



# **Submission by Te Whare Tohu Tapuhi o Aotearoa - College of Nurses Aotearoa (NZ) Inc. to the Parliamentary Select Committee in respect of the Principles of the Treaty of Waitangi Bill**

**Dated Tuesday 7 January 2025**

## **About Te Whare Tohu Tapuhi o Aotearoa -The College of Nurses Aotearoa (NZ)**

Te Whare Tohu Tapuhi of Aotearoa -The College of Nurses Aotearoa (NZ) (the College) is the peak professional body representing nurses in Aotearoa. We support barrier-free access and the elimination of disparities in health outcomes for all New Zealanders. We are the leading voice for the nursing profession. We provide professional commentary on issues which affect nurses and the health of our communities and are committed to excellence in nursing practice and health care.

The College remain clear and certain about the original intent and purpose of Te Tiriti o Waitangi. Te Tiriti is an enduring agreement intended to honour peaceful and just relationships between tāngata whenua - iwi Māori and tāngata tiriti. The College seeks to uphold the rights and enact the responsibilities outlined within the treaty articles - kāwanatanga, tino rangatiratanga, ōritetanga, and wairuatanga. This commitment is reflected in our professional organisation's co-governance model - Aronuku (Māori caucus) and Arorangi (Pākehā caucus).

As a professional body representing nurses from across Aotearoa NZ, the College reject the Principles of the Treaty of Waitangi Bill and support this submission with the following executive summary.

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## EXECUTIVE SUMMARY

**Te Whare Tohu Tapuhi o Aotearoa - The College of Nurses Aotearoa (NZ) Inc.** is strongly opposed to the *Principles of Treaty of Waitangi Bill*. The unilateral Bill has been generated by the coalition government without consulting Māori and is a distinct breach of Te Tiriti o Waitangi signed in 1840.

The Bill proposes to define and clarify how the principles of the Treaty of Waitangi are interpreted and applied in laws and decision-making, yet it is proving divisive across New Zealand society. The Bill and referendum process also neglects to provide the public with good information about the proposed oversimplification of complex legal, social, political, cultural and constitutional issues.

The Bill has subsequently embarked on an unrepentant, time and resource-wasting six month select committee process with further months ahead set to place additional strain on social relationships. The coalition government's 'deal' to pass the bill at first reading (although not the second) has significantly activated tangata whenua and tangata tiriti. The Bill's ill-conceived principles and referendum process have not provided an appropriate forum or means for wider public education or further discussion to be held. A better understanding of te Tiriti and its constitutional role as it currently stands is required.

The College understand that the proposed Bill principles do not in any way reflect the original meaning and intent of Te Tiriti. In the first instance the authority given to the Crown through te Tiriti and expressed as 'kāwanatanga', does not mean having authority over Māori. The proposed principles are therefore dishonourable to the ancestors who signed Te Tiriti o Waitangi and who committed to a constitutional monarchy. The Crown's right to govern instead rests on its obligation to recognise and protect the tino rangatiratanga of iwi and hapū.

The Bill's author would argue that it is about making all New Zealanders equal under the law, however, this intent is not believed by or supported by the College. Equality is not the same as equity. The guarantee of tino rangatiratanga in te Tiriti o Waitangi is a guarantee to Māori alone. The third article of te Tiriti provides that Māori will have all the rights of other New Zealanders as tāngata tiriti, in addition to the guarantee of tino rangatiratanga. The Bill proposes to effectively remove those rights of Māori. The principles suggested by the Bill do not mention Māori at all, rather the proposed principles singularly undermine the existence of ongoing social and health inequities for Māori and future generations.



In light of these aspects alone, the College view the Bill as absolutely counter to the good faith and original intent of te Tiriti o Waitangi. As a key organisation representative of the nursing profession, the College are acutely aware that Māori live with the consequences of years of discrimination. In short, Māori require greater access to mainstream services, have more than twice the rate of hospital bed days following an acute admission than non-Māori, and receive poorer quality care (Health Quality & Safety Commission, 2019).

What is needed today is a healthcare system strengthened with bicultural allegiance. Iwi Māori must have authority and autonomy over tangata whenua-led processes, actions, and decision-making through the sharing of power and resources. Nurses must also be supported to uphold and enact the principles of te Tiriti and provide healthcare that is based on the kawa whakaruruhau framework for cultural safety. This means promoting equity, inclusion and diversity, and upholding the rights of Māori as tangata whenua.

The principles that the Council maintain as relevant to our work are premised on the most recent Waitangi Tribunal Claim – Wai 2575: the Health Services and Outcomes Inquiry. They are:

**Tino Rangatiratanga:** The principle of self-determination - providing for Māori self-determination and mana motuhake.

**Pātuitanga:** The principle of partnership - working together with each other in a strong and enduring relationship.

**Mana Taurite:** The principle of equity – a commitment to achieving equitable health outcomes for Māori.

**Whakamarumarutia:** The principle of active protection – being well informed on the extent, and nature, of both Māori health outcomes and efforts to achieve Māori health equity through the promotion of culturally safe nursing practices.

**Kōwhiringa:** The principle of options –ensuring that all College work on behalf of the nursing profession is provided in a culturally appropriate way that recognises and supports expressions of te ao Māori.

**It is the College’s recommendation that the Government:**

- Stops the Treaty Principles Bill from proceeding any further.
- Acts upon the recommendations of the Wai 2575: the Health Services and Outcomes Inquiry Waitangi Tribunal report (Ngā mātāpono - the principles).
- Refuses any and all proposed referendums on Te Tiriti o Waitangi in the future.

On behalf of **Te Whare Tohu Tapuhi o Aotearoa -The College of Nurses Aotearoa (NZ)**  
- Thank you for the opportunity to submit this summary, noho ora mai.