



Hon Paul Goldsmith

Minister for Arts, Culture and Heritage
Minister of Justice
Minister for Media and Communications
Minister for Treaty of Waitangi Negotiations

2 April 2026

Professor Margaret Mutu and Aperahama Edwards
Pou Tikanga Co-Chairs

Tēnā kōrua Professor Mutu and Aperahama

Review of references to the Treaty of Waitangi | Te Tiriti o Waitangi in legislation: Next steps

We are writing to provide an update and seek your views on recent decisions on the review of references to the principles of the Treaty of Waitangi in legislation (the review). Undertaking this review is a commitment under the New Zealand National Party and New Zealand First coalition. While Cabinet has made decisions in order that the drafting of the Bill can progress, we are committed to engaging with you on the draft of the Bill and are open to discussing changes with our Cabinet colleagues. A draft Bill may be amended until its third reading in the House.

The Advisory Group for the review completed its analysis and provided the Ministerial Oversight Group (the Oversight Group) with a report outlining its recommendations. The Oversight Group has deliberated and made decisions on an approach to legislative provisions. On 23 February 2026, Cabinet agreed to progress the Oversight Group's proposals to make legislative changes. Cabinet's decisions are based on ensuring Treaty provisions are specific and consistent with one another, in the interests of increasing certainty and supporting compliance. Where Cabinet considers Treaty provisions are not required, or are duplicative, it has decided to repeal the provisions.

Cabinet's decisions

Cabinet has agreed that the following provisions referring to Treaty principles be repealed:

- Education and Training Act 2020 (section 536A(1));
- Energy Efficiency and Conservation Act 2000 (section 6(d));
- Land Transport Management Act 2003 (section 4);
- Organic Products and Production Act 2023 (sections 4 and 5(1)(b)); and
- Smokefree Environments and Regulated Products Act 1990 (section 3AB).

In addition, Cabinet has also agreed that some provisions should be repealed because they duplicate the effect of other provisions in their Acts. Provisions should be consolidated, and redundant aspects repealed. This would apply to section 84(b) of the Crown Pastoral Land Act 1998 (which duplicates the effect of section 5) and section 54 of the Plant Variety Rights Act 2022 (which duplicates the effect of section 4).

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Cabinet has agreed that broad Treaty provisions in two Acts should be made more specific. These are:

- Section 14(a) of the Data and Statistics Act 2022, which requires the Statistician to recognise and respect the Crown's responsibility to give effect to the Treaty principles by recognising Māori interests when performing functions. Cabinet has decided to amend the provision to provide further specificity as to those Māori interests. However, if amendment is not practical, or may have unintended consequences (perhaps by being unduly limiting), the provision should be retained.
- Section 8 of the Hazardous Substances and New Organisms Act 1996, which is a general operative provision requiring all persons exercising powers or functions to take into account the Treaty principles. This provision is too broad and does not provide sufficient guidance to decision-makers as to what is required of them. Cabinet has decided that this provision be replaced with a descriptive provision identifying specific measures to be complied with. This may require new provisions to be developed for the Act which support Treaty compliance.

Cabinet has agreed that no higher standard than “take into account” should be used to indicate the strength or nature of the Crown's Treaty obligations in a given situation for 10 Acts covered by this Bill. Requirements to “give effect” to the Treaty principles and other wording to a similar effect do not promote the balanced consideration of all relevant factors in decision-making, and “take into account” is the more appropriate standard.

Decisions to reduce the variation of language

Cabinet has agreed that to reduce uncertainty a reference to both the Treaty of Waitangi and te Tiriti o Waitangi is preferable and should be used in all relevant provisions.

The Advisory Group recommended other minor technical amendments to some provisions and has made observations on other matters requiring further consideration – for example, it has suggested clarifying the extent and nature of Treaty responsibilities imposed on Crown Entities or non-Crown actors. It also recommended standardising the formulation for appointment provisions. Officials will be providing Ministers with further advice on these matters.

Cabinet also agreed that the approach to standardisation agreed by Cabinet should be applied to other legislation projects currently underway and to future legislation to ensure the benefits of increased certainty across the statute book is maintained.

The full list of changes agreed by Cabinet to the Acts in scope is included at **Appendix A**.

Next steps

We are available to meet with you to discuss Cabinet's decisions further, should you wish. Ministry of Justice officials are available to meet with relevant technical leads to discuss the decisions also.

We invite you to provide written feedback to us by 24 April 2026. The Select Committee process will otherwise provide a sufficient opportunity for those with interests to have their say.

Yours sincerely

A handwritten signature in black ink that reads "Paul Goldsmith". The signature is fluid and cursive, with the first name "Paul" being larger and more prominent than the last name "Goldsmith".

Hon Paul Goldsmith
Minister of Justice

A handwritten signature in blue ink that reads "Hon Shane Jones". The signature is highly stylized and cursive, with large loops and flourishes. The name "Hon Shane Jones" is written in a smaller font above the signature.

Hon Shane Jones
Minister for Regional Development