Submission of the PSA Women’s Network to the Justice Select Committee on the Principles of the Treaty of Waitangi Bill

 December 2024

About the PSA Women’s Network

The PSA is New Zealand’s largest and oldest union, with a membership of over 96,000, the majority of whom are women.  In addition, our union is ethnically diverse, with members from a wide range of different backgrounds and cultures, including Māori, Pasefika, Asian and many other ethnicities. PSA members work in every part of the country and are committed to ensuring New Zealanders have the public and community services they need.

The PSA’s women’s network mission statement is:

**By women, of women, for women – our commitment is to identify and promote industrial, economic, political and social issues of concern to PSA women members and advance these issues within the PSA and externally.**

Our network is wholly committed to advancing the rights and freedoms not only of PSA women members, but of all women, both within Aotearoa and globally.

Our strong recommendation

The PSA Women’s Network opposes this bill and recommends that the select committee report back that it should not proceed, and that it should also recommend in its report that the Government not proceed with its stated intention to remove references to Te Tiriti o Waitangi from other legislation.

Further, we recommend that each member of the select committee act in accordance with their own conscience in relation to this bill, rather than following party lines.

We oppose this bill

As part of preparing this submission, we asked network members to share personal reflections about the Bill. These are included below:

“As a second-generation Pākehā New Zealander, I have always been proud of our nation, Aotearoa, for the integral role that Te Tiriti o Waitangi has played in shaping our collective identity. It represents a vision of mutual respect and partnership between tangata whenua and later settlers, providing a foundation for understanding and a shared commitment to a harmonious future. The Treaty reflects maturity in addressing our history, fostering reconciliation, and recognising the

importance of upholding Māori tino rangatiratanga while ensuring the rights and responsibilities of all New Zealanders are honoured.

By codifying the principles of Te Tiriti into law, the Treaty Principles Bill risks simplifying the nuanced and evolving nature of this partnership into rigid legal definitions that cannot capture its essence, intention, or allow for continued growth. Enshrining "principles" into legislation undermines the dynamic and living relationship the Treaty represents. Principles, as interpretations, vary across contexts and over time. Fixing them in law risks creating divisions and legalistic conflicts, detracting from the spirit of collaboration and dialogue that has guided our nation’s journey. It is through authentic engagement, not prescriptive legislation, that we can uphold the mana of Te Tiriti and address the complex issues we face.

Aotearoa has a unique opportunity to lead with integrity and inclusivity. We must focus on fostering understanding and equitable outcomes for all, rather than reducing the Treaty to a static and short-sighted relic of litigation.”

“Having recently spent six weeks overseas, in Europe and the United States, I was enormously relieved to come home to Aotearoa.  It’s easy to forget how special Aotearoa is, in no small part due to Te Tiriti o Waitangi.  Te Tiriti has helped preserve the mauri of the motu – an energy that’s indescribable, but which resonates with all of us.  It’s shameful we weren’t taught our history in school and that we have the history of domination and discrimination that we do.  Any progress we have made is thanks to Te Tiriti which preserves the rights and dignity of Mana Whenua as the first people of this land, and Tangata Tiriti also.  We have a long way to go to honour Te Tiriti as it should be, but as Tangata Tiriti, I stand with Mana Whenua on rejecting the current Bill.  Te Tiriti is a taonga

that makes this land what it is.  It should not be messed with, lest we regress as a society, as so much of the rest of the world appears to be doing.”

“I work in mental health and have seen first-hand the immense healing value of Tikanga Māori and the positive difference it can make in treatment outcomes. Removing all trace of Māori language and culture from our health system does not honour the true spirit and intent of Te Tiriti. Rather, it perpetuates ignorance, division and inequality.

I vividly recall having a conversation with one of our Pukenga Atawhai / Māori health workers a couple of years ago. She explained to me how grateful she was to be fluent in Te Reo and to be so familiar with Tikanga Māori. As with any language, there are some words / expressions in Te Reo that are unique to Māori culture and which do not translate well into another tongue. She told me that to be able to speak to Māori patients who are traumatised and in distress using their own language instead of English is a powerful tool that can help build trust and personal connection. It helps the patient to feel seen, heard and - most importantly - understood. It can also be an

important first step towards reconnecting the patient with their cultural heritage, something so vital to any individual’s wellbeing but which has, in many cases, been all but eradicated for Māori.

Amongst healthcare staff themselves, the acceptance and use of Te Reo as a personal healing tool is also very evident to me. There is a Māori nurse on this campus who has, in his fifties, just begun to learn Te Reo, inspired by the ability of his own children to do so, who are now all fluent speakers. The difference in his self-dignity and wellbeing as he takes this healing journey for himself is incredibly moving to witness.

As a healthcare worker, it frustrates me hugely that, even in this modern day and age, some people in our country still take issue with embracing the language, culture and beliefs of those who were here before us yet have absolutely no issue with allowing other people to have access to the supports that are meaningful to them. We provide patients with access to faith-based supports for numerous religions, yet the spiritual and cultural supports for Māori are somehow different and “dangerous”. How is this treating Māori as equals?

As a Scottish New Zealander, I resonate hugely with the losses the Māori people have suffered. My people also lost their land, their language and much of their cultural heritage. They have battled to regain Scottish sovereignty, just as Māori have battled for the legal right to their sovereignty and for that to be legally recognised and honoured, as outlined in Te Tiriti.

Like many others, my family came to Aotearoa to escape the intergenerational effects of poverty and colonisation that generations of us had endured in Scotland. I am grateful for the better life this country has offered us and grateful our right to be here is protected and enshrined in Te Tiriti. The Treaty Principles Bill, and the implications it holds for all New Zealanders, therefore greatly concern me.

The Bill proposes that one party should have the power to unilaterally define the terms of an agreement. This is not acceptable terms for any agreement, whether it be for a purchase or for collective employment or for anything else. To therefore suggest such terms are acceptable for the founding document of our nation is, to me, an egregious and blatant attempt to perpetuate division and inequality in Aotearoa – nothing more.

The Bill also bears no relation to either the English or Māori text of Te Tiriti. Its purpose is simply to attack Māori with the clear intent of diminishing their equal rights. As Tangata Tiriti, I cannot and will not support this.

The Treaty Principle Bill and the opposition so many in this country feel towards it, have generated global attention. The eyes of the world are upon us.

Whether we realise it or not, we are in a defining moment of our nation’s history. One where we can choose to honour the true and noble intent of Te Tiriti to the benefit of all who live here; or one where we can choose to dishonour the commitments made by those who came before us at a time when indigenous peoples around the world – and many others as well – are looking to Aotearoa with high expectations. For are we not a country that is known the world over for our defence of human rights, our defence of peace, our defence of justice?

Let us choose wisely while the eyes of so many are watching.

The unintended consequence of the Treaty Principles Bill is that it has highlighted to ALL New Zealanders – Tangata Whenua and Tangata Tiriti alike – the promise that was made but which has yet to be honoured. A promise to love, respect and care for each other as equals to the very best of our ability. A promise for all to have a place here and for all to be loved and accepted for who we are. A promise to share this beautiful motu with each other and finally live in peace, as one united people.

THAT is the Aotearoa I resonate with and wish to live in.

The values intrinsic to who we are as a people are enshrined in Te Tiriti. To defile the spirit and intent of our founding document by pursuing the proposals outlined in the Treaty Principles Bill is an act that would take our nation down a very dark path. The highest legal minds in our country are cautioning us to consider the choices that lay before us very carefully. Do we stand with Māori in upholding their legal rights as outlined in Te Tiriti, or do we do the opposite; pursue the Treaty Principles Bill and thereby risking a breach of international law and a stain on our nation’s exemplary reputation?

I stand with Tangata Whenua in vehemently opposing the Treaty Principles Bill and the very real threat it poses to the fundamental human rights of all New Zealanders. I strongly encourage all other New Zealanders to do likewise.”

“Since 1827 the women of my whānau, both Tangata Whenua and Tangata Tiriti, battled to survive the effects of colonisation. They have lived and died through this process. In 1840 we as a nation made an agreement - Te Tiriti o Waitangi. It spoke into working side-by-side, sharing and finding a new way to validate who we and our mokopuna are. This thinking and voice is slowly but surely evolving our experience past intergenerational trauma, by acknowledging the whenua on which we stand, providing principles to live by and a way for us to enact rangatiratanga both at home and globally. I understand that Te Tiriti o Waitangi provides us with a touchstone, a pathway forwards for all of Aotearoa. We must now honour our commitment to he ara hou – our pathway forward. For these reasons and for all the women of Aotearoa I strongly oppose this Bill.”

“The proposed Treaty Principles Bill is one of segregation and damnation pursued by New Zealand government leaders and their supporters who appear to place no value on the treasure of the indigenous people and culture of Aotearoa New Zealand nor on our very founding document, Te Tiriti o Waitangi, which acknowledges the relationship between Māori & Pakeha.

All other ethnic cultures are also positively affected by this Tiriti o Waitangi because it upholds the rightful place of Māori - to be acknowledged on a legal and social level. It solidifies the place of Māori by all New Zealanders and there is no misunderstanding about this fact. There is a place of respect.

Enforcing any legal alterations to this document is a violation on the progress of all New Zealanders to openly speak or learn Te Reo Māori Aotearoa as part of an international movement acknowledging they are from Aotearoa New Zealand - regardless of their ethnicity. Language and cultural revitalisation have been proven to be fundamental parts of one's self-identity, and it is open to all New Zealanders to uptake. The use of Te Reo Māori has a place in New Zealand society and Māori protocols are now part of formal proceedings.

The justification for the rights of 'other' New Zealanders towards Māori people and culture, to be placed in a 'melting pot' is not an example of seeking equality, nor is the mentality of others who say 'look at me, I did it - so therefore, it is possible'. The government gathers statistical information - such information seems pointless to repeat - health, housing, employment, pay-equity, all are portfolios held by this current government - the people of power vs tangata Māori Aotearoa and the voice of those who support Māoridom.

God help Aotearoa New Zealand from the perils of people who feel so strongly against the rights of Māori impeding their personal rights yet chose to live in Aotearoa.”

“In 1835 He Whakapūtanga was birthed, sadly destroyed in a fire, yet carved the path for Te Tiriti o Waitangi in 1840, which holds 186 years of Mana with all that exists now. I struggle to understand how this current government believe they have the right to rip Mana from every individual who recognizes Te Tiriti o Waitangi. Te Tiriti o Waitangi was signed by our Tūpuna for Tangata Whenua, Tangata Tiriti and all their Mokopuna to share the Whenua and resources through Partnership, Participation and by Protecting all. This should be honoured and upheld for future generations.

Progressing the ‘Treaty Principles Bill’ does not make everyone equal, giving everyone the same rights nor does it give everything purpose. How can we continue to strive for equality and equity in the future when the government want to be rid of what holds them accountable? How can we move forward when they want to undo all the Mahi achieved by those who came before us?

The government SHALL NOT PROCEED!

I 100% oppose this bill.”

“I am writing to express my opposition to the Te Tiriti Principles Bill 2024. As a dedicated public servant with over 40 years of experience, I have had the unique opportunity to witness the evolving relationship between the Crown and the indigenous peoples of Aotearoa. For much of this time, Māori rights and perspectives were significantly unrecognized and disrespected within our public institutions.

The inclusion of Māori perspectives is not just a matter of respect but a crucial element in creating policies and practices that are fair and effective for all New Zealanders. Māori perspectives bring valuable insights into community needs, environmental stewardship, and social justice, which are essential for holistic and sustainable development.

Previously during workplace hui, I felt a deep sense of frustration and sadness as I witnessed Māori perspectives being dismissed with arrogance. It was as if our voices didn't matter, and that lack of recognition was extremely disheartening. Māori perspectives bring invaluable insights and cultural richness to any discussion, and it's crucial that they are acknowledged and respected. I hope that in future hui, we can foster an environment where every voice is heard and valued.

Meaningful changes began around 2019, when these rights started being acknowledged and integrated into our practices. Today, we start and end our hui with karakia, embracing manaakitanga and kotahitanga, reflecting a profound shift towards inclusivity and respect. This long-overdue change has been crucial in fostering a more inclusive and equitable society. I am deeply concerned that the proposed bill may undermine this progress.

The proposed Te Tiriti Principles Bill 2024, with its narrow definition, threatens to reverse these advancements by limiting the recognition and protection of Māori rights. It is imperative that we continue to honor and integrate Māori perspectives to ensure a just and equitable future for all.

I urge the committee to consider the broader implications of this bill. It is essential that we continue to build on the progress made in recent years, rather than reverting to a framework that may restrict the recognition and protection of Māori rights.

Thank you for considering my submission.”

“*Whakataukī: Nā tō rourou, nā taku rourou ka ora ai te iwi*

**Literal:** With your food basket and my food basket the people will thrive.

**Metaphorical:** This whakataukī encapsulates the notion that while working in isolation might result in survival, working together can take people beyond survival and into prosperity.

I say a 100% NO to the Treaty’s Principal Bill. I believe the intention of this bill is to be divisive, regardless of what is said to the contrary. Te Tiriti of Waitangi is a founding document of our nation, and the spirit of the treaty is for all people of Aotearoa to thrive and prosper.

I work in the Public Service, I moved from the Waikato to the Eastern Bay of Plenty to undertake my role 13 years ago. I work with many members of our local communities when they are at their most vulnerable.

When I first moved here there was an article in the paper that talked about deprivation, those social factors that can either positively or negatively impact people’s ability to thrive. The scale worked this way: 1 being that you had throughout your life, from birth, everything that you needed to thrive and 8, 9, 10 meaning you were significantly deprived in multiple areas of your life…whether it be access to the love everyone needs and deserves, equity of opportunities for education and employment, ability to build resources to support your future. Where I had just moved to rated a 1 on the scale. Just about everywhere else within a 50-kilometre radius of my new home scored an 8, 9 or 10. The wider area where I reside has a 33% Māori population and for my role in the Public Service 67% of the vulnerable people I work with are of Māori descent. Māori make-up 17.2% of our population and I am proudly Tangata whenua, however a shocking statistic is that Māori make-up 52% of the prison population.

The korero that Māori receive special privileges is a false construct. The focus should be on addressing the multiple inequities that currently exist for Māori that they are still suffering, surviving rather than thriving, and living throughout multiple generations of the negative impacts of colonialism.

Toitu Te Tiriti!”

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