BEFORE THE WAITANGI TRIBUNAL **KEI MUA I TE TARAIPIUNARA**	**WAI 3565** **WAI 3418**
UNDER	**The Treaty of Waitangi Act 1975**
CONCERNING	**Te Tinihanga o Ngā Mātāpono o te Tiriti – the Treaty Principles Reform Urgent Inquiry**
AND	**Wai 3418, a claim by Aroha Rickus on behalf of Waitaha te Iwi ki te Waipounamu**

AFFIDAVIT OF AROHA RICKUS

Dated: 18 May 2026

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KŌKIRI CHAMBERS

RECEIVED
Waitangi Tribunal
18 May 26
Ministry of Justice
WELLINGTON

I, Aroha Rickus, Kaihautū o IRichouse te Pātaka Limited, of Arowhenua, Temuka, South Canterbury do swear / affirm:

1. E te Iwi, kei ngā pītau whakarei kei raro i te mana o te ture o te Tiriti o Waitangi, koia e kā tonu nei i a koutou, i a tātou. Nei rā te manawa piharau o Waitaha te Iwi ki te Waipounamu e tauawhi ana i te kaupapa.

2. My name is Aroha Rickus. He uri au nō Mātītī, rātou Waiariki ā Aio, Rakaihautu, ko Uruao te waka, ā, Waitaha te Iwi ki te Waipounamu.

3. I have been tasked with providing this evidence on behalf of Waitaha te Iwi ki te Waipounamu.

4. We come at this issue from a tikanga perspective. In our view Te Tiriti o Waitangi is not merely a statutory reference or interpretive aid. It is understood as a living expression of whakapapa, relational authority, and enduring intergenerational obligation grounded in the continuity of generations.

5. Within this framework, Te Tiriti o Waitangi may be properly understood as a tūpuna, carrying forward obligations, rights, and relationships maintained across generations that originate beyond the confines of statute.

6. This understanding is grounded in Orokohanga, where authority emerges through relational existence. Law, in this sense, is inherited and maintained through whakapapa, kaitiakitanga, intergenerational responsibilities, carried forward in perpetuity by each generation.

7. Below I will discuss the Waitaha te Iwi ki te Waipounamu position on some of the Treaty Clause review.

Land Transport Management Act 2003

8. In relation to the Land Transport Management Act 2003, Waitaha te Iwi ki te Waipounamu is concerned that repeal of s 4 will mean that there is no explicit requirement in the Act to include te Tiriti when maintain and improve opportunities for Māori to contribute to land transport decision-making processes, particularly where transport and infrastructure decisions affect wāhi tapu, ancestral landscapes, and relationships maintained through whakapapa.

9. Within tikanga such places are not simply sites of historical interest, but living expressions of tūpuna, identity, and intergenerational continuity requiring a higher level of protection, responsibility, and relational accountability.

Smokefree Environments and Regulated Products Act 1990

10. Repeal of section 3AB of the Smokefree Environments and Regulated Products Act 1990 raises concerns for Waitaha te Iwi ki te Waipounamu from a wellbeing and whānau ora perspective. Wellbeing is collective and intergenerational, connected to whānau, whakapapa, mana, and the ongoing responsibility to protect the hauora and future wellbeing, balance and future vitality of present and future generations.

11. We have not seen any rationale for this repeal. Rather, this seems to be driven by antagonism for Te Tiriti and its principles.

Data and Statistics Act 2022

12. Section 14(a) of the Data and Statistics Act 2022 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.

13. We would be very concerned if there are changes to this provision. Tatauranga data systems influence how communities

are represented, how wellbeing, whānau ora is measured, how need and risk are defined, and how public resources, policy responses, and institutional priorities are determined.

14. Grounded in tikanga, we are concerned that the weakening and removal of Te Tiriti protections across legislation risks diminishing Māori participation and Tikanga authority within systems that increasingly rely upon data driven decision making.

15. For Waitaha te Iwi ki te Waipounamu, the design of data systems, the categories used, the questions asked, the interpretation applied, and the values informing analysis all shape public, understanding and institutional truth. Within tikanga, knowledge carries responsibilities and obligations to whakapapa, whānau, mana and future generations. There is risk that Iwi, Māori realities, priorities, and lived experience become generalised, misrepresented, or marginalised with in Crown systems and public policy.

Hazardous Substances and New Organisms Act

16. Within tikanga, relationships with taiao are beyond material considerations. Wairua and the associated presence of tapu form part of lived reality and require the same care, balance, and responsibility that govern relationships between people. Tapu is connected to and reinforces mana, sustaining whakapapa obligations that are carried across generations. In this sense, tikanga is values oriented, concerned with maintaining balance, wellbeing, and the integrity of relationships between people, whenua, wai, and the wider natural world.

17. Section 8 of the Hazardous Substances and New Organisms Act 1996 presently requires persons exercising powers and functions under the Act to take Treaty principles into account. For Waitaha te Iwi ki te Waipounamu, the weakening of such provisions raises

concern that tikanga-based understandings of taiao, whakapapa, tapu, and intergenerational obligations may increasingly be subordinated to technical, administrative, or economic decision-making frameworks alone.

18. Tikanga Māori has historically demonstrated the ability to adapt to changing circumstances while maintaining the integrity of its underlying values and relational responsibilities. The reduction of Te Tiriti protections risks diminishing the practical space within public decision making for those tikanga based values to continue informing matters affecting taiao and future generations.

Higher standard than "take into account" should be used

19. The statement that "Cabinet has agreed that no higher standard than 'take into account' should be used" raises significant concern for Waitaha te iwi ki te Waipounamu.

20. Within Waitaha te Iwi ki te Waipounamu, Te Tiriti centred relationships and obligations are maintained through reciprocity, balance, active protection, and enduring intergenerational responsibility shaped by the nature of the relationship and the matter concerned. Mātāpono such as take, utu, ea, mana, manaakitanga, and whanaungatanga require meaningful engagement.

21. I say this to show that, like tikanga, the appropriate standard for Tiriti clauses will vary depending on the subject matter. The Crown says it seeks certainty through uniformity of language.

22. What is really being done is a reading down of Tiriti obligations into a narrow procedural standard, in a way inconsistent with the relational and contextual nature of both tikanga and Te Tiriti relationships.

Conclusion

23. For Waitaha te Iwi ki te Waipounamu, the removal or weakening of Treaty clauses therefore does not simply alter legislative language; it disrupts the relationship between Crown law and tikanga-based systems of authority, that are entire systems of relational legal and ethical reasoning.

24. Waitaha te Iwi ki te Waipounamu acknowledges the tireless efforts of our tūpuna and descendants who, for generations, have endured and navigated the consequences of breaches of Te Tiriti o Waitangi.

25. Despite sustained structural pressures, we have maintained the integrity of tikanga, upheld our obligations to whakapapa, and preserved knowledge for future generations.

26. The proposed legislative changes must be understood in this context, where the effects extend beyond immediate legal consequences, to the continuity of authority, language, and cultural knowledge.

Hei whakakapi, korekore rawa e mātua mōhio ki ngā tōmiromirotanga katoa o te tikanga inā korekore rawa te reo.

Ko te mauri o te reo te whare pupuri o te tikanga, o te mātauranga, o te wairua, me ngā kawenga tuku iho ka kawea tonutia e ngā whakatupuranga.

Ki tā Waitaha te Iwi ki Te Waipounamu, he tūpuna a Te Tiriti o Waitangi, ā, ko tōna tino tikanga me tōna mana ka noho pūmau tonu i te reo i tuhia ai, i whakapuakina ai hoki e ngā tūpuna. Nā reira, ko te tiaki me te whakapakari i te reo rangatira me ngā kaupapa tuku iho he wāhanga nui tonu o te tiakitanga o Te Tiriti o

Waitangi me ngā hononga ka kawea tonutia ki ngā reanga whakatipu.

SWORN ~~/ AFFIRMED~~ at)
On this 18th day of May 2026)

AROHA RICKUS

Before me:)

~~A Barrister and Solicitor of the High Court of New Zealand/ Registrar of the High Court/~~ Justice of the Peace

Norman G. Cook, JP
#2332
PARAPARAUMU
Justice of the Peace for New Zealand

18/05/2026