

# Learning Assessment Guide

## Unit Standard 16225 – Version 4

**Explain the history of Te Tiriti o Waitangi/Treaty of Waitangi and its principles in relation to Māori and the Crown**

**Level 5 – 8 Credits**

Assessment Summary			
Learner to complete			
Learner's name:			
Employer:			
NSN no. (ROL):		DOB:	
Signed:		Date:	
Assessor to complete			
<input type="checkbox"/> Meets requirements <input type="checkbox"/> More training required <input type="checkbox"/> More evidence required			
Assessor's name:		Assessor's No.	
Signed:		Date:	

## Before you begin...

- As well as this Learning Assessment Guide, you may also want to refer to the unit standard from the NZQA website (<http://www.nzqa.govt.nz>).
- Read the Trainee Information Kit. The kit contains important information and guidelines for Learners and can be found on the Learning State website (<http://www.learningstate.govt.nz>) under Learners, then Learning Assessment Guides.
- Check the learning resources available for this unit standard on the Learning State website (<http://www.learningstate.govt.nz>) under Learners, then Learning Assessment Guides.

The tasks in this assessment are designed to show your assessor that you can:

- Explain the development of Te Tiriti o Waitangi/Treaty of Waitangi in relation to Māori and the Crown around the time of signing in 1840.
- Explain the history of the Treaty up until the 1970s in relation to Māori and the Crown.
- Explain the contemporary history of the Treaty in relation to the State sector.

This Learning Assessment Guide is made up of:

- Tasks for you to complete.
- Assessment Guide that the assessor will use to assess your competence.

Special notes relating to this unit standard:

- 1 This unit standard is intended for people who are employed in the State sector.
- 2 Definitions
  - Te Tiriti o Waitangi* refers to the Māori language text of the Treaty;
  - Treaty of Waitangi* refers to the English language text of the Treaty;
  - The Treaty* refers to both Māori and English language texts considered as a whole;
  - The Principles of the Treaty* refers to the core concepts that underpin the Treaty. The Court of Appeal and the Waitangi Tribunal have developed a number of detailed principles, of these the principles of 'partnership', 'active protection' and 'redress' are considered dominant;
  - State sector* refers to and encompasses only the institutions of central government, as opposed to the larger Public sector, which includes both central and local government institutions. Specifically, the State sector comprises a large group of quite distinct institutions included in the annual financial statements of the government that are prepared under the Public Finance Act 1989. The role of the State sector is to implement government policies, provides services or operate business as agreed by a democratically elected government;
  - Contemporary history* refers to dates from 1975 to the present;
  - Immediate impact* refers to the first 10 years after the signing of Te Tiriti o Waitangi/Treaty of Waitangi.

- 3 Legislation relevant to this unit standard includes but is not limited to: Treaty of Waitangi Act 1975, State Sector Act 1988, Resource Management Act 1991, Foreshore and Seabed Act 2004.
- 4 Repealed legislation relevant to this unit standard includes but is not limited to: Militia Ordinance 1845 (commonly referred to as the Arms Ordinance), Constitution Act 1852, Native Reserves Act 1864, New Zealand Settlements Act 1863, Native Rights Act 1865, Māori Representation Act 1867, Native Schools Act 1867, Resident Magistrates Act 1867, Native Lands Act 1873, Advances to Settlers Act 1894, Tohunga Suppression Act 1907, Māori Affairs Act 1953.

## Assessment Task One – Elements 1, 2 and 3

### Introduction

Assessment task one is designed to assess your ability to

- Explain the development of Te Tiriti o Waitangi/Treaty of Waitangi in relation to Māori and the Crown around the time of signing in 1840.
- Explain the history of the Treaty up until the 1970s in relation to Māori and the Crown.
- Explain the contemporary history of the Treaty in relation to the State sector.

### Instructions

- You are required to complete the tasks for the assessment, and
- Answer any further questions that the assessor asks on the completion of this assessment to confirm and, or, clarify responses.
- This task contains three parts. All parts must be answered.
- Answer all questions on separate sheets of paper and attach them to this Learning Assessment Guide. Be sure to label each clearly with your name and the relevant question number(s).

### The completed assessment for task one will include:

- Written responses to tasks, and
- Other documentation as required.

## Part One

To fully understand te Tiriti o Waitangi/Treaty of Waitangi, it is important to consider what the British Government, Crown officials and the 500 or so Māori chiefs from all over the country who signed the Treaty hoped to obtain. What were the motivations and perspectives of the Treaty partners? Why did the Crown officials present the particular terms of the Treaty? What were the expectations of the Māori of this new covenant with the Crown?

In approximately **1000** words explain the motivations of the Treaty partners and what they wanted to achieve. Your answer should describe of the socio-economic positions of Māori and Pākehā in the years leading to the signing of the Treaty and how this background set the scene for the terms and the negotiation of the te Tiriti o Waitangi/Treaty of Waitangi.

Your answer may refer to but are not limited to the following factors:

- comparison of economic enterprises of Māori and Pākehā
- population demographics
- political perspectives and prior political events
- principles of humanity
- health status
- status of languages both written and oral
- lawlessness
- position and authority of the chiefs
- Christian teachings
- tribal conflicts
- concerns over other foreign powers
- European land buyers
- Māori trade
- developing markets
- changing Māori lifestyles

## Part Two

Many Māori and Pākehā prospered economically during the 1840s and 1850s, however by the 1850s Māori chiefs were alarmed by the shift in power from the governor to the settlers. By the early 1860s, Māori had lost most of the South Island and all but one-fifth of the North Island. From the mid 19th to the mid 20th centuries, Māori frequently turned to the Treaty for protection from what they considered were the unjust actions of the Crown, but they were unable to obtain ratification. Today's historical Treaty of Waitangi claims usually relate to actions or omissions by the Crown during the 19th and early 20th centuries.

Answer the following questions to demonstrate your knowledge of the history of the Treaty from the early 1840s up until the 1970s. Each answer should be approximately **300** words long.

- a) Describe the functions of the Native Lands Act 1862 and the Native Land Court, established in 1865, and their impact on Māori. Your answer may include but is not limited to: land alienation, detribalization, depopulation, poverty, and land title confusion.
  
- b) Describe **two** statutes from the early 1840s up until 1970 (other than the Native Lands Act 1862) and how these statutes were breaches of the Treaty.
  
- c) Describe **two** examples where attempts were made by Māori to have te Tiriti o Waitangi/Treaty of Waitangi recognised in parliament and/or legislation.

### Part Three

Today the Treaty and its original exchange of promises are a part of contemporary New Zealand dialogue. Since the 1980s successive governments have accepted the need to resolve historical Māori Treaty grievances. The government, courts and the Waitangi Tribunal have commented on the principles of the Treaty to give assistance as to what is required to ensure compliance with the Treaty.

The principles of the Treaty are evolving. While it can be expected that at least some of the principles of the Treaty will have universal or standard expression, their application and or relevance, will depend on the subject matter of the Act, and on statutory interpretation in each case.

A department or ministry may be required to administer an Act which has a Treaty reference in it. The reference may create legal obligations for all those acting pursuant to the Act whether it be the Minister or an official. A number of statutes make specific reference to the principles of the Treaty. Those references impose legal duties which can be ascertained from broad principles analysed in the context of the particular Act in which the reference is found. This is a matter on which legal advice may have to be sought. The department which administers the Act should have in place a consultative policy or initiative to ensure that it can satisfy the legislative direction.

In this final part you are to demonstrate your knowledge and understanding of the contemporary history of the principles of the Treaty in relation to the State sector, how the principles are interpreted and how are they recognised and used. Answer the following questions.

- a) What are Treaty principles?
- b) Given the tendency to refer to the “principles” of the Treaty rather than to the Treaty text, the government, the courts and the Waitangi Tribunal have had to work out what those principles are. Briefly describe **four** principles of the Treaty. Your answer must include “partnership” and “active protection”.
- c) Give **three** examples of the Treaty being referenced in a piece of legislation.
- d) In approximately **200** words describe how obligations to the principles of the Treaty are applied in State sector organisations. Give **three** examples.

The following is an example answer that may help you structure your answer in (d):

**State sector organisation:** *Environmental Risk Management Authority*

*Under the Hazardous Substances and New Organisms Act (HSNO) 1996 the Environmental Risk Management Authority (ERMA) must “take into account” the relationship Māori have with their culture and traditions with their ancestral lands, waters, sites, wāhi tapu, valued flora and fauna, and other taonga. The Authority requires people who have applied to introduce hazardous substances or new organisms to New Zealand to consider the risks and benefits their application may pose to Māori culture or their traditional relationships. Applicants are often required to consult with Māori at either a local or national level.*

*The Authority is advised by Ngā Kaihatutū Tikanga Taiao, a statutory committee, on Māori issues and has a strategic Māori focus group, Kaupapa Kura Taiao. The group offers assistance to iwi/Māori who want to get involved in HSNO decision-making.*

*EMRA New Zealand also operates a Māori National Network that meets annually to discuss and work through a range of issues relevant to HSNO policy development and decision-making.*

*ERMA New Zealand operates a range of policies that aim to encourage dialogue among iwi, develop mātauranga Māori as it relates to HSNO issues, and to take into account Māori perspectives in HSNO decision –making.*

## Assessment Guide

These are the evidence and judgements that your assessor will use to assess your competence in unit standard 16225.

<b>Task / Element</b>	<b>Evidence required</b>	<b>Judgement</b>
<p><i>Task 1 / Elements 1, 2 &amp; 3</i></p> <p>In this task the learner must explain:</p> <ul style="list-style-type: none"> <li>• The development of Te Tiriti o Waitangi/Treaty of Waitangi in relation to Māori and the Crown around the time of signing in 1840.</li> <li>• The history of the Treaty up until the 1970s in relation to Māori and the Crown.</li> <li>• The contemporary history of the Treaty in relation to the State sector.</li> </ul>	<p>Written responses to questions, and</p> <p>Answer to any further questions that the assessor asks on the completion of this assessment to confirm and, or, clarify responses.</p>	<p>That the learner's answers in task one adequately show knowledge of:</p> <ul style="list-style-type: none"> <li>• what the British Government, Crown officials and the 500 or so Māori chiefs from all over the country who signed the Treaty hoped to obtain</li> <li>• the history of the Treaty from the early 1840s up until the 1970s, including: <ul style="list-style-type: none"> <li>a) functions of the Native Lands Act 1862 and the Native Land Court</li> <li>b) statues of the time and how they breached the Treaty</li> <li>c) attempts to have the Treaty recognised in parliament and/or legislation</li> </ul> </li> <li>• the principles of the Treaty of Waitangi</li> <li>• how obligations to the principles are applied in the State sector.</li> </ul>