

New Zealand parliament votes down contentious “Treaty principles” bill

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A bill which sought to “reinterpret” New Zealand’s Treaty of Waitangi, signed between Māori tribal leaders and the British Crown in 1840, has failed in parliament by 11 votes to 112. The second reading on April 10 of the Principles of the Treaty of Waitangi Bill concluded more than a year of contention over the legislation.

The defeat was a foregone conclusion. The only votes in favour came from members of the far-right ACT Party, which initiated the legislation. ACT is part of the coalition government with the National Party and NZ First, but both these parties declared early on they would support the bill through its first reading but no further.

The bill’s primary objective was to stoke racial divisions as a means of diverting social anger in the working class over the government’s escalating attacks on living standards and public services. It also served to distract attention from its support for the US-Israeli genocide in Gaza and the huge increase in military spending in preparation for joining a US-led war against China.

The Treaty of Waitangi helped to facilitate the conquest of New Zealand by British forces; it falsely promised that Māori would be able to keep their land and have all the same rights as British subjects. It was followed by decades of war in which the land was forcibly seized.

The ACT Party has sought to scapegoat indigenous people by falsely claiming that the colonial-era treaty has been interpreted by successive governments since the 1980s to give Māori special rights and privileges. In reality, the only beneficiaries have been a tiny layer of Māori elite, while the vast majority of Māori, an oppressed layer of the working class, are struggling to make ends meet.

ACT’s bill put forward three principles: 1) that the government has the power to govern; 2) that everyone is equal before the law and has “the same fundamental human rights”; and 3) that the rights of Māori differ from those of non-Māori “only when they are specified in legislation, Treaty settlements, or other agreement with the Crown.”

In what TVNZ described as a “fiery debate” in parliament, ACT leader David Seymour declared that the bill should be

sent to a referendum because “unelected judges, the Waitangi Tribunal and the public servants” were defining the principles of the treaty. “The idea that your race matters is a version of a bigger problem, it’s part of that bigger idea that our lives are determined by things out of our control,” he declared.

For the past year and a half, the libertarian ACT has used the debate over its legislation to portray itself as the party of “equal rights for all.” This is a transparent fraud under conditions of staggering social inequality.

Funded by billionaires and after gaining just 8.6 percent of the popular vote at the 2023 election, ACT has played a critical role in the government’s agenda of tax cuts for the rich, savage slashing of public services and attacks on workers’ rights. The party advocates the privatisation of healthcare, education and other services.

ACT’s new Regulatory Standards Bill aims to create new mechanisms, similar to those being implemented in the US, to prevent laws and regulations from impacting private property rights, “productivity” and profit-making.

Parliament took more than 300,000 written submissions and requests for 16,000 oral submissions on the Treaty Principles Bill, the largest response to proposed legislation ever received. The Justice Select Committee released a 45-page report which recommended it not proceed after written submissions were 90 percent opposed and oral submissions 85 percent opposed.

Among those who addressed the select committee to oppose the bill were key representatives of the ruling class, including former Labour Prime Minister Geoffrey Palmer and National ex-leader Jenny Shipley.

After the bill was voted down, most MPs stood and applauded and, accompanied by observers in the gallery, sang a Māori song in celebration. “This bill...has been absolutely annihilated,” declared Hana-Rāwiri Maipi-Clarke, the Māori Party MP whose traditional haka, or challenge, in the house during the first debate gained widespread social media coverage.

Mass opposition to the bill erupted last November, when

around 50,000 people rallied in Wellington outside parliament chanting “Kill the Bill.” This reflects considerable sympathy for the plight of ordinary Māori who are vastly over-represented in all the statistics on poverty, poor health, low educational attainment and rates of imprisonment.

The opposition parties which led the protests, buttressed by Māori nationalists and the middle-class pseudo left milieu, channelled them into the defence of the Treaty of Waitangi and appeals for “social cohesion.”

Labour, the Greens, Te Pūtahi Māori (Māori Party) and the pseudo-left International Socialist Organisation (ISO) all sought to keep growing anti-government sentiment within the framework of capitalist politics by portraying the Treaty as the means to end racism and inequality. This involved a wholesale coverup of the essential fact that New Zealand society is deeply riven by class oppression. People were encouraged, among other activities, to display posters in their windows emblazoned with the words “Together for Te Tiriti.”

The slogan falsely portrays the treaty, written by the British Empire’s representatives nearly 200 years ago to pave the way for the conquest of New Zealand and for capitalist property relations, as the guarantee of national unity and stability in the twenty-first century.

The main organiser of the protests, Te Pūtahi Māori, has no base in the working class but represents a privileged layer of tribal capitalists and glorifies the treaty while demanding a racist system of Māori self-government.

MPs who opposed the bill all invoked national “unity.” Labour leader Chris Hipkins said the “grubby little bill” was a “stain on our country.” He declared: “What I do take pride in is the way New Zealanders have come together over the last six months to say loud and clear ‘This is not us, this is not Aotearoa New Zealand.’”

Justice Minister Paul Goldsmith, for the National Party, said: “Our country is not so fragile that we can’t stand a debate about the role of Te Tiriti.” National had opposed the bill because it sought to “impose a particular interpretation of the Treaty of Waitangi by simple majority and referendum,” which was “a crude way to handle a very sensitive topic,” he said.

The middle class “radicals” joined the nationalist jamboree. Kassie Hartendorp from the ActionStation protest outfit told the *E-Tangata* website that Seymour wanted to “replace the court-established Treaty principles with ACT Party policy” and create a mandate to weaken “our constitutional law.”

In fact, the various pieces of legislation and rules that make up New Zealand’s unwritten constitution are the product of lawmaking by the capitalist class. They are not

“ours.” The Treaty, which was derided for over a century by Māori activists as a “fraud” has been elevated since the 1970s by successive governments as the country’s “founding document” and used as a means of suppressing any united working-class rebellion against deepening assaults on jobs and living standards.

The Treaty has also been used as a mechanism for creating a privileged layer of Māori capitalists. In the name of providing redress for the crimes of colonisation, including sweeping land confiscations, hundreds of millions of dollars in public funds have been handed out to the tribal leaders to create profitable businesses. The so-called “Māori economy” is currently estimated to be worth over \$NZ70 billion.

The manner by which racist identity politics has been used to divide the working class and buttress a privileged indigenous layer is sharply revealed in the case of the New Zealand Nurses Organisation (NZNO). With the public health system in extreme crisis and thousands of nurses, doctors and lab workers striking, the NZNO has released a reactionary report falsely claiming that white people have benefited from healthcare policies and demanding increased recruitment of Māori nurses while opposing immigrant workers.

The divisive positions promoted by the trade unions and pseudo-left groups have only played into the hands of the far-right, which is now fomenting racism and bigotry and attacking democratic rights. The populist NZ First has taken the lead in following Trump with a so-called “war on woke,” demanding an end to DEI (diversity, equity, inclusion) in the public service, and making unsubstantiated claims that jobs have been awarded based on race.

The demise of ACT’s Treaty Principles Bill is not going to stop the right-wing race-based agitation, particularly amid the escalating social crisis, deepening unemployment and attacks on the working class. Seymour, who takes over as deputy prime minister next month, responded to the vote by declaring: “I accept that they’ve decided on this particular bill at this point in time.” He then said there were lots of options for continuing, and the party’s approach would be made clear before the next election. “Watch this space,” Seymour warned.



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