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**PASEFIKA** 

**PSA Pasefika  
submission to the  
Justice Select  
Committee on the  
Treaty of Waitangi  
Principles Bill**

**December 2024**



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### **About PSA Pasefika**

PSA Pasefika is one of the recognised networks within the Te Pūkenga Here Tikanga Mahi the Public Service Association (PSA). Of our total membership of over 96,000, over 8,000 identify as Pacific Island. PSA Pasefika has its own Komiti (Committee) embedded across the PSA structure.

We are a democratic and bicultural organisation representing people working across the country in public and community services.

We are committed to advancing the Tiriti o Waitangi of partnership, protection and participation through our work. Te Rūnanga o Ngā Toa Āwhina is the Māori arm of the PSA membership.

### **PSA Pasefika's response to the Bill**

This submission sets out PSA Pasefika's response to the Treaty of Waitangi Principles Bill. We oppose this bill and our strong recommendation is that it is not progressed. We also oppose the plans announced by the Government to remove reference from other legislation to Te Tiriti o Waitangi. We recommend that the select committee report back to Parliament that it recommends that the Government should also not proceed with this.

PSA Pasefika recently submitted to select committee on the Restoring Citizenship Removed by Citizenship (Western Samoa) Act 1982 Bill and this has recently been passed. This enables many wrongs to be made right for our Pacific people. PSA Pasefika reinforces our opposition to this government enabling more wrongs to be created for future generations of Māori and non-Māori.

### **Reasons why we oppose this bill**



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We oppose this bill because:

- Many of us come from countries with a colonial past and we recognize the historical and ongoing disparities faced by Māori as our own experiences of marginalization resonate deeply with theirs. Together, we share common challenges, including persistent pay gaps, limited representation in leadership roles, and everyday barriers to equality.
- In 2024, the gender pay gap in the Public Service was 6.1%. When looking at ethnic pay gaps, in 2024, the Māori pay gap is 4.8%, the Pacific pay gap is 17.2%, and the Asian pay gap, 13.8%. When looking at gender and ethnicity together, Public Service men are paid more on average than women in each ethnic group, and Europeans are paid more on average than other ethnicities. This reflects the way that gender and ethnic bias compounds for Māori, Pacific and ethnic women.
- Alongside the impact of bias and discrimination has on pay gaps, both gender and, ethnic pay gaps can reflect occupational segregation or the occupation profile of a particular ethnic group. Māori, Pacific and Asian public servants are over-represented, to varying degrees, in lower-paid occupation groups.
- We stand in solidarity with Māori. We recognise Māori as tangata whenua and stand strong in support for and defence of te Tiriti o Waitangi. Our shared experiences of marginalisation and exclusion unite us in our pursuit of equity and representation. We recognize the value of collective action, solidarity, and shared advocacy to address these injustices. By working together, we can amplify our voices, challenge dominant narratives, and create a more equitable future for all.
- The Bill has nothing to do with equality (the Bill of Rights Act already does that), instead, it aims to erase Māori rights and uses colour-blinded narratives that foster further discrimination to ethnic minorities.
- Te Tiriti is the constitutional foundation of Aotearoa, it enables Kotahitanga and for all to come together under one umbrella, including migrants, as Te Tiriti is not just about Māori it's also about non-Māori. Te Tiriti gives people of all cultures the right to make this country home, trying to erase Te Tiriti is an act of cultural assimilation. We want the next generation of mokopuna and growing ethnic communities including migrants from across the Pacific to live in a country that celebrates the richness of diverse cultures.



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- Colonialism has produced a system of white supremacy that has undermined and persecuted Māori over the years. This has created intergenerational trauma and systemic inequalities that can be seen by the overrepresentation of Māori in negative statistics such as life expectancy, maternal mortality rates, health issues, prison population, criminal justice system, children under state care, etc. Te Tiriti is the only legal framework that upholds the Crown to its obligation to guarantee tino rangatiratanga to Māori and therefore make explicit efforts to compensate Māori for the theft of land and the ongoing racial discrimination and bias, that translate into barriers and marginalisation of Māori. Māori do not always have a level playing field with other New Zealanders, and equitable treatment is required to ensure outcomes that are more equal. Equality without equitable treatment does not capture the promises made in article 3 or the meaning of te Tiriti as a whole.
- If the Treaty Principles Bill passes, the efforts the past government made to build te reo Māori competency within the public service will be undermined, as it won't be seen as a priority anymore, which would set a bad precedent for other ethnic communities. We have already seen attempts to forbid the use of languages different to English, in some health care centres, and this would only exacerbate and endorse this type of discrimination, which will create an unsafe space for ethnic communities to use their language, customs and cultural practices.
- If this Bill passes, Aotearoa NZ will not be meeting its international human rights obligations. In 2010, Aotearoa NZ the Government indicated its support for the UN Declaration on the Rights of Indigenous Peoples as “both an affirmation of existing rights and an expression of new and widely supported aspirations”. This declaration forms part of the international human rights framework and reinforces te Tiriti and its reciprocal relationships between indigenous people and the state.
- Te Tiriti is the basis for upholding the rights of Māori people, its language, customs and values. The Treaty Principles Bill doesn't have any connection with the original treaty that was signed. Instead of honouring this commitment, it challenges Māori tino rangatiratanga and jeopardise the relationship between Māori and the Crown.
- Te Tiriti is embedded within government. Many pieces of legislation and employment agreements have incorporated the principles of the Treaty. Te Tiriti informs how policies get developed and delivered, this involves engaging with Māori and making



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sure that all policies have positive outcomes for Māori. We oppose the removal of these references to our founding constitutional document.

- Te Tiriti is the best protection we have against destruction of our environment. Te Tiriti protects Māori sovereignty over their lands, resources, and the natural environment, which is culturally, spiritually, and economically significant. A Tiriti-led approach can promote different ways of understanding and approaching climate change, and elevate Kaitiakitanga, which is the Māori concept of guardianship and protection, which refers to the responsibility to care for the land, water, and other natural resources for future generations.
- The Bill is opposed by iwi and hapu across Aotearoa, as well as by Pakeha and ethnic minority groups. 50,000 people took part in the hikoi in Wellington alone to show their disagreement and 291,598 people have signed a petition against it (data up to 9 December 2024).

For further information about the submission please contact:

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Meitaki Maata

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