplace, for the purpose of this unit standard, does not just refer to an office, but also refers to any context or setting in which the candidate is operating while performing tasks or duties specified by work. Working with tangata whenua takes place in a variety of settings. People must have an awareness, not only of the

tikanga pertaining to Māori people in general, but also the specific tikanga applying to the iwi and rohe or takiwā in which they are working. People must be able to recognise language variations, differences in kawa and tikanga, and be aware of waiata pertaining to certain iwi and rohe or takiwā.

The *Principles of the Treaty of Waitangi* have been seen as a good starting point to understand how the Treaty of Waitangi was interpreted by successive governments since they came out of the Royal Commission on Social Policy in 1986. The “3 Ps” comprise the well-established Crown Treaty framework, however, the Waitangi Tribunal described these principles as outdated and the Crown accepted that they reflect a “reductionist view” of the Treaty. Thirty years on, there’s clearly room to do better, but the understanding of these principles include:

Protection –

- considered primarily in regard to the property interests guaranteed to Māori under Article II of the Treaty
- active duty ie more than a passive obligation or recognition of right
- extent of obligation depends on prevailing circumstances and vulnerability of the taonga in question
- located in the fundamental exchange recorded in the Treaty – the cession of sovereignty for the guarantee of tino rangatiratanga
- broad interpretation arising from the entire text of the Treaty:
 - a duty to protect Māori as a people and as individuals, in addition to their property
 - Crown’s duty to actively protect tino rangatiratanga and Māori capacity to retain tribal authority over tribal affairs and to live according to their cultural preferences
 - Crown cannot avoid its duty by delegating its responsibility to local authorities or other bodies.

Partnership –

- the Treaty relationship is ‘akin to a partnership’
- includes duties of good faith, reasonableness, and the honour of the Crown
- the Treaty partnership does not necessarily describe a relationship where the partners share national resources equally
- derived from the principles of reciprocity and of mutual benefit
- includes the obligation on both parties to act reasonably, honourably, and in good faith
- emphasises the need for recognition, respect, accountability, compromise, and a balancing of interests.

Participation –

- an aspect of the obligation to act in good faith
- the duty to consult is not absolute
- consultation is required on truly major issues
- consultation should be conducted with ‘open-mindedness’ and ‘sufficient information’ to enable ‘intelligent and useful responses’
- emphasises the value and utility of consultation in upholding and strengthening the Treaty partnership
- consultation required on matters that infringe on tino rangatiratanga
- the degree and type of consultation required in a given instance may vary depending on what is needed for the Crown to make an informed decision
- consultation processes should take into account Māori preferences.

Outcomes and performance criteria

Outcome 1

Describe the relevance of the principles of the Treaty of Waitangi to the workplace.

Range includes but is not limited to – partnership, protection, participation.

Performance criteria

- 1.1 The principles of the Treaty of Waitangi are described in terms of their relevance to the workplace.

Outcome 2

Explain the application of the principles of the Treaty of Waitangi in the workplace.

Range includes, but is not limited to – partnership, protection, participation.

Performance criteria

- 2.1 How the principles of the Treaty of Waitangi are currently applied in the workplace are explained in terms of practices and processes.

Range one practice, one process.

- 2.2 How the principles of the Treaty of Waitangi can be applied in the workplace are explained in terms of contemporary practices and processes.

Range one contemporary practice, one contemporary process.

Planned review date	31 December 2026
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Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	25 October 2007	31 December 2019
Rollover	2	27 April 2012	31 December 2019
Rollover	3	18 June 2015	31 December 2019
Rollover and Revision	4	18 August 2016	31 December 2019
Review	5	20 April 2017	31 December 2023
Review	6	25 March 2021	N/A

Consent and Moderation Requirements (CMR) reference	0113
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This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.

Comments on this unit standard

Please contact the NZQA Māori Qualifications Services mqs@nzqa.govt.nz if you wish to suggest changes to the content of this unit standard.