**Machine generated time-coded transcript of oral submissions to Justice Committee on Treaty Principles Bill – Morning session**

Original video at https://vimeo.com/showcase/10758261/video/1049910462, and is just under four and a half hours long.

27 January 2025

00:00-00:02

We are live.

00:03-00:05

So good morning.

00:05-00:06

Just as a bit of a preamble,

00:07-00:09

welcome everyone to the Justice Committee's public hearings

00:09-00:12

on the principles of the Treaty of Waitangi Bill.

00:12-00:14

Before we begin with the Minister in charge,

00:14-00:16

I'll run through just a short piece of housekeeping.

00:16-00:17

The schedule is very tight,

00:18-00:22

so we'll be sticking strictly to the timing for submissions,

00:23-00:24

and that includes the on-screen timer

00:24-00:25

that people will be able to see.

00:26-00:27

So members just can be wary of that

00:27-00:29

when asking questions as simple as possible.

00:29-00:34

We'll have a break at 12.30 for half an hour, but otherwise we'll be running straight through.

00:34-00:35

So thank you all for being here.

00:36-00:42

We begin today's session by welcoming Minister in charge of the Bill, Honourable David Seymour, to make a presentation.

00:42-00:45

So Minister, welcome. You've got 15 minutes, so please begin your presentation.

00:46-00:48

Okay, well first of all, thank you to the members of the committee.

00:48-00:53

I know that you're going to have an extensive discussion with 80 hours of hearings.

00:53-00:58

And I believe it is a great day for New Zealand that our treaty is being debated.

00:59-01:08

In a free society, people should be able to have their say about the most important issues of the day and all of the laws under which they live.

01:09-01:19

Perhaps one way that I can be helpful through submitting on this bill is to explain a little bit about the why,

01:19-01:23

the motivation for bringing it here and what I hope that it will achieve.

01:23-01:28

And I want to start that by quoting a passage from Hansart,

01:29-01:32

which says that we meet today at the pinnacle of several centuries of progress.

01:33-01:37

We have moved towards the light of liberty by removing distinctions in law

01:37-01:41

that once treated people differently, depending on their religious conviction,

01:41-01:43

their gender or their race.

01:43-01:48

And most recently, this parliament has decided to remove gender from the marriage laws.

01:48-02:04

Many countries have never achieved that, but it is extraordinary that as if engaged in some form of historical shuttle run, it was we who were first to touch the cone that are now rushing back to create new distinctions in law.

02:04-02:17

I refer to those who claim that the only way to achieve material equality between the Māori side and the British side of my ancestry is to create more legal inequality.

02:18-02:24

No doubt they have noble intentions that public policy should be measured only by results.

02:25-02:32

That was me just over 10 years ago, 31 years old, in my maiden statement to Parliament.

02:32-02:45

Now, you might think that's a little bit indulgent, but I want to be clear that my beliefs behind this bill and my belief in freedom under the law is a long-held and sincere belief.

02:46-03:01

What we've witnessed in recent decades, as the courts in the Waitangi Tribunal have sought to define the principles of the treaty, is incompatible with freedom under the law, with a free society where each of us have equal rights.

03:01-03:13

Since the Court of Appeal said that the treaty created a, quote, partnership between races or a relationship akin to a partnership, that notion has become commonplace.

03:14-03:20

Dame Jacinda Ardern, as Prime Minister, just five years ago, quoted this idea of a partnership between races.

03:20-03:26

At Waitangi, members of our current parliament believe that this country would be better off as a, quote,

03:26-03:33

Tiriti-centric Aotearoa, where people are divided into tangata whenua, land people, and tangata tiriti, treaty people.

03:34-03:44

Just this summer, we saw a concert where the ticket prices were differentiated with different prices for tangata whenua and tangata tiriti, with different amounts to pay.

03:44-03:55

We see consultation on resource management consents, the structure of local government and some central government departments taking this divisive approach.

03:56-04:00

Dividing people into racial groups is the definition of racism.

04:01-04:06

Just as sexism is to judge a person first by their sex and then by their other characteristics.

04:06-04:12

Their belief that roles in society should be preserved with race as the primary qualifier

04:13-04:18

is the definition of racism, something we abhor, should give nothing to, and should all do

04:19-04:25

everything in our power to expunge from our society. When you see people as a member of a

04:25-04:32

group first and an individual second, you miss interesting things about them. You also open the

04:32-04:39

door to dehumanizing oppression. It reminds me of Plato's chilling republic, where people are

04:40-04:46

divided into classes, forced to act in certain ways in order to preserve the totalitarian state.

04:47-04:53

Now, we're certainly nowhere near that, but it reminds us of the direction in which you travel

04:54-04:59

once you go down this partnership between races conception of our founding document.

05:00-05:10

Now, I have no doubt that you will be told that freedom and equality under the law are not actually that useful because they do not guarantee material quality.

05:10-05:16

They don't guarantee that everybody will have equal wealth or perhaps in some cases even sufficient wealth.

05:17-05:24

Two points about that. First of all, no, freedom under the law doesn't guarantee wealth, doesn't guarantee material equality.

05:25-05:32

But what it does just so happen to do across a range of times, cultures and places is create

05:33-05:39

the best opportunities in human history for disadvantaged people to achieve prosperity.

05:40-05:44

And that is there is so much data on that now across many countries, many decades, many

05:44-05:49

centuries, that people who deny that really aren't being taken, aren't taking the conversation

05:50-05:59

The second point is that even if the treaty as a partnership is put forward as a way of helping to achieve material equality,

06:00-06:03

you'll find that it is not necessary, nor is it sufficient.

06:04-06:12

It's not necessary because it is possible to help disadvantaged people without dividing a country into two groups based on ancestry.

06:12-06:22

Practically every country in the world, to some extent or other, is in the business of trying to help people through government intervention that need help.

06:22-06:33

But second of all, it's not sufficient to create material equality within New Zealand, because many people who are not Maori are nonetheless disadvantaged.

06:33-06:38

And I could come up with many examples, but none more poignant than the fact that today

06:39-06:43

is the 80th anniversary of the liberation of Auschwitz-Birkenau.

06:44-06:52

And just yesterday, I joined with the New Zealand Holocaust Centre to commemorate that anniversary

06:52-06:57

with several people who were survivors who sought refuge in this country.

06:58-07:01

Now, that is obviously an extreme example,

07:01-07:04

but it makes the point that many people, for many reasons,

07:04-07:07

find themselves in New Zealand's disadvantage.

07:08-07:10

Not all of them are Maori, in fact, far from it,

07:11-07:15

and not all people who are doing well are not Maori.

07:16-07:18

Using race or your ancestral background

07:19-07:23

as a way of deciding who needs help is simply ineffective.

07:24-07:28

You may also be told that this parliament does not have a right

07:28-07:32

to make a law on this bill, sorry, make a law about the treaty principles.

07:33-07:35

That really goes to the heart of the debate.

07:36-07:42

If you believe that New Zealand is some sort of constitutional oddity

07:42-07:46

with two partners and different people having different political rights

07:46-07:50

based on their ancestry, then of course you won't want Parliament

07:50-07:54

to make a ruling about what the Treaty of Waitangi means to us

07:54-07:55

in the current day.

07:56-08:00

If, on the other hand, you might be tempted to ask those people,

08:01-08:03

first of all, what are they doing here?

08:04-08:08

Second of all, how exactly would they like this society to work?

08:08-08:11

And where are the examples of societies that divide people by ancestry

08:12-08:13

that are more successful for it?

08:14-08:16

And finally, you might want to ask them,

08:17-08:19

have they met the billions of people around the world,

08:20-08:23

many of whom are fighting right now, very literally,

08:24-08:26

for parliamentary democracy,

08:27-08:30

those people would very much like to have a parliament like this

08:30-08:34

that is the arbiter of what our laws mean in the modern age.

08:35-08:40

And finally, this bill, some will say, may not pass this time.

08:41-08:41

We shall see.

08:42-08:47

But I can tell you that you are part of something important and inevitable.

08:48-08:51

In the past, in parliaments, including this one,

08:51-08:57

We've seen, for example, the end of slavery first introduced in, I think, 1792, eventually

08:58-09:00

passed in the early 1800s.

09:00-09:06

We've seen homosexual law reform first introduced to this parliament in about 1973, passed in

09:06-09:06

1986.

09:07-09:12

We've seen end of life choice first introduced in 1995, passed in 2019.

09:13-09:20

Once you have an idea that relates to emancipating people and freeing them from systems that oppress

09:20-09:25

them by giving some privilege to one group at the expense of another, which the partnership

09:25-09:32

principle most certainly does, then eventually the tide for human freedom, the tide that people

09:32-09:37

will want to join because they see that each of us are born with time on earth to make the most

09:38-09:43

of our talents so we can be as happy and flourish as much as possible in that time that is ours and

09:43-09:49

ours alone. That idea eventually will succeed and the work that you do over the next 80 hours of

09:49-09:55

hearings and the next five months of deliberating, I believe, will make a very important contribution

09:56-10:02

to that movement. So I hope that you will enter into it in good spirit and do it well. And also

10:02-10:07

having sat on one or two committees in my time, I have tried not to make the mistake of talking for

10:08-10:12

too much of the allocated time so that there can be questions. Thank you, Minister. We do have time

10:12-10:17

for questions first from Ginny Anderson and then Debbie Ngārewa-Paka. Tēnā koe, David.

10:48-10:56

The English version was a little bit more specific in its language, talking about lands and villages and fisheries and so on.

10:57-11:06

I always rely on Te Teriti and specifically on Professor Kawaru's translation of it into modern English in 1987.

11:07-11:12

The definition of taonga obviously has been something that's been debated over the years,

11:12-11:18

should it, for example, include radio spectrum as a taonga, even though that was not a technology,

11:18-11:20

that anybody was using in 1840.

11:21-11:24

What this bill does, however, is make it clear

11:25-11:28

that we are committed to continuing to honouring the rights

11:28-11:31

that hapu and iwi Māori had in 1840.

11:32-11:35

What we'd like to do is ensure that that happens

11:36-11:39

within a democratic framework where each New Zealander

11:39-11:43

has the same rights to make claims to their property,

11:44-11:46

to their language, to their culture.

11:47-11:49

And so we're committed to protecting Maori rights,

11:49-11:52

but within a framework of equality before the law for all.

11:54-11:54

Thank you, Minister.

11:54-11:55

I'll go to other members.

11:55-11:57

Tēnākou, David.

11:58-12:00

My question is, if the Treaty Principles Bill,

12:02-12:04

or the Treaty Principles were removed from legislation,

12:04-12:07

how would Maori rights and interests be protected

12:07-12:10

in areas like health, education and resource management?

12:12-12:14

Well, they would have exactly the same rights

12:14-12:17

as any other person in this country.

12:18-12:23

It might interest you to know that shortly I hope to visit Te Rito

12:23-12:24

in the far, far north.

12:25-12:29

This is an organisation that runs now four very successful

12:29-12:31

early childhood centres for Māori,

12:31-12:34

and what they've managed to achieve is winning the trust of local people.

12:35-12:38

Being from Northland, scepticism against government is alive,

12:38-12:39

well and very healthy.

12:40-12:46

What's important is that we haven't done this in a way that is only for Māori.

12:46-12:47

It doesn't rely on being a part of a partnership.

12:48-12:53

There's actually seven partnerships, schools opening in the next few days for all different groups and backgrounds.

12:53-12:56

Some have an ethnic link, others don't.

12:57-13:02

What's important is that in order to help all people, we need to do much, much better in the housing market,

13:03-13:06

in the way we provide health care, in the way that we provide education.

13:07-13:09

that can be achieved with a lot more devolution.

13:10-13:13

It doesn't require us to separate the country

13:14-13:15

into a partnership between two races.

13:15-13:17

I'm just conscious that we're really shy of time.

13:17-13:19

If I can just supplement and clarify.

13:20-13:24

My question was actually specifically about Māori rights and interests

13:24-13:25

and how they would be protected.

13:26-13:27

I guess if I could follow up on that,

13:28-13:32

is then how would this bill improve outcomes for Māori communities

13:32-13:34

who already face significant disparities,

13:35-13:39

And how will this bill ensure Māori are not further marginalised?

13:39-13:42

Well, first of all, how would it improve the outcomes for Māori?

13:42-13:45

I think having a free society where everyone's equal before the law,

13:46-13:49

where you can get a resource of consent to build a home for someone

13:49-13:54

or start a business with less of the rigmarole that many people complain about right now

13:54-13:57

because they've effectively got two consultation obligations,

13:58-14:01

that is prosperity, that is good for all people.

14:02-14:03

How would it protect...

14:03-14:05

specifically asked for Māori communities, Minister?

14:06-14:08

Well, I think the difficulty we might be having here

14:08-14:11

is that I believe that Māori communities, Māori are people.

14:11-14:13

We are people. We are New Zealanders.

14:13-14:14

And we have our own communities.

14:14-14:16

Yes, a lot of people have their own community,

14:16-14:20

but in a society with greater prosperity, greater growth,

14:20-14:21

where it's easier to own a home,

14:21-14:25

where we have more devolution and flexibility of social services,

14:25-14:27

it actually benefits everybody.

14:27-14:31

So we don't need to divide ourselves by race in order to achieve...

14:31-14:32

So the minister doesn't acknowledge Māori communities.

14:32-14:34

Sorry, David, we'll end up on that point.

14:34-14:36

We'll go to Tamitha, Paul, probably the last question.

14:36-14:36

Morina.

14:38-14:42

My question is, so in your speech and in your interpretation

14:42-14:43

and understanding of the treaty,

14:44-14:49

why is it that you continue to subscribe to the same belief

14:49-14:51

that the treaty was signed between races,

14:52-14:57

despite the fact that so many academics around the treaty

14:57-15:01

continue to reinforce the idea that the treaty was signed

15:01-15:03

between two sovereign nations,

15:04-15:06

but you continue to criticise people's use of race.

15:06-15:09

But that is the same logic that you apply

15:09-15:11

to your interpretation and understanding of the treaty.

15:11-15:13

So why is it okay for you to do it and nobody else?

15:13-15:15

You've actually got three different ideas here.

15:15-15:17

First of all, let's get the historical fact.

15:18-15:21

The treaty was signed by just over 500 chiefs

15:21-15:22

on behalf of their hapū.

15:23-15:29

Some of them had also signed the Declaration of Independence.

15:29-15:30

Others had not.

15:30-15:32

There was a lot of disagreement within Māoridung.

15:32-15:34

They signed on behalf of their hapū.

15:35-15:36

That's the historical fact.

15:36-15:38

The idea that there was two sovereign nations,

15:39-15:40

I'm sorry, I don't subscribe to that.

15:41-15:44

The third idea you've introduced is one that you have said

15:44-15:47

that I adhere to, that it's a partnership between races.

15:47-15:48

Now, I'm against that.

15:48-15:50

When I say that, I'm quoting the Court of Appeal who said that.

15:51-15:53

I'm quoting the people who say we should be divided.

15:53-15:54

We've reached the end of time for our hearing,

15:55-15:57

so I'd like to extend our appreciation for you being here

15:58-15:59

and wish you well this time.

16:00-16:02

Thank you very much and good luck guys.

16:03-16:04

Now I'd like to invite to the table,

16:05-16:08

the Koho Health and the National Urban Māori Authority.

16:09-16:11

And with us, we have Lady Tudai Tumoxon.

16:11-16:13

He's in conversation running. Let's go.

16:14-16:15

Go ahead, Mr Chair.

16:20-16:20

Go for it.

16:22-16:23

Thank you for being with the committee.

16:23-16:26

We have you presenting for 10 minutes today,

16:26-16:27

so please begin your submission.

16:27-16:50

I just want to let the select committee know that

16:51-16:55

that I have the chair of Te Kohau Health with us today

16:56-17:02

and the Chair of Waipareira, who are executive members of NUMA,

17:02-17:08

as well as other colleagues that are sitting behind

17:08-17:10

in support of our submission today,

17:11-17:16

including John Tamahere, the CEO for NUMA.

17:17-17:20

Tukohau Health and the National Urban Māori Authority

17:21-17:23

strongly reject and oppose this bill,

17:24-17:29

alongside of the 42,000 plus that marched to parliament

17:30-17:33

from all over this country in opposition to the bill.

17:35-17:38

Te Tiriti o Waitangi is the foundation document of this country.

17:39-17:44

It is a compact, an agreement between iwi Maori and the Crown

17:45-17:47

to govern over our own.

17:49-17:54

It is not one country, one size fits all for everyone.

17:54-18:01

We all were an independent nation prior to the signing of the Treaty of Waitangi,

18:02-18:09

and yet we sit and have to listen to a whole lot of people telling us we don't belong here.

18:11-18:32

Replacing the treaty principles with notions of civil government, equality, and historic rights is an attempt by this coalition government to rewrite te triti in favour of itself in order to retain power and control.

18:33-18:44

Further, it is designed to subjugate, humiliate, assimilate and oppress iwi Māori.

18:45-18:54

It is simply absurd to believe or even to think that at the time of the signing of Te Triti

18:54-19:04

or Waitangi that approximately 2,000 Māori ceded our sovereignty to 2,000 colonialists

19:04-19:12

from England. To put the record straight, Māori never ceded sovereignty to the Crown

19:12-19:20

or to Pākehā colonisers. The late miner Jackson described sovereignty as the inherent authority

19:20-19:23

of a people to govern themselves.

19:24-19:27

And that's what the treaty was all about

19:28-19:32

when it was signed by our te puna all those years ago.

19:32-19:35

And it doesn't matter how you want to dress it up

19:35-19:37

or how you want to minimise it, it happened.

19:39-19:44

The treaty was signed by two parties to look after themselves.

19:46-19:51

Sovereignty can only be ceded through explicit agreement,

19:52-19:56

military conquest, or other clear acts of surrender.

19:57-20:02

Well, none of these conditions apply to the relationship

20:02-20:05

between Maori and the Crown under te triti.

20:07-20:11

The proposed bill ignores this fundamental truth

20:11-20:15

and perpetuates the systematic denial and oppression

20:15-20:20

of Māori Tēnō Ranga Tiretanga, self-determination.

20:21-20:25

It breaches to Tiriti by the Crown and successive governments

20:26-20:28

have been well documented.

20:28-20:30

The breaches of the Crown and successive governments

20:31-20:34

have been well documented in every report written

20:34-20:38

by the Waitangi Tribunal throughout the 50 years of its existence.

20:40-20:44

Furthermore, it concerns us greatly and it should concern you too.

20:44-20:49

that this government intends to take away every reference

20:49-20:54

to Tzititi o Waitangi and every piece of existing legislation

20:55-20:59

to nullify our right to justice in this country.

21:01-21:05

These actions and the bill are a stark reminder

21:05-21:11

of the We Parata and Bishop of Wellington case of 1877

21:11-21:18

when Judge Predicast declared te tiriti worthless and a simple nullity.

21:21-21:24

The previous principles from the Court of Appeal case

21:25-21:30

and the New Zealand Māori Council and General Attorney in 1987,

21:31-21:38

the SOE case, developed the three Ps of partnership, participation and protection.

21:40-21:59

The Waitangi Tribunal Hauwara Report, Y2575, in 2019 reinforced this in the current principles of the guarantee of Teno Ranga Tiritanga, partnership, active protection, equity and options.

22:00-22:07

Te Triti o Waitangi is essential in addressing the systematic inequities faced by Māori,

22:08-22:11

not only in health, but in every facet of this society.

22:13-22:20

These principles demand a genuine partnership, the active protection of Māori rights, equitable

22:21-22:24

treatment, and the provision of culturally relevant options.

22:26-22:30

The government's proposed principles completely ignores this.

22:30-22:34

in contradiction to the Articles of Te Tiriti o Waitangi.

22:36-22:37

Article 1, Kawanatanga.

22:38-22:40

Māori agreed to share governance with the Crown,

22:41-22:46

expecting partnership based on mutual respect and good faith.

22:47-22:50

Article 2, Teno Rangatiratanga.

22:50-22:54

The Crown guaranteed Māori their full authority

22:54-22:58

over their lands, resources, taonga, affirming.

22:58-23:02

their sovereignty.

23:03-23:05

Article 3, ori te tanga.

23:06-23:08

The Crown promised to protect Maori rights

23:08-23:10

and provide equal treatment,

23:10-23:13

ensuring equality in all aspects of society.

23:14-23:17

The Coalition Government's bill disregards

23:18-23:19

the fundamental articles,

23:20-23:22

undermining the Crown's obligations

23:23-23:26

and eroding the partnership that the tiliti guarantees.

23:28-23:35

Limiting Maori rights to historical settlements disregards the living nature of te te miti.

23:36-23:47

It erases the Crown's ongoing obligations and silences our voices in matters that directly impact on our whanau, hapu and iwi.

23:50-24:02

This approach undermines the manner of Maori communities, of the National Urban Maori Authority, and all of those who live away from their tribal regions.

24:02-24:23

It perpetuates racism, white supremacist views and inequities that colonisation has entrenched over generations because of historical and ongoing injustices that continue to be perpetuated.

24:24-24:49

The coalition's government's bill prioritise a one-size-fits-all approach that ignores these realities in breach of our human rights as indigenous people of this country and completely disregards Te Triti o Waitangi and relegates Maori to second-class citizens in our own country.

24:51-25:00

I wish also to acknowledge and support the submissions made by the King's Council of this country and the Law Society.

25:03-25:13

In conclusion, the Select Committee must honour the true intent of Te Triti o Waitangi and reject and oppose this bill.

25:13-25:30

The committee must ensure that the jurisdiction of the Waitangi Tribunal and the courts remain protected from such blatant interference and from this and successive governments.

25:31-25:41

It must uphold the principles of the guarantee of Tino Ranga Tiritanga, partnership, active protection, equity and options.

25:42-25:50

And it must recognise the need for targeted measures to address systematic inequities

25:51-25:56

rather than a blanket approach that perpetuates continuous disadvantage.

25:57-26:05

And finally, must guarantee that Māori voices are central to the decisions that impact our whānau,

26:06-26:12

hapu, iwi and communities to reflect the true partnership of Te Tiriti.

26:13-26:14

Nō reira.

26:15-26:19

Anei taku kōrero kia koutou katoa.

26:21-26:22

Tēnā koutou katoa.

26:23-26:24

Tēnā koe, Lady Tūreiti.

26:25-26:27

That's all the time we have, so just acknowledge your submission

26:27-26:29

and thank you all for being with us today.

26:29-26:29

Kia ora.

26:30-26:33

We'll move on to submission now from Mr Gary Judd.

26:34-26:35

Casey, I invite Gary to the table.

26:35-26:48

Thank you Gary, good morning, welcome to the committee.

26:49-26:52

We have you for 10 minutes before us this morning, so if you'd like to begin your presentation

26:52-26:57

Yes, thank you Mr Chairman, members of the committee for this opportunity to address you.

26:58-27:05

I'm going to be very brief in my introduction and about most of my time for your questions.

27:07-27:12

And what I want to address is the sovereignty of Parliament.

27:13-27:20

In the last submission, you really, you heard what was another challenge to it.

27:22-27:31

In my submission, we have a situation where the sovereignty of parliament is under challenge

27:32-27:37

in the courts and from members of the legal profession.

27:39-27:44

One of their weapons is the undefined principles of the treaty.

27:45-27:49

The bill, if enacted, would remove that weapon.

27:50-27:57

The behaviour of some of our senior judges suggests they think they are in total to make

27:57-28:04

law, to ignore Parliament's laws or to twist them into a shape they find more congenial.

28:06-28:11

The most recent judicial exes occurred on the 2nd of December last year.

28:12-28:20

In the Edwards case, the Supreme Court was so eager to try to frustrate the progress of

28:20-28:27

amendment bill that it rushed out what it called a judgment. It wasn't a judgment, it

28:27-28:33

was a pronouncement that the court had no jurisdiction to make. When the court announces

28:33-28:45

the outcome of the claimant's claims, only then will there be a decision. 42 KCs warned

28:45-28:48

that the courts might not enforce this legislation.

28:50-28:53

Opposing the bill, the Law Society claims that the treaty

28:54-28:58

and the principles limit Parliament's lawmaking power.

29:00-29:03

In our free and democratic society,

29:05-29:07

ultimate power rests with the people.

29:09-29:14

They exercise their power by electing you to represent them.

29:15-29:17

And that is why Parliament is sovereign.

29:19-29:23

The lawyers think the Supreme Court has the ultimate power.

29:25-29:28

The Supreme Court has been acting as if it thinks so too.

29:30-29:36

They see the ordinary people and you, their representatives,

29:37-29:45

as untrustworthy decision makers who can be second-guessed by persons implicitly

29:45-29:49

claiming superior intellect and wisdom.

29:51-29:53

Parliament should be jealous of its sovereignty

29:54-29:57

and be clear that unelected decision makers

29:58-30:00

must act in accordance with the law

30:01-30:04

and accept the sovereignty of Parliament like everyone else.

30:06-30:08

The Bill stops the principles

30:09-30:12

from outflanking the sovereignty of Parliament.

30:13-30:23

My proposed amendment to the Lawyers and Conveyances Act would remind lawyers of the duty they owe to New Zealand's constitution.

30:25-30:27

The rest of my time is for your questions.

30:28-30:31

Thank you, Gary. Members, we've got time for questions. I'll start with Todd Stevens.

30:32-30:33

Thank you for your presentation.

30:34-30:38

Just so I'm clear, basically, as I understand it, Gary,

30:38-30:41

what you're saying is because Parliament left the principles

30:42-30:44

of the Treaty of Waitangi undefined,

30:45-30:47

there's now been obviously this kind of jurisprudence

30:48-30:51

and also governments have actually said what the principles are.

30:52-30:56

So in your opinion, it's quite legitimate for Parliament now

30:56-30:59

to be able to go back and define what the principles are?

30:59-31:00

Yes, absolutely.

31:01-31:04

And then you mentioned at the start also this attack

31:04-31:05

parliamentary sovereignty.

31:08-31:10

Because, again, this is, I think,

31:11-31:12

and again, we heard this in the last submission,

31:12-31:14

the idea that actually there should be basically

31:14-31:17

two governments for New Zealand.

31:19-31:20

But is this one of the issues with,

31:21-31:22

because, again, in 1989,

31:23-31:25

the Labour government is one of its principles.

31:25-31:27

So, again, a government just stating what the principles are

31:27-31:29

actually said that parliament was sovereign.

31:30-31:33

So is this one of the issues with not having a definition?

31:34-31:36

that principles can change over time and people are uncertain?

31:37-31:41

Well, they can change according to the whims of those

31:41-31:43

who are dealing with them at a killer time.

31:45-31:49

And I think it all comes back to the fact

31:50-31:55

that Parliament is sovereign, representing the people.

31:56-31:59

It must make the laws, and in respect to the principles,

31:59-32:00

it must say what they are.

32:01-32:02

If Parliament doesn't do that,

32:03-32:08

And it just leaves a vacuum which may be filled by people who wish to push their own barrows.

32:11-32:11

Thank you.

32:11-32:11

Thank you.

32:12-32:15

I'm as guilty of this as any one, but if we can try and get the questions relatively

32:15-32:16

so that we'll get through.

32:17-32:19

We have a question from Duncan Webb and then Tuck to first.

32:21-32:22

Thank you for that.

32:22-32:23

And I will keep this short.

32:24-32:32

I'm just interested in terms of your views of parliamentary sovereignty, because I guess

32:32-32:43

My question is this. Do you accept that Parliament in part gets its authority to govern from the Treaty of Waitangi?

32:43-32:48

And if so, how is it then appropriate to go back and rewrite it?

32:49-32:53

No, I don't accept that Parliament gets its sovereignty from the Treaty of Waitangi.

32:54-33:02

Parliament gets its sovereignty initially from it having been conferred by the United

33:02-33:07

Kingdom or British Parliament back in 1840.

33:08-33:19

And what the treaty did was to indicate the assent by the chiefs who signed that they were

33:19-33:21

accepting of that happening.

33:22-33:24

Of course, you have to remember what the situation was.

33:24-33:31

So how did the British Crown get the right to assert the authority of Parliament,

33:31-33:35

which of course didn't happen until the 1850s, over the territories of New Zealand?

33:39-33:40

Yeah, thank you.

33:41-33:46

Well, the British, when, well, we're really going into a history lesson here,

33:46-33:53

but when the British were initially asked to intervene

33:54-33:59

in New Zealand's affairs by the chiefs,

33:59-34:04

and as a consequence, Busby was sent over as the resident,

34:06-34:12

the British became involved in a governmental way in New Zealand.

34:14-34:16

And then...

34:18-34:19

I don't think you can answer that question.

34:19-34:22

It's probably appropriate to give a question to another member.

34:22-34:23

Thanks, Duncan.

34:23-34:25

I'll cheer the meeting from here.

34:26-34:26

Thank you.

34:27-34:29

Mr Judd, are you finished with your answer?

34:29-34:30

If you are, we can move on to the next question.

34:30-34:31

No, I'm finished.

34:31-34:34

I didn't really come here to talk about...

34:34-34:34

Thank you.

34:35-34:36

Question now from Taka Tiferis.

34:38-34:38

Mō rena.

34:38-34:39

Mō rena mato.

34:39-34:40

Thank you for your time this morning.

34:41-34:52

I'm just wondering if you agree with the notion that actually countries are sovereign and parliaments are actually sovereign by virtue of an act of their own making.

34:53-34:54

Would you agree with that?

34:55-34:55

No.

34:56-35:00

I think that sovereignty resides with the people.

35:01-35:03

They have the ultimate power.

35:04-35:25

And in a democracy, the people elect others to represent them because from a practical point of view, the people cannot, as a great big group, govern.

35:25-35:29

So they have to, in effect, delegate their authority to representatives.

35:30-35:33

But the point is that the people are ultimately sovereign.

35:33-35:35

that's what democracy is all about

35:36-35:37

and if we want to have

35:37-35:39

and retain a democracy

35:40-35:41

then we must be firm about

35:42-35:43

that and we must reject

35:44-35:46

as firmly as we possibly can

35:46-35:47

any suggestion

35:48-35:49

that any particular

35:50-35:51

group of people within the country

35:52-35:53

have power over others

35:54-35:55

other than the elected

35:56-35:57

representatives. Well I see we're down to a minute

35:58-35:59

Matua so I might just ask you one more

36:00-36:01

I agree with your point

36:01-36:03

that the peoples are sovereign

36:03-36:17

And Te Tiriti o Waitangi is a document signed between two sovereign peoples, the original sovereign people of this country, Māori, and the Monarchy of England, the Queen of England at the time, who represented her sovereign people.

36:18-36:24

Would you be happy with that characterisation of Te Tiriti o Waitangi, the coming together of two sovereign peoples?

36:24-36:29

And if you are, do you think it's OK that one group changes the deal without informing the other?

36:30-36:33

Well, no, I don't agree with that characterisation

36:33-36:39

because it's impossible to characterise a collection of warring peoples.

36:40-36:43

The British, you mean the European warring peoples?

36:44-36:48

No, I'm talking about the various tribes

36:49-36:53

who were fighting all around the country from time to war,

36:54-36:57

but in particular within the years preceding the British.

36:57-36:59

Gary, unfortunately, that's the time we've got for the submission,

36:59-37:01

So I'd like to acknowledge your submission.

37:01-37:02

Thank you for being with us this morning.

37:03-37:05

Now going to move to submission from

37:05-37:10

and I'll invite Helmut Modlick to the table for us.

37:13-37:15

If you give me one second, I'll just reset your time

37:15-37:16

so you're not in the minuses there.

37:18-37:20

Thank you for being with us.

37:20-37:21

We've got you for 10 minutes this morning.

37:22-37:24

So please present your presentation,

37:24-37:25

but I'll just ask members,

37:26-37:29

bearing in mind that please don't interrupt submitters.

37:31-37:32

As Chair, I will judge the relevance of submissions

37:33-37:34

and the relevance of questions,

37:34-37:35

so leave that role to me,

37:36-37:37

and we'll get through this relatively smoothly.

37:37-37:38

So, Helmut, I'll hand over to you.

37:39-37:40

Tēnā tatou.

37:40-37:43

I confess it's difficult to be in this house

37:43-37:45

for this purpose this day.

37:45-37:48

Everything about it screams colonial era dishonesty

37:48-37:50

and deceit that Ngāti Toa believed was behind us.

37:51-37:54

That a national-led government provided the stage

37:54-37:56

for this political theatre is ironic.

37:56-38:00

to say the least, because less than 10 years ago another national-led government passed

38:01-38:05

in this House, the Ngāti Tōranga Tira Claims Settlement Act, that included the following

38:05-38:06

words, and I quote,

38:07-38:12

With this apology and settlement, the Crown seeks to atone for these wrongs, restore its

38:12-38:17

tarnished honour, and begin the process of healing. The Crown hopes that this apology

38:17-38:22

and settlement will mark the beginning of a new, positive and enduring relationship with

38:22-38:29

Ngāti Tō Rangatira founded on mutual trust and cooperation and respect for Te Tirete o Waitangi and its principles, close quote.

38:30-38:42

The treaty principles built before us today is in spirit and substance the antithesis of the mutual trust and cooperation and respect for Te Tirete o Waitangi,

38:42-38:50

so solemnly promised by the Crown and frankly also passed unanimously by this House to Ngāti Tō to restore its tarnished honour.

38:51-38:55

Truly, this nation's story is one of repeated crown failure

38:56-38:57

to act with integrity and honour.

38:58-39:00

One of the Treaty Principles Bill claims

39:01-39:03

the Government of New Zealand has full power to govern

39:03-39:05

and Parliament has full power to make laws.

39:06-39:09

Ngāti Toa refutes the legitimacy of their claim

39:10-39:12

and asks from whom did Parliament obtain that power

39:13-39:13

and on what terms.

39:15-39:17

In 1840, Rangatira of Ngāti Toa signed to Tiriti

39:18-39:20

on the HMS Herald and the Schooner aerial

39:20-39:21

at Cloudy Bay, Mana Island,

39:21-39:26

to Whanganui Aataras, Queen Charlotte Sound, Kapiti Island and Motungangara Island.

39:27-39:32

So intent was the Crown on its subjects having access to Ngāti Tō's maritime domain

39:33-39:36

that the signature of our tanifāti rau paraha was sought twice

39:36-39:40

for our northern and southern whenua and the strategic straits that linked them.

39:41-39:45

Arupo, one of te tiriti signed by our tūpuna gifted to the Crown

39:46-39:51

kā wanatanga or governorship over its subjects within Ngāti Tō's domain.

40:21-40:30

tira ceded our mana, our sovereignty to the Crown in 1840. Never happened. What right

40:30-40:36

then did the Crown have to establish this Parliament in Ngāti Tō's domain in 1852?

40:37-40:43

None. That is did establish its institutions and laws isn't debatable. However, it was

40:43-40:50

not on any legittimate rule of law basis. Rather, it was by the means used by usurpers

40:50-40:52

and tyrants the world over.

40:53-40:56

Lies, manipulation, theft and force of arms.

40:56-40:59

That is the shameful whakapapa of this government

41:00-41:02

and this parliament in this land.

41:04-41:05

And that's the truth.

41:06-41:09

Principle 2 of the Treaty Principles Bill says the Crown

41:09-41:14

will recognise, respect and protect the rights Ngāti Toa had in 1840

41:15-41:17

unless they differ from the rights everyone else has today

41:18-41:20

and are specified in our settlement.

41:20-41:25

Whanu, it's hard to conceive of a more contemptible example of legal doublespeak than that.

41:27-41:35

Te Tiriti o Waitangi makes no provision for unilateral alteration of Ngātitoa's rights by the Crown or unilateral amendment at all.

41:37-41:42

Te Tiriti o Waitangi is an unchanging covenant between Ngātitoa and the Crown.

41:43-41:51

We have been constant in holding the Crown to account to uphold the guarantees they made to us in black and white.

41:52-41:58

In response, the Crown has already acknowledged in this House that it has failed to do so,

41:58-42:05

that it has breached the interests of Te Tirito Waitangi for Ngāti Toa repeatedly.

42:06-42:12

The Crown has already unreservedly apologised for those breaches which hurt and prejudiced Ngāti Toa.

42:12-42:18

Crown leaders solemnly stood in this house and sought to atone for those past wrongs,

42:19-42:22

to restore tarnished honour and begin a process of healing.

42:24-42:28

Instead of honour and healing, today Ngāti Toa returns to this house

42:29-42:34

to repudiate a bill that seeks to disempower and prejudice us once again.

42:34-42:39

A bill that sets aside true and justly affirmed rights.

42:39-42:47

A bill that misrepresents, manipulates and undermines legitimate constitutional foundations of this nation

42:47-42:53

A bill that is an international embarrassment for this nation and an indictment of its authors and supporters

42:55-42:59

Principle 3 of the Treaty Principles Bill says everyone is equal before the law

42:59-43:01

Is entitled to equal protection and benefit of the law

43:02-43:05

And equal enjoyment of the same human rights without discrimination

43:05-43:08

Ngāti Toa wholeheartedly agrees

43:08-43:12

with those ideas and supports their incorporation

43:13-43:15

into relevant statutes like the Bill of Rights.

43:17-43:19

Ngāti Tōs submits there is no contradiction

43:20-43:22

between honour institutiti or waitangi

43:22-43:24

and the principles of equality before the law

43:25-43:27

or equal enjoyment of human rights and non-discrimination.

43:29-43:31

New Zealand's laws already differentiate

43:32-43:35

between citizens every single day on the basis of age,

43:35-43:38

income, health, location, prior convictions, etc.

43:39-43:41

in pursuit of equitable public policy outcomes.

43:42-43:46

The conflation in this bill of equality before the law

43:46-43:50

and to Tiriti o Waitangi is just a shameful race-based dog whistle

43:50-43:52

to the uninformed and bigoted in this land

43:53-43:54

to create populist political support.

43:55-43:57

That's it. That's all that's going on here.

43:59-44:02

This treaty principles bill is a constitutional solution

44:02-44:04

looking for a problem, whānau.

44:04-44:13

To conclude, the biggest questions for every society are who decides and who decides who decides.

44:14-44:22

In this land, the legitimate answers to those questions have been provided by Te Tiriti o Waitangi since February 6, 1840.

44:24-44:29

Ngāti Toa reminds this house, this day, that treaties are for honouring, not settling.

44:29-44:33

and we look forward to resuming our nation's journey

44:33-44:34

of truth and reconciliation

44:35-44:37

with an honourable kawana-tanga partner

44:37-44:39

as soon as one reappears in this House.

44:40-44:41

Toi tu te tiriti.

44:41-44:42

Thank you, Hamlet.

44:42-44:43

We've got time for questions.

44:43-44:44

I'm going to start with Ginny Anderson,

44:44-44:47

then Debbie Ngārewa-Paka, and then Joseph.

44:48-44:49

Kia ora, te ronga pera.

44:50-44:53

It is unusual that we're hearing submissions on a bill

44:54-44:56

that is not proceeding any further,

44:57-44:57

according to this government.

44:58-45:01

Some might say it makes a mockery or a circus of this institution.

45:02-45:06

How do you think being here today reflects upon the leadership

45:07-45:08

by our Prime Minister?

45:11-45:14

That's a landmine you've invited me to stand on.

45:16-45:20

So look, I've been clear that because I have put my finger on National

45:20-45:23

and their responsibility as the leader of this coalition government

45:23-45:28

for enabling this political theatre that's played out in 2020

45:28-45:34

2024 and which is culminating in this process and it is regrettable the call was made but it is

45:34-45:43

regrettable at least in one material sense is that it has surfaced very clearly the dysfunctional

45:43-45:48

ideas that are still embraced by so many New Zealanders that are not based on truth

45:49-45:54

you know that that at least has been surfaced so while that's negative though I am grateful for it

45:54-46:00

been raised for this reason. It has enabled us to confront, I hope for the last time, those

46:01-46:07

fictions and putting them to bed. It has also enabled a degree of kotahi tanga for our people

46:08-46:12

across this motu that's unprecedented, which I think is a good thing. So that's probably

46:12-46:13

all I'll say about that.

46:14-46:16

We'll go a question from Debbie and then Joseph.

46:16-46:23

A tina koutou. My question is, in your submission, you're saying te tiriti is not a framework

46:23-46:26

for assimilation, it's a guarantee of partnership.

46:26-46:30

Can you explain while we have this political theatre in front of you

46:31-46:36

and to eliminate the fear, how does Ngāti Toa live that partnership

46:36-46:37

for all the foreigners today?

46:37-46:38

Tēnāpē, tēnāpē, tēnāpē, Tēnāpē, Tēnāpē, Debbie.

46:39-46:40

So two observations.

46:41-46:45

You know, I truly believe that the evidence is clear

46:45-46:48

and that even just on reflection, it's reasonable proposed

46:48-46:52

that our ancestors, both from the British Isles

46:52-46:55

and from our tupuna here, our Maori tupuna here,

46:56-46:59

that they entered into this relationship between each other

47:00-47:04

in the expectation that it would be beneficial, right?

47:04-47:06

That this would be a place where we could combine

47:07-47:09

the best of our respective societies

47:10-47:11

to create something new and beneficial.

47:12-47:14

That vision, that aspiration is still with us today.

47:15-47:18

Do you want to see what Te Tiriti o Waitangi in practice looks like?

47:18-47:24

come to Porirua. There you will find the delivery of the range of health and social services,

47:25-47:30

housing, education, etc. that is playing out to bless our whole community.

47:31-47:36

Ngāti toa are actually a minority in those who are served by those services.

47:37-47:41

And so that is the possibility that is in front of this nation.

47:41-47:42

Kia ora, helmet. So I'm sorry to interrupt.

47:43-47:46

I'll just acknowledge your submission and thank you for being with us this morning.

47:46-47:51

We're going to move now to submission from Tuna Ora o Mata Tua.

47:54-47:55

Dr Chris Tooley.

47:56-47:57

If Dr Tooley can join us.

48:05-48:08

Dr Tooley, thank you for being with the committee.

48:09-48:11

We've got you for 10 minutes if you can begin your presentation.

48:13-48:24

My summary comments are in four parts.

48:25-48:29

Let me say from the outset that the starting point for a conversation around Crown Māori

48:29-48:35

partnership should be the text of utility, rather than around conventions of principles.

48:36-48:39

The text of utility is the only starting point.

48:39-48:45

Let's be clear, existing principles such as partnership, participation, protection and so forth

48:46-48:51

have been forged in the kawana-tanga system where Māori have not participated as treaty partners.

48:52-48:58

Existing principles have been forged in Parliament where Māori have not participated as treaty partners.

48:59-49:04

Existing principles have been forged in the courts where Māori have not participated as treaty partners.

49:04-49:20

When we consider the treaty clauses in legislation that enshrine the existing principles both in scope and in weighting, they have never been defined upon the basis of te tiriti, but instead in relation to the political expediency of the day.

49:21-49:32

However, existing principles do provide some form of recognition, and it's in this context that Te Puna Oro Mātātua joins with te ao Māori in opposing and condemning this bill.

49:33-49:40

The Waitangi Tribunal, Te Mata Hono, overwhelmingly shows that proposed principles breach te tiriti

49:40-49:46

and tikanga Māori. However, the proposed principles have no legitimacy anywhere.

49:47-49:52

When we think about executive and public service conventions, when we think about international

49:53-49:58

and national jurisprudence, when we think about historical, sociological and cultural

49:58-50:04

texts when we think about economic relationships. These principles have no grounding. They have

50:04-50:12

no correlation to any intellectual discipline anywhere. I would like to draw your attention

50:12-50:19

to Clause 9 of the Bill. It states that nothing in this act amends te tiriti or waitani. This

50:19-50:25

is false and deceitful. The Crown does not uphold te tiriti or waitani. It only gives

50:25-50:31

recognition to te tiriti through convention of principles. Therefore, to seek to change the only

50:32-50:38

current form of recognition by the Crown is to in fact rewrite the Crown's only application of

50:38-50:45

te tiriti itself. This bill can only be described as a simple piece of fiction that only has the

50:46-50:52

intent of colonising Māori. This bill is a unilateral attempt to hijack and overthrow the

50:52-50:59

constitutional development of this country. This bill is a de facto form of nationalism.

51:00-51:05

Now as a health provider, some comments in relation to Hauora Māori. While not perfect,

51:06-51:10

existing principles supported the establishment of Te Aka Whaeora, the Māori Health Authority.

51:11-51:17

It offered both form and function for Hauora providers in expressing principles such as

51:17-51:23

active protection and equity. The disestablishment of Te Aka Whae would have breached te tiriti,

51:24-51:30

as outlined in Y2575, and will soon be heard in front of the High Court later this year.

51:31-51:36

But under these proposed principles, it would prohibit any future initiatives like this to be

51:36-51:42

considered in the first place. Any health reforms policies as the health sector has already

51:42-51:49

experience would be conditioned by the principle of equality, as proposed in this Bill.

51:50-51:54

Inequality in healthcare for Māori has arisen because of repeated approaches by the Crown

51:54-51:56

that favours equal treatment over equity.

51:59-52:05

History shows from around the world time and time again that equality does not work, nor

52:05-52:07

does the needs-based doctrine ever work.

52:08-52:16

To treat unequals equally is to simply reproduce and redeploy the existing power structures and privilege across society.

52:17-52:21

And the Minister this morning could not answer the question around equality.

52:22-52:27

The Minister this morning could not answer the question in relation to how this bill impacts upon health providers.

52:29-52:37

Across the health care system, equity adjusters such as clinical, cultural, rural and deprivation have had the biggest and largest impact

52:37-52:42

in addressing long-term systematic inequalities suffered by Māori.

52:43-52:46

But this bill will upend those models of care.

52:47-52:49

Lastly, context is important.

52:50-52:53

This bill is only one of a number of many other bills

52:54-52:58

that breach te tiriti and are assaulting Māori across a number of fronts.

53:00-53:03

Let's remember, during confidence and supply agreement negotiations,

53:03-53:10

this government took steps to try and withdraw from the United Nations declarations on the rights of indigenous peoples

53:10-53:13

which enshrines the right to self-determination.

53:14-53:20

While legislation and policies might be different in name, sponsored by different government parties,

53:20-53:24

they are all underpinned by the same structural objective

53:25-53:30

to eliminate the status of Māori in the public sphere as treaty partners.

53:31-53:37

Te Puna Oro Mata Atua not only opposes this bill, but will also actively oppose any further

53:38-53:41

attempts or bills like this in the future. Thank you.

53:42-53:45

Thank you, Dr. Turley. We've got a couple of questions. The first from Debbie Ngata,

53:45-53:46

we'll back up.

53:46-53:47

A tēnā koe, Chris.

53:49-53:55

I'm aware of the mahi that you've done with tapita in the United Nations Declarations

53:55-54:00

of Rights of Indigenous Peoples. Can you share with us what, and quickly, I'm looking at

54:00-54:05

time, part of the constitutional review that happened with Nats and the next steps.

54:05-54:05

Yeah.

54:06-54:17

So look, when Pete and Tari came to power, they wanted to have a constitutional conversation.

54:18-54:24

And collectively amongst that caucus, they could have easily rewritten a constitutional

54:25-54:25

framework themselves.

54:26-54:30

But we were very well aware that we were within a space of kawanasanga.

54:30-54:40

And so we had a duty of care to enable this country to come together in a kotahitanga environment,

54:41-54:46

in a process in which we could have a conversation around the constitutional review matters,

54:47-54:53

and hence the constitutional advisory panel was established and a two-year process took place.

54:54-55:03

the right of kawana-tanga to make sure that they are enablers in relation to any discussion

55:04-55:10

around constitutional matters, rather than simply imposing a doctrine upon this country

55:13-55:20

unilaterally without any kind of constitutional discussion across this country.

55:20-55:36

Now, when it came to the United Nations Declaration on the Rights of Indigenous Peoples, Pitta came into office and we had already seen that Indigenous peoples and Māori from across the world had consensus in relation to this declaration.

55:37-55:40

We were aware that the United Nations had already ratified it.

55:40-55:45

And so it was our duty to endorse it on behalf of government.

55:46-55:54

However, it was not our responsibility to then go away and prescribe interpretations in relation to the articles of that declaration.

55:56-56:02

Again, the principle of enablement meant that in this particular environment, at that particular time,

56:02-56:07

we invited the special repertoire for Indigenous peoples from the UN to come to this country

56:08-56:12

and to provide independent advice and an independent process

56:13-56:17

to bring about how we would then go about implementing

56:17-56:20

the Declaration on the Rights of Indigenous Peoples.

56:20-56:26

And so there is a duty of care that this government has failed

56:26-56:31

to implement in relation to being leaders of this country

56:32-56:34

rather than leaders of a political party.

56:34-56:35

Thanks, Dr. Turley.

56:35-56:37

We'll take a question from Steve Abel,

56:37-56:38

and then if we've got time, duck and web.

56:39-56:40

Thank you, Mr Chair.

56:40-56:41

Thank you for your excellent submission.

56:42-56:46

You articulate strongly how Māori inequitably experience

56:46-56:48

poorer health outcomes than non-Māori.

56:49-56:52

Can you please explain to the committee how, in your statement,

56:53-56:56

inequity in healthcare has arisen because of an approach

56:57-57:00

that favours equal treatment over equitable treatment?

57:01-57:05

So across a number of health and social policies,

57:06-57:17

When you fund for outcomes exactly the same in relation to populations that are very different, you get different outcomes.

57:18-57:27

It is quite simple to fund, say, a whānau based in Auckland compared to a whānau based in Matātua.

57:28-57:29

You get completely different outcomes.

57:30-57:35

Their resources, their access, their deprivation, their location, all the different equitable

57:36-57:42

kind of markers that any one whānau would experience, their access to that outcome and

57:42-57:44

how that outcome is achieved is completely different.

57:45-57:52

And so when you supply funding or you supply opportunity equally to unequals, you're simply

57:52-57:56

going to exacerbate the existing disparities within society.

57:56-57:57

Thank you, Dr. Tooley.

57:57-57:59

That's the end of our allocated time.

57:59-58:01

I appreciate you being with us this morning for your submission.

58:01-58:01

Thank you.

58:02-58:04

We can now move to submission from Kowon Jones.

58:04-58:07

I'll invite Kowon up to the floor, up to the table.

58:10-58:11

Thank you, Kowon.

58:11-58:12

Thank you for being before the committee.

58:12-58:14

We've got you for 10 minutes this morning

58:14-58:16

if you'd like to begin your presentation.

58:16-58:19

And apologies if I mispronounce the first name.

58:21-58:24

E te te amana inga me mo te o t'committee nei,

58:24-58:26

a tēnā koutou, o tēnā, tēnā koutou katoa.

58:26-58:36

Thank you for the opportunity to speak with you today.

58:37-58:56

I'm strictly opposed

58:56-59:01

Just to provide some context, I should note that my analysis of the bill was based not

59:01-59:07

only on the fact that I'm a ure o ngāti kahununu, but also on my work as a legal academic in

59:07-59:11

which Te Tiriti o Waitangi has been the primary focus of my research and teaching, and particularly

59:12-59:15

its legal policy and practical application.

59:17-59:21

Now it's clear that the bill is flawed in both process and substance, so first a few

59:21-59:23

brief points about the process.

59:24-59:28

The bill proposes to change the legal meaning and effect of a treaty without discussion with

59:28-59:29

the other parties to that treaty.

59:30-59:34

There's been no policy work to properly identify the problem that the bill seeks to address,

59:34-59:38

let alone any work done to identify what might be effective policy responses to any problem.

59:39-59:43

And given that the bill seems certain not to pass, the whole exercise has been a colossal

59:43-59:47

waste of time and resources, not just ministers, MPs and officials, time and government resources,

59:48-59:52

but the time and resources of the hundreds of thousands of people who have taken the time

59:52-59:57

to express their views on the bill by writing submissions or participating in the hikoi and other ways.

59:59-01:00:04

The fundamentally flawed process has contributed to the many substantive problems with the bill.

01:00:05-01:00:09

The lack of policy work and consultation contributes to the fact that the bill's effect would be

01:00:09-01:00:14

in direct contradiction to its stated purposes. The bill would create significant and costly

01:00:14-01:00:19

uncertainty about the application of the principles of the treaty where there is currently significant

01:00:20-01:00:24

uncertainty. It has already undermined our ability to have an effective national conversation

01:00:25-01:00:31

about the role Te Tiriti plays as a foundational constitutional instrument by promoting a false

01:00:31-01:00:36

interpretation of Te Tiriti. And the Minister responsible for the Bill is fully aware that

01:00:36-01:00:39

the Bill is a distortion of Te Tiriti and that it will not achieve a stated purpose.

01:00:39-01:00:43

He's been advised by officials and he's had the benefit of a Waitangi Tribunal report

01:00:44-01:00:49

to point that out. Yet he's continued to promote the Bill. And it's shameful that Parliament

01:00:49-01:00:56

and the legislative process has been used to try to give legitimacy to this made-up version of what was agreed in Te Tiriti,

01:00:56-01:00:58

and to mislead the New Zealand public in this way.

01:01:00-01:01:04

The false narrative that the Bill presents is one of the most harmful aspects of it.

01:01:05-01:01:08

The principles proposed in the Bill are completely detached from reality,

01:01:09-01:01:12

and would remove Maori rights that are not only guaranteed in Te Tiriti,

01:01:13-01:01:14

but recognised by the international community.

01:01:15-01:01:19

And this false narrative has already contributed to significant social disruption,

01:01:19-01:01:22

and real harm to Tangata Whenua and Tangata Teriti.

01:01:23-01:01:26

And that is why it's so important that this Bill go no further.

01:01:27-01:01:30

And to say, in order to start to undo some of the harm really caused by the Bill,

01:01:30-01:01:34

we urge the Select Committee to not only recommend that the Bill proceed no further,

01:01:34-01:01:38

but to unequivocally reject and condemn the approach proposed by the Bill,

01:01:39-01:01:42

and also recommend that the Government commit to honour Te Teriti o Waitangi

01:01:42-01:01:44

and the UN Declaration on the Rights of Indigenous Peoples.

01:01:45-01:01:47

I'm happy to answer any questions that you have.

01:01:47-01:01:49

Sure, Colin. We've got time for a few questions.

01:01:49-01:01:53

We're going to start with Joseph Mooney, then Ginny, then we'll go Mariamino.

01:01:55-01:01:55

Kia ora, Colin.

01:01:56-01:02:02

Just in terms of atikotua te tirati, do you think that Tino Ranga Tiritanga means sovereignty?

01:02:04-01:02:16

I think Tino Ranga Tiritanga represents the expression of the way in which Maori, iwi and hapu exercised their autonomy, authority and self-determination.

01:02:16-01:02:19

Sovereignty, I think, is probably a close equivalent European concept,

01:02:20-01:02:22

but Tino Ranga Tiritanga is grounded in Te Aumā.

01:02:23-01:02:27

Just one supplementary on that, just in terms of the guarantee of Tino Ranga Tiritanga,

01:02:27-01:02:33

it was to Ranga Tira, to Hapu, and to individuals, i.e.

01:02:35-01:02:37

What do you think that meant to the individuals?

01:02:39-01:02:43

Well, so it means, you can see through that guarantee that it is guaranteed

01:02:43-01:02:48

to those communities, to those political communities of political authority.

01:02:48-01:02:52

And so what that means in the context of Te Tiriti is that you have a relationship that's established

01:02:53-01:03:00

where you have those political communities entering into a relationship with the British Crown,

01:03:01-01:03:05

whereby they allow the British Crown to exercise authority over their own people who are here in Aotearoa,

01:03:06-01:03:10

and their guarantee of Tino Ranga Tiritanga, their own authority, is maintained and will continue.

01:03:11-01:03:15

Thanks, Joseph. We'll go to Ginny Anderson and then Maru Mino Kapke.

01:03:17-01:03:17

Thanks, Cohen.

01:03:18-01:03:21

I always sort of try and put myself in other people's shoes to understand situations.

01:03:22-01:03:23

But from your background and experience,

01:03:24-01:03:30

what is it that you think is so difficult for the Assembly on the Act Party

01:03:31-01:03:34

to comprehend around status as tangata whenua?

01:03:35-01:03:36

Where does that come from?

01:03:38-01:03:46

So I appreciate that you might try and put yourself in other people's shoes, but I find it very difficult to understand why it is so difficult about this.

01:03:46-01:03:55

Partly because, as I say, I know some of the information that the Minister has been provided with, the explanation and articulation of what the impact of this bill would be.

01:03:55-01:04:02

And so I can't understand why he is refusing to listen to not only the official advice,

01:04:02-01:04:09

not only the report from the tribunal, but the vast majority of historical legal evidence

01:04:09-01:04:17

and expertise that we have built up around Te Tiriti over the course of over 180 years.

01:04:18-01:04:19

Thank you.

01:04:19-01:04:20

Maria Mino and then Duncan.

01:04:21-01:04:21

Thank you, Mr Chair.

01:04:22-01:04:23

Morena, kawampi na hui.

01:04:24-01:04:30

How does this bill, in your mind, how does this bill risk invalidating established legal interpretations of the treaty?

01:04:32-01:04:42

Well, so because the bill is proposing a set of principles which are not connected to either Te Tariti itself and what the agreement in 1840 says,

01:04:43-01:04:51

or to the 50 years of the tribunal's work or nearly 40 years of the work that the courts have been engaged with treaty principles,

01:04:52-01:04:57

It will overturn what those established principles are.

01:04:58-01:05:00

It will create significant uncertainty, therefore,

01:05:00-01:05:01

because we'll need to go through, again,

01:05:02-01:05:04

a process of figuring out how to interpret and apply

01:05:04-01:05:06

what these new principles are.

01:05:06-01:05:12

And it is, I think, the really dangerous element about it

01:05:12-01:05:15

is that these principles intend to remove

01:05:16-01:05:19

te noranga tiratanga from the equation of the treaty.

01:05:19-01:05:24

They remove the treaty as a mechanism which provides new rights in itself.

01:05:25-01:05:29

And they, in fact, remove the identity of Māori as a people.

01:05:30-01:05:32

Thank you. We'll go a question from Dr Webb.

01:05:33-01:05:35

Kia ora and thank you online.

01:05:36-01:05:38

Thank you for that really thoughtful submission.

01:05:39-01:05:41

Stepping outside a little bit, perhaps,

01:05:42-01:05:45

David Seymour presented to the committee today and talked about,

01:05:46-01:05:54

Well, he suggested that where rights for Indigenous people do not reflect those of the other citizens, that bad things happen.

01:05:55-01:05:59

And I know you've referred to the UN Declaration on the Rights of Indigenous Peoples.

01:05:59-01:06:09

Can you talk to us about how internationally the rights of Indigenous peoples are respected in a way that's consistent with broader human rights?

01:06:10-01:06:16

Yeah, well, I think the UN Declaration on the Rights of Indigenous Peoples is really important in that regard,

01:06:16-01:06:21

because that declaration doesn't intend to create new rights for Indigenous peoples,

01:06:22-01:06:29

but rather it is an expression of what is required to give effect to the statements of universal human rights,

01:06:29-01:06:32

which already exist within the United Nations framework.

01:06:32-01:06:35

So the UN Declaration on the Rights of Indigenous Peoples,

01:06:35-01:06:40

like many other international conventions and declarations,

01:06:41-01:06:45

reflects the fact that in order to recognise and implement the same rights

01:06:46-01:06:48

and for people to enjoy the same rights,

01:06:48-01:06:52

that you need to take different measures sometimes in order to be able to do that

01:06:52-01:06:54

to reflect the different contexts in which people are in.

01:06:56-01:06:59

Does that work in international settings?

01:06:59-01:07:02

Because the suggestion is that it doesn't, right?

01:07:03-01:07:07

Well, I mean, this is a well-recognised principle of the way in which the human rights system works,

01:07:08-01:07:13

well-recognised by the international community, and it's essentially the way in which the UN system operates.

01:07:13-01:07:19

So we have, of course, particular recognition of the rights of women, children, people with disabilities,

01:07:19-01:07:25

all kinds of different communities who, in order to fully enjoy their human rights,

01:07:26-01:07:29

are required to be recognised in particular kinds of ways.

01:07:30-01:07:32

Kia ora, thank you for that.

01:07:32-01:07:37

Thank you, Carmen. Unless there are any burning questions from members, we might take the opportunity to reclaim a little bit of time from our schedule.

01:07:38-01:07:41

So, Carmen, thank you for being with us this morning and for presenting your submission.

01:07:42-01:07:42

Thank you.

01:07:42-01:07:46

We're going to have a submission from Whangata Tiriti Aotearoa in person.

01:07:47-01:07:52

Oh, sorry. No, I apologise. It is. It is Spencer. Spencer Schouler. Come to the table. Sorry, Spencer.

01:07:53-01:07:55

We're on the wrong page.

01:07:56-01:08:02

So, welcome. Thank you for being with the committee and for providing your very interesting and unique submission.

01:08:02-01:08:05

So I'd just like to invite you to start your presentation.

01:08:06-01:08:07

Tema koutou katoa.

01:08:08-01:08:09

Thank you for inviting me here today.

01:08:10-01:08:11

I'm Spencer Schouler.

01:08:11-01:08:14

I'm leading private's Director of Treaty Materials,

01:08:14-01:08:15

and I oppose the Bill.

01:08:18-01:08:22

In the first report of the Paparahi Otaraki inquiry,

01:08:22-01:08:25

the Waitangi Tribune thoroughly examined what Rangitero consented to.

01:08:27-01:08:30

My purpose today is to present what the British Crown consented to.

01:08:30-01:08:36

I first explain why the British Crown needed to ratify the treaty signed by Hobson.

01:08:37-01:08:41

Then I demonstrate through five key documents what was ratified.

01:08:43-01:08:49

These documents are discussed in my written submission and are numbered one to five on the flowchart on page three.

01:08:51-01:08:57

My key message is that the British Crown effectively consented to only the English text of the treaty.

01:08:57-01:09:06

While the British Crown ratified both texts, they ratified Te Triti with the reservation that its translation is the English text of the treaty.

01:09:07-01:09:10

This has significant implications for the treaty principles and treaty relationship.

01:09:14-01:09:22

For the past 50 years, most people have implicitly assumed that the treaty-making process ended with the signing of the treaty sheets by Hobson and Rangatera.

01:09:24-01:09:29

The complication is that the treaty was not an agreement between Hobson and Rangiterra.

01:09:30-01:09:32

It was an agreement between the British Crown and Rangiterra.

01:09:34-01:09:38

Under the Law of Nations, Hobson could only bind the British Crown

01:09:39-01:09:43

if he acted within the terms of his commissions and the extent of his power.

01:09:45-01:09:50

The British Government authorised Hobson to negotiate with Maori for sovereignty in New Zealand.

01:09:51-01:09:57

Under the law of nations, sovereignty is indivisible, which means there can only be one sovereign.

01:09:59-01:10:04

According to the Waitangi Tribunal, at Waitangi, Waimati and Manunu,

01:10:04-01:10:09

Rangiterra did not cede sovereignty over their people and territory to Britain.

01:10:11-01:10:18

However, Hobson did not have the authority to enter into agreement where Maori did not cede full sovereignty.

01:10:19-01:10:25

Furthermore, Hobson delegated negotiations with Māori, even though he did not have the authority to do so.

01:10:28-01:10:34

Even if these issues were not problems, there are other reasons why Hobson's agreement with Rangiterra did not bind the British Crown.

01:10:36-01:10:45

Hapu, who held the rights and land, were not included in Article 1 of the Treaty, and there was no provision for the ratification of the Treaty.

01:10:46-01:10:50

and Hobson did not correctly execute eight of the nine treaty sheets.

01:10:52-01:10:55

Since Hobson did not act properly, for the agreement to be a valid treaty,

01:10:56-01:10:57

it had to be ratified by the British Crown.

01:11:02-01:11:09

Regarding the ratification, in July 1840, the British Crown ratified the English text of the treaty.

01:11:10-01:11:18

Nine months later, the British Crown ratified the treaty with the reservation that its translation is the English text of the treaty.

01:11:19-01:11:23

In effect, the British Crown only consented to the English text of the treaty.

01:11:25-01:11:27

I will now present five documents, one by one.

01:11:29-01:11:36

The ratification documents are originals, and the linking documents are copies from the originals at National Archives London.

01:11:39-01:11:45

This first document here contains the ratification that bound the British Crown to the English text of the Treaty.

01:11:46-01:11:47

It's one of four known copies.

01:11:55-01:12:00

The second document is the official record of the Treaty from October 1840.

01:12:01-01:12:04

After the collection of signatures, there were nine Treaty sheets.

01:12:05-01:12:14

Since the British government expected one treaty, all but one of the treaty sheets were combined into this official record on a long row of parchment.

01:12:16-01:12:23

At the top centre of the record is the word treaty, under which the Maori and English texts are put side by side.

01:12:25-01:12:30

The signatures, witnesses and certification on the parchment have been cut off and lost.

01:12:31-01:12:38

The third document is part of the official record of the treaty.

01:12:40-01:12:43

It is the certified copy of the Manakau Kawia Treaty Sheet.

01:12:44-01:12:49

This certified copy was forwarded separately by Hobson to the cloning office in May 1841.

01:12:50-01:12:56

In August 1842, this document was ratified with the reservation that is translation as

01:12:56-01:12:57

the English text of the treaty.

01:13:00-01:13:04

This fourth document is the back translation of 3T into English.

01:13:06-01:13:12

It was certified by Henry Williams on about the 15th of February 1840.

01:13:13-01:13:17

Although the procedure used by Williams for back translation is usually argued to be invalid,

01:13:18-01:13:19

these arguments miss the point.

01:13:20-01:13:22

Williams was the commissioned expert.

01:13:24-01:13:29

While anyone else may have provided a different translation, we cannot alter the fact that

01:13:29-01:13:34

this was the only certified translation received by the Colonial Office. It was the official

01:13:34-01:13:40

translation of the Tiriti into English. Since the Colonial Office lacked expertise in te reo

01:13:40-01:13:46

Maori, they relied on the certified translation for the British Crown's ratification of the

01:13:46-01:13:53

Tiriti. This document, which is another original, and this page refers to the ratification,

01:13:53-01:13:59

the ratification of Te Te Riti by the British Crown printed by the House of Commons. Unlike

01:14:00-01:14:04

the long parchment over here where the text was side by side, in the printed version they

01:14:04-01:14:09

put the Maori text before the English text and then they added the word translation between

01:14:10-01:14:15

the two texts. This meant that the British Crown ratified Te Te Riti with the reservation

01:14:16-01:14:18

that the translation is the English text of the treaty.

01:14:23-01:14:26

Everyone in this room, and many people around New Zealand, have a passion for the Treaty.

01:14:27-01:14:30

We are all muddling through what the Treaty means for New Zealand.

01:14:31-01:14:35

From my perspective, I reiterate, I do not support the Bill.

01:14:36-01:14:38

I am not here as an advocate for either Pākehā or Māori.

01:14:39-01:14:41

I am here to advocate for the Treaty documents.

01:14:43-01:14:47

I recognise that transparency about the ratification of the Treaty is likely to have political,

01:14:47-01:14:50

social, legal, economic and constitutional implications for New Zealand.

01:14:51-01:14:55

unless. The key issue on hand is the documents show that the British Crown ratified the treaty

01:14:56-01:15:00

as meaning the same as the English text. Therefore, they effectively, the British Crown consented

01:15:01-01:15:06

to the English text. I believe it's important to the committee to understand this consent of the

01:15:06-01:15:11

British Crown when they consider the treaty principles. Nō reira, tēnā koutou, tēnā koutou, tēnā koutou, katua.

01:15:11-01:15:17

Kia ora. Thank you, Spencer. Fascinating submission and a fantastic collection. I'm sure there may be some interest

01:15:17-01:15:20

and people maybe wanting to inspect those documents with your permission,

01:15:21-01:15:24

I'll ask that to take place in the hall outside the conclusion of the submission.

01:15:25-01:15:28

I've got a series of questions, first from Duncan Webb, then Takata, then Steve.

01:15:30-01:15:33

Jura, thank you for that very interesting submission.

01:15:34-01:15:37

You've given a long analysis, and I've read your submission,

01:15:38-01:15:41

on the British Crown's approach to the treaty.

01:15:42-01:15:49

I'm particularly interested in how that corresponds on the other side of the fence with the Māori's approach to it.

01:15:50-01:15:53

You say the British Crown agreed to the English version only.

01:15:54-01:15:57

There's a strong argument the Māori agreed to the Māori version only.

01:15:58-01:16:05

And, of course, the law around treaties of session from Indigenous peoples at around that time is quite complex.

01:16:05-01:16:06

Where does that lead us?

01:16:08-01:16:13

The Waitangi Tribute has done a fantastic job in terms of what the Maori oranguteri consented to,

01:16:14-01:16:16

and what I presented here was what the British consented to,

01:16:16-01:16:20

and my analysis suggests that there may not have been an agreement.

01:16:21-01:16:24

You'd go through the different articles and look at them and compare what the two were saying.

01:16:25-01:16:28

There's a clear difference between what each party expected out of it,

01:16:28-01:16:33

but it also explains what's happened over the last 180 years in terms of misunderstandings.

01:16:34-01:16:37

Potentially, there's people agreeing to different arrangements.

01:16:38-01:16:41

Thank you, Spencer. We'll go to Takuta then, Steve, then Joseph, if we have time.

01:16:42-01:16:45

Tēnā koe, Spencer, and thank you for your submission.

01:16:46-01:16:50

It really alludes to the complexity of it all.

01:16:51-01:17:00

And when you have a sort of surface level discussion about it that's devoid of a clear understanding of the complexity, then you end up in muddy water.

01:17:00-01:17:08

So I'm just wondering, given there's two parties and one party might believe one thing and one other party might believe another,

01:17:09-01:17:14

there still exists the international laws within which the treaties are declared.

01:17:15-01:17:33

And so a part of that law is a thing called contra preferentum, where the language of the receiving partner to the treaty will be the language that the treaty is interpreted through, should there be disagreement.

01:17:33-01:17:40

So given that, is there a point for all of this argument, or should we just stick to that?

01:17:42-01:17:44

Your question assumes that there was an agreement.

01:17:45-01:17:50

If there was an agreement, then there is a tendency to favour the Indigenous people's text,

01:17:50-01:17:52

if there's a difference in interpretation.

01:17:53-01:17:56

But given there may not have been an agreement because we're agreeing to two different texts,

01:17:57-01:17:59

that may be where the gap is between what's happening here.

01:17:59-01:18:02

Paul, just quickly, is it a tendency or a law?

01:18:03-01:18:05

All right. No, sorry. We're out of time. Sorry, Doctor.

01:18:05-01:18:07

Thank you, Spencer. We appreciate you being with us.

01:18:08-01:18:08

Thank you.

01:18:08-01:18:11

We will now move to our fish from Tangata, Te Riti, Aotearoa.

01:18:11-01:18:14

and I'll invite the team up to the floor.

01:18:25-01:18:26

Kutukoto, welcome to the committee.

01:18:27-01:18:28

We have you for 10 minutes this morning,

01:18:28-01:18:30

so I'll ask you to start your presentation.

01:18:32-01:18:34

Ko Maunga, ko Drakensburg,

01:18:34-01:18:36

ko Tgialata Awawa,

01:18:36-01:18:37

ko Indian Ocean,

01:18:38-01:18:52

As Tangata Treaty, I understand that we as migrants will only be able to fully participate

01:18:53-01:18:59

and honor our position as Tangata Treaty if Maori are able to exercise their inherent

01:19:00-01:19:06

and enduring rights as Tangata Fenua. The immigration and education systems have failed

01:19:06-01:19:09

to teach an honest history of Aichiroa and Tiriti.

01:19:10-01:19:13

Misinformation and disinformation are very prevalent

01:19:14-01:19:17

among migrant communities, fostering disharmony

01:19:18-01:19:20

and affecting the fabric of social cohesion,

01:19:21-01:19:22

who we all strive for.

01:19:23-01:19:25

Migrant communities in particular are vulnerable

01:19:26-01:19:28

to misinformation from people in power,

01:19:29-01:19:31

and that is exactly what is happening with this bill.

01:19:32-01:19:35

As migrants, we have strong cultural ties

01:19:35-01:19:37

in the countries we come from.

01:19:37-01:19:42

Coming to Aichiroa, we seek that point of connection and identity.

01:19:42-01:19:45

Territiri and connection with Tangata Fenwa

01:19:46-01:19:49

helps us with identifying our Turanga Waiwai.

01:19:49-01:19:51

This bill, with all its flaws,

01:19:52-01:19:55

especially distracts from the very real issues

01:19:56-01:19:58

of social and economic inequality

01:19:59-01:20:04

caused by colonisation, white supremacy, Islamophobia, etc.

01:20:04-01:20:14

In 25 years of working in our health system, I have seen first time how the dynamics of systemic racism has affected our vulnerable communities.

01:20:15-01:20:25

This bill sets up Maori rights, mana motohake, as a barrier to equality when it is inherent racism and the root of racial inequality.

01:20:26-01:20:28

It's not one size fits all.

01:20:29-01:20:35

Teteriti of Waitangi and its principles are the foundation of our past and our future.

01:20:35-01:20:43

It's the foundation on which we thrive and breaking down any part of that is our threat to our future existence,

01:20:43-01:20:47

as would be breaking down a foundation of a well-built house.

01:20:48-01:20:55

Being brought up in apartheid South Africa, I have my own experiences of fighting for equality and against discrimination

01:20:55-01:20:59

and have a lifelong and deep understanding

01:21:00-01:21:03

of the way legal processes can be legitimized

01:21:03-01:21:05

to usurping of power.

01:21:06-01:21:08

I would strongly recommend that this bill

01:21:08-01:21:09

is rejected in its entirety.

01:21:11-01:21:13

There is no referendum for Tiriti of Waitangi

01:21:14-01:21:17

and as a nation, we should implement the initiation

01:21:18-01:21:22

of the values and models of Marta Moana Jackson's

01:21:22-01:21:23

My Tiki My Report.

01:21:24-01:21:32

Aiteroa can only flourish if all of us work towards upholding and honouring Tiriti o Waitangi.

01:21:32-01:21:33

Tēnā koutou, katua.

01:21:34-01:21:36

Kia ora. Tēnā koutou.

01:21:37-01:21:40

Nā mihi kite whare, salam ala kuna.

01:21:41-01:21:44

Nā mihi aroha hoki kite whaia Tari Anaturia.

01:21:45-01:21:46

Tā koutou mai atakui.

01:21:47-01:21:53

You raise the consciousness of many of us tanga te Tiriti and encourage us to mobilise.

01:21:53-01:21:55

Thank you. We honour your memory.

01:21:56-01:21:57

Members of the Select Committee,

01:21:58-01:22:03

we Tangata Tiriti Aotearoa not only implore you to kill this bill,

01:22:03-01:22:11

but to do your individual best to dissipate the fog of disinformation that it has manifest.

01:22:12-01:22:19

Te Tiriti has been cynically cast as a device to privilege one set of New Zealanders,

01:22:20-01:22:25

Na iwi Māori, the first indigenous people of our shared land.

01:22:26-01:22:36

The metrics across all dimensions of well-being in Aotearoa demonstrate what an absurd lie that this is.

01:22:37-01:22:45

Te Tiriti has been pitched as creating a racial divide, whereas race has nothing to do with it.

01:22:45-01:22:54

My Tiriti colleague and citizen sister, Rizwana Latif, has powerfully referenced actual apartheid.

01:22:55-01:23:08

Te Tiriti is about indigeneity, the relationship of the original habitants of Aotearoa with their lands, waterways and cultural practices, koto Māori.

01:23:09-01:23:27

The champions of the bill base their stance on the principles of libertarianism, yet a core tenet of the libertarian philosophy is that one cannot assume the property of others without consent and fair compensation.

01:23:28-01:23:33

Thus, the premise of the bill is hoist on its own petard.

01:23:34-01:23:40

Rizwana has shared her perspective of the bill as a relatively recent New Zealander.

01:23:41-01:23:47

Whilst my perspective comes from a longer line of Pākehā immigrants to Aotearoa New Zealand,

01:23:47-01:23:52

we Tangata Tiriti, old and new, are of a shared view.

01:23:53-01:24:02

Honouring Tiriti gives us the basis to stand tall and proud alongside our tuakana Māori,

01:24:02-01:24:07

tangata whenua, bound by a sacred agreement made in good faith.

01:24:09-01:24:17

The first Māori person to speak in this house in only our fourth parliament was Tāreha to Muananui.

01:24:18-01:24:23

Tāreha said that our peoples are similar but not the same.

01:24:24-01:24:29

He said that the power of good is stronger than the power of evil

01:24:29-01:24:35

and that all you members of parliament need to focus your powers upon

01:24:36-01:24:39

is to do that which is good.

01:24:39-01:24:44

Today, we ask you to follow that seminal request.

01:24:45-01:24:52

Unumano tangata, kirifero kirima, iwi Māori Pākehā, rupiki katoa.

01:24:52-01:24:56

Nei te kono kūna he, mau e whakahu ke.

01:24:56-01:24:59

Ki ora Māori e Aotearoa.

01:24:59-01:25:03

Well folks thank you. We're going to start with questions from Debbie Ngarewapaka and

01:25:03-01:25:08

then Steve Awe. Thank you for your submission. I've enjoyed reading the submission and the

01:25:08-01:25:13

fact that you highlighted the bill fails to include Maori and multicultural perspectives

01:25:14-01:25:18

on and its impact on social cohesion. It's almost the opposite to how the bill's been

01:25:19-01:25:24

sold at the time. Can you please share with me, how do you view that this bill will marginalize

01:25:24-01:25:27

Maori and multicultural communities.

01:25:32-01:25:33

Sorry, can you repeat that question?

01:25:34-01:25:38

How does this bill marginalise Maori and multicultural communities?

01:25:38-01:25:41

Well, it says that it's equality for all.

01:25:42-01:25:46

To have equality for all, we need to all start at the same starting point.

01:25:47-01:25:49

And we are not.

01:25:49-01:25:52

It's clearly visible in our communities.

01:25:53-01:26:00

For those of us that work at Grasdorce, we can see that it's not an equal starting point.

01:26:00-01:26:05

Some people are starting 500 metres away in front of the starting point,

01:26:05-01:26:08

and a lot of us are starting at least a kilometre behind the starting point.

01:26:09-01:26:11

So just a follow-up supplementary.

01:26:12-01:26:13

I'll go to Steve, and then I'll go to Todd.

01:26:15-01:26:19

It perhaps expands on that point, but the author of the bill says

01:26:19-01:26:22

we have a system which is set to privilege

01:26:23-01:26:26

gives privilege to one group at the expense of another

01:26:27-01:26:30

in the context of your understanding of where privilege

01:26:31-01:26:35

actually lies. And I would like to answer that question from a health

01:26:35-01:26:38

perspective. Yes. You know this bill is saying that

01:26:38-01:26:43

at the moment Maori are having preference. I still have to

01:26:43-01:26:47

see that in action. I cannot see

01:26:47-01:26:50

So I'm a midwife, and with that context, I cannot see,

01:26:51-01:27:00

and I have not seen, where a non-Mauri with an extremely high-risk situation,

01:27:00-01:27:04

for example, a non-Mauri that's having preeclampsia or high blood pressure

01:27:05-01:27:11

is not given that preference, or a Maori who's having a normal delivery

01:27:12-01:27:15

is given preference over somebody that needs a caesarean section

01:27:15-01:27:16

to save their baby's life.

01:27:16-01:27:19

I have yet to see that in practice.

01:27:20-01:27:20

It doesn't happen.

01:27:21-01:27:21

It doesn't happen.

01:27:22-01:27:22

We'll go.

01:27:22-01:27:24

Final question from Todd Stevens.

01:27:24-01:27:24

Quick question.

01:27:25-01:27:27

I just want to take you to the bill, and we're looking at clause six,

01:27:27-01:27:33

where the bill, and again, we can disagree about whether what it puts in

01:27:33-01:27:34

as the principles reflect the articles,

01:27:35-01:27:39

but do you think it will be legitimate for this parliament to actually,

01:27:39-01:27:42

because what it's attempting to do is actually say there's three articles

01:27:42-01:27:45

of the treaty and the three articles of the treaty should be represented

01:27:45-01:27:46

by these three principles.

01:27:46-01:27:49

Do you think that would be a good way to move forward

01:27:49-01:27:52

to get some agreement on what the actual articles

01:27:52-01:27:53

of the treaty are?

01:27:54-01:27:56

I think we've spent years talking about it.

01:27:57-01:28:03

And I think moving forward, the recommendation would be

01:28:03-01:28:06

to apply the principles of my tikimane.

01:28:08-01:28:08

Thank you.

01:28:09-01:28:13

The treaty is a relational document

01:28:13-01:28:17

and relationships develop, context change,

01:28:18-01:28:20

and we should keep on the same track

01:28:20-01:28:23

that we have been on for the last 40 or 50 years.

01:28:24-01:28:24

Thank you, folks.

01:28:24-01:28:25

That's the time for the session.

01:28:26-01:28:28

I'd just like to thank you for providing your submission.

01:28:28-01:28:28

Thank you.

01:28:29-01:28:30

We're going to move now to our submission

01:28:30-01:28:31

from the New Zealand Māori Council,

01:28:32-01:28:33

who will join us via Zoom,

01:28:33-01:28:36

so we'll just take some time to bring them into the room.

01:28:36-01:28:39

Just a general note for those in the room,

01:28:40-01:28:42

it's not within standing orders

01:28:42-01:28:47

to take photos and pictures and video from members of the public.

01:28:47-01:28:49

So if members of the public can refrain from doing that,

01:28:49-01:28:51

there will be media and there will be members

01:28:51-01:28:52

who can seek permission to do that.

01:28:53-01:28:55

But just so members of the public can avoid filming

01:28:56-01:28:57

while the proceedings are underway,

01:28:57-01:28:58

it has been live-streamed and it is all public.

01:28:59-01:29:01

So the public can get a taste of what's happening.

01:29:01-01:29:02

So thank you.

01:29:02-01:29:04

Well, welcome to the room,

01:29:06-01:29:08

Sir Edward Jury, who's joined us in the room,

01:29:09-01:29:09

and your colleagues.

01:29:10-01:29:12

Sir Edward, thank you for being with us.

01:29:13-01:29:15

I will hand over to you for the next 10 minutes to make your presentation.

01:29:19-01:29:20

Thank you, Mr Chair.

01:29:23-01:29:27

We have one other person, Anne Kendall, who will introduce for us.

01:29:29-01:29:30

Can you hear me?

01:29:31-01:29:31

Yes.

01:29:31-01:29:31

Thank you, Anne.

01:30:03-01:30:10

introduce you to the council and to Sir Taha Kanoi Jury who alone will speak to the submission.

01:30:11-01:30:18

The New Zealand Māori Council is a statutory body that has been constituted under the various

01:30:18-01:30:27

statutes dating back to the Māori Council Act 1900. Its unique feature is that it represents

01:30:27-01:30:36

hapu as the traditional governing entity of maori society but with changing demographics the council

01:30:36-01:30:44

today represents both traditional and modern maori committees its current statute is the maori

01:30:45-01:30:52

community development act it strives to make government aware of the community opinions

01:30:53-01:31:01

and communities awareness or aware of government policies it operates through 16 district councils

01:31:02-01:31:13

and 138 elected maori committee groups the council has assisted the development of treaty principles

01:31:14-01:31:21

through many proceedings in the supreme court state starting from new zealand maori council

01:31:21-01:31:28

versus Attorney General recorded in the 1987 New Zealand Law Reports.

01:31:30-01:31:34

Sir Taihakunei Jury, who has been a judge since 1974,

01:31:35-01:31:40

was Chair of the Waitangi Tribunal from 1980 to 2000

01:31:41-01:31:43

when he was appointed to the High Court.

01:31:45-01:31:49

The foundational principles of the treaty were developed

01:31:49-01:31:57

during his tenure, and I will now pass the rākau to Tā Tehākurei Jury.

01:31:58-01:32:00

Thank you, Anne, Chair and members.

01:32:01-01:32:07

My name is Tehākurei, and I am from Ngāti Kaupapa of Manawatū.

01:32:08-01:32:13

The Council opposes the Bill, but welcomes the debate.

01:32:15-01:32:18

I will make just three observations.

01:32:18-01:32:44

The first is that the Bill ignores 50 years of examination of cases that inform the principles of the Treaty of Waitangi by well-qualified Māori and Pākehā of the Waitangi Tribunal, which in my time had 50% Māori and Pākehā,

01:32:44-01:32:51

and by senior judges of the High Court, the Court of Appeal,

01:32:51-01:32:54

the Supreme Court and the Privy Council.

01:32:56-01:33:02

Numerous governments have sought to, have not sought to challenge

01:33:03-01:33:04

those findings.

01:33:05-01:33:11

They have been the subject of regular reports to the United Nations

01:33:11-01:33:17

and they align with similar findings internationally.

01:33:21-01:33:24

My second point is that the principles of the treaty,

01:33:25-01:33:27

as described in the bill,

01:33:28-01:33:35

do not in fact reflect the purposes and intent of the treaty

01:33:35-01:33:39

as recorded in both treaty texts.

01:33:40-01:33:42

they are not therefore

01:33:43-01:33:44

treaty principles

01:33:44-01:33:46

if they do not emanate

01:33:47-01:33:47

from the treaty

01:33:48-01:33:50

there is an extraordinary

01:33:51-01:33:52

ignorance in

01:33:53-01:33:53

presuming

01:33:54-01:33:55

otherwise

01:33:57-01:33:58

if this

01:33:58-01:34:00

bill were to pass

01:34:01-01:34:03

I believe

01:34:03-01:34:04

that our government would be the laughing

01:34:05-01:34:06

stock of those of the western

01:34:07-01:34:09

world who understand

01:34:09-01:34:14

how responsible states today seek to manage relationships

01:34:16-01:34:18

with their Indigenous people.

01:34:20-01:34:23

Mr Chair, those are my only observations.

01:34:23-01:34:27

We are actually more interested in your thinking than our own,

01:34:28-01:34:32

and I would like to use the rest of this time for questions.

01:34:33-01:34:34

Kia ora tau, ha kia rei.

01:34:34-01:34:35

Thank you for your submission.

01:34:36-01:34:38

We'll go to questions from Joseph Mooney, then Duncan Webb,

01:34:39-01:34:41

then Steve Abel, then if we've got time, money.

01:34:43-01:34:43

Tēnā kātou katoa.

01:34:44-01:34:46

Look, I was just interested in reading your submission

01:34:46-01:34:49

where you discussed principle 3.1

01:34:49-01:34:51

about everyone being equal before the law

01:34:52-01:34:53

and that you pointed out in that submission

01:34:54-01:34:56

that this actually came from the Magna Carta.

01:34:57-01:34:59

And you don't say this in your submission,

01:34:59-01:35:02

but that principle that the king and his government

01:35:02-01:35:03

are not above the law.

01:35:05-01:35:07

Have you read Archduck and Henry William's

01:35:07-01:35:09

letter to Bishop Sillen in 1847

01:35:09-01:35:14

He said he thought that the treaty was the Magna Carta for the Aborigines of New Zealand.

01:35:16-01:35:24

I haven't read that particular one, but I've heard that comment quite often, that the treaty is the Magna Carta.

01:35:25-01:35:33

But I think what the Magna Carta was really trying to do was to preserve the rights of all people.

01:35:33-01:35:37

And that is also what the treaty is trying to do.

01:35:37-01:35:42

It is trying to reserve the rights of Maori that existed prior to the Europeans being here.

01:35:44-01:35:47

So the objective was to provide for both peoples.

01:35:49-01:35:50

Thanks, Maurice.

01:35:51-01:35:53

I'm just starting to switch up a moment.

01:35:53-01:35:54

And we'll take steps through the chair as well.

01:35:55-01:35:55

Thank you, sir.

01:35:56-01:35:57

We'll go to Duncan and then Stephen.

01:35:59-01:35:59

Kia ora, rakan te.

01:36:00-01:36:02

I've read your submission with real interest.

01:36:03-01:36:05

There's one bit I'd like you to comment further on.

01:36:06-01:36:12

You talk about the treaty being a series of promises by the Crown to Māori,

01:36:14-01:36:20

and you infer that there are therefore things that Parliament,

01:36:21-01:36:25

the New Zealand government, doesn't have the authority to do.

01:36:25-01:36:30

Can you explain how you see the treaty as essentially a constraint

01:36:30-01:36:31

on Parliament's authority?

01:36:32-01:36:37

Yeah, I think in that context, we really have to talk about parliamentary sovereignty.

01:36:40-01:36:42

I believe it's a very outmoded concept.

01:36:43-01:36:46

We should not be talking about it in this day and age.

01:36:46-01:36:51

Sovereignty means that one has all power to do everything.

01:36:51-01:36:56

Now, that may have suited the people who lived in the 1900s,

01:36:56-01:37:01

but I do not think it can be a proper approach for this, for our times,

01:37:02-01:37:06

where we must be talking not of parliamentary sovereignty,

01:37:06-01:37:08

but of parliamentary responsibility.

01:37:09-01:37:12

So that if we look to Israel, for example,

01:37:12-01:37:17

we can say that Netanyahu could have all power.

01:37:18-01:37:20

It's not the point in this day and age.

01:37:20-01:37:24

The question is, how can he best achieve things

01:37:24-01:37:26

on a responsible manner of acting?

01:37:27-01:37:33

The next point is that governments are all constrained.

01:37:34-01:37:37

Donald Trump is constrained by the American Constitution.

01:37:38-01:37:42

It was the American Constitution that got the American people

01:37:42-01:37:45

through that dreadful attack on the Senate.

01:37:47-01:37:51

You are immediately constrained when you have a Constitution,

01:37:51-01:37:53

and we do have a Constitution.

01:37:54-01:38:04

You are constrained when you enter into or sign up to a provision of the United Nations, a document of the United Nations.

01:38:04-01:38:06

You agree to behave in a certain way.

01:38:07-01:38:15

There is nothing unfamiliar with the fact for lawyers that governments are constrained in some way.

01:38:16-01:38:22

And yes, this treaty was putting a moral constraint on the government as to how it would behave.

01:38:23-01:38:28

I'll take one final question from Steve Abel.

01:38:28-01:38:31

Yeah, you speak about equality and equity.

01:38:32-01:38:36

How do you respond to the use of a rights principle, equality,

01:38:37-01:38:41

when it has been used to remove rights from Indigenous Māori?

01:38:42-01:38:47

The big thing, I think, is when we talk of equality,

01:38:48-01:38:52

the essential thing is the acknowledgement of difference.

01:38:52-01:38:56

If we are to work together and proceed as a people,

01:38:57-01:39:00

we must respect how different communities,

01:39:00-01:39:03

how communities differ from one to the other.

01:39:04-01:39:08

We must respect the difference that people have from the disabled,

01:39:08-01:39:13

that men have from women, and different cultural groups that exist.

01:39:14-01:39:19

So to talk of equality creates a real problem if we so focus on it

01:39:19-01:39:23

is to believe that all people are the same when all people are not the same.

01:39:24-01:39:25

Got it. Thank you, sir.

01:39:25-01:39:28

Thank you for providing your submission with me this morning.

01:39:28-01:39:30

We do appreciate your time being with us.

01:39:30-01:39:31

And thanks, Eddie.

01:39:32-01:39:35

Folks, we're going to move to a submission now from Graham Measler.

01:39:35-01:39:36

Graham Measler is with us in the room.

01:39:36-01:39:38

So I'll invite Graham to the table.

01:39:40-01:39:41

Graham, welcome back.

01:39:42-01:39:42

Thank you for having me, Dan.

01:39:43-01:39:45

I've got you for 10 minutes this morning, so I'll hand over to you.

01:39:46-01:39:48

I always like to submit on election laws.

01:39:48-01:39:49

And of course, this is one.

01:39:50-01:39:57

And so, I mean, I think one of the things I should possibly say is the thing that you will have many submitters and perhaps few will have focused on that.

01:39:57-01:39:58

And so we'll start with that.

01:39:59-01:40:09

I think it is not important that the referendum requirements be passed before you pass or look to further progress this bill.

01:40:09-01:40:16

But I think the legislation providing for what any referendums would look like, and indeed this may not be the only one you have this term of parliament,

01:40:16-01:40:19

with the term of parliament being another referendum might come up,

01:40:19-01:40:21

you should at least, that bill should at least, I think,

01:40:21-01:40:24

be introduced before final decisions are made,

01:40:24-01:40:26

before perhaps you get to a second reading on this bill,

01:40:26-01:40:29

so that when you're discussing, you know, should this bill be passed,

01:40:30-01:40:33

you know what the end result of having it passed would look like,

01:40:34-01:40:38

and that might affect, you know, how you draft, for example,

01:40:38-01:40:40

if you're going to redraft the proposed principles in here.

01:40:41-01:40:44

Because one of the other things I suggest is that, I mean,

01:40:44-01:40:48

My particular concern with this bill is,

01:40:48-01:40:50

and there are at least a couple of principles in it,

01:40:50-01:40:51

which I strongly support.

01:40:52-01:40:54

In particular, I would say equal protection of the laws.

01:40:54-01:40:56

So as a distinct from equality,

01:40:56-01:40:58

equal protection of the laws is important,

01:40:58-01:41:02

and it is something that could have more explicit recognition

01:41:02-01:41:03

in New Zealand law.

01:41:03-01:41:05

There have been sort of recent things in the US

01:41:05-01:41:07

with the 14th Amendment that's generally agreed

01:41:08-01:41:10

that that section of the US Constitution is its most important

01:41:10-01:41:12

because of the way it protects everyone.

01:41:13-01:41:18

And if there is a concern that equal protection isn't fully recognised in New Zealand law,

01:41:19-01:41:20

writing that and putting it somewhere,

01:41:21-01:41:24

it could be the New Zealand Bill of Rights Act or the Constitution Act or the Senior Courts Act

01:41:24-01:41:28

or half a dozen other places, even a formal written constitution or something like that.

01:41:29-01:41:31

Those sorts of things are appropriate.

01:41:31-01:41:35

At the moment, I look at this and that's not really a treaty principle,

01:41:35-01:41:36

as I think my concern with this.

01:41:36-01:41:40

And if there are people who have concerns with what the treaty principles are

01:41:40-01:41:42

or have concerns that other aspects of the law,

01:41:43-01:41:45

respect for property rights or whatever it is like that,

01:41:46-01:41:49

those are things that I think are addressed elsewhere.

01:41:49-01:41:50

I mean, you have the particular problem

01:41:50-01:41:52

with a treaty principles section

01:41:53-01:41:55

of if you're defining these as treaty principles

01:41:56-01:41:57

and the Act is saying,

01:41:57-01:42:00

and use these treaty principles when interpreting laws

01:42:00-01:42:02

which, say, have respect for treaty principles.

01:42:03-01:42:06

Well, equality before the law, equal protection.

01:42:07-01:42:09

The other principles that we describe here,

01:42:09-01:42:12

I would have said, if they're important, they're important all the time.

01:42:12-01:42:15

You know, not the sort of the 20 or 30 bits of law,

01:42:15-01:42:17

which have a treaty principle section.

01:42:17-01:42:20

It's important when you're looking at all of the legislation

01:42:20-01:42:22

and all of the decisions government and local government makes

01:42:23-01:42:27

when there isn't a treaty principle involved at all.

01:42:27-01:42:32

And so, you know, someone charged under the Criminal Procedure Act

01:42:32-01:42:33

or something like that.

01:42:33-01:42:35

You very much want equal protection of the laws

01:42:36-01:42:37

for people facing prosecution,

01:42:37-01:42:41

But the Criminal Procedure Act and the Crimes Act don't have treaty principle sections.

01:42:41-01:42:51

So this additional guarantee of equal protection will add nothing to protect people who are affected by the strongest imposition of state power prosecuting someone.

01:42:53-01:42:54

There's a bit more in my submission.

01:42:55-01:42:58

I have some suggestions of if you are going to have something like this.

01:42:58-01:43:06

And I think it is important for you to at least have a look at how these principles, if they're going to stay in this way, are introduced.

01:43:07-01:43:26

Because even if this bill does not pass and this parliament, through this legislative process, decides we're not going to have that referendum that this legislation promises, it is distinctly possible that the other election laws we have, the Citizens Initiated Referendums Act, might be used to have it.

01:43:26-01:43:32

And so having some, no one, I think a lot of people who are opposed to this law do not like these principles.

01:43:34-01:43:36

That will not change, and certainly not its treaty principles.

01:43:36-01:43:41

but they could be introduced in a different way

01:43:41-01:43:44

so that if someone is to start that petitions process

01:43:45-01:43:46

to try and get 10% of New Zealanders

01:43:47-01:43:49

to force the government to hold a referendum

01:43:50-01:43:52

that, you know, do you want it to be held

01:43:53-01:43:54

with the principles introduced

01:43:54-01:43:56

in the exact way they are introduced in this legislation

01:43:57-01:43:59

or could they be slightly ameliorated

01:43:59-01:44:01

so if someone is going to force a vote

01:44:02-01:44:05

it's a vote on something which might be a legal fiction

01:44:05-01:44:08

but it is less of a historical fiction.

01:44:09-01:44:11

I think that's probably what I've got to say.

01:44:11-01:44:12

If anyone has any questions, I'm happy to take them.

01:44:13-01:44:14

We do have a list of questions.

01:44:14-01:44:18

The first one's from Debbie Ngarewa-Paka, then Todd, and then Josh.

01:44:19-01:44:20

Thank you, Chair. Thank you for the submission.

01:44:21-01:44:24

Your whole submission, you know, I shouldn't say the whole,

01:44:24-01:44:27

but it effectively talked about the risks and the potential conflicts.

01:44:28-01:44:32

And I'd be really interested in a couple of questions.

01:44:32-01:44:38

How does this bill, from your perspective, create ambiguity in interpreting treaty-related legislation?

01:44:39-01:44:40

I mean, there's a couple of things.

01:44:40-01:44:48

And sort of the Section 7 report, which I think you probably looked at, we have no idea what the courts will actually do with this.

01:44:48-01:44:56

And this is very much a bill aimed at the courts and telling them when you're looking at those bits of law which have treaty principle sections, how should you apply them?

01:44:57-01:44:59

And we have a sense of how that happens now.

01:45:00-01:45:02

we have no sense really of how that would change.

01:45:02-01:45:07

And so that's why I think if you're looking to have greater protection for property rights,

01:45:07-01:45:09

add property rights to the New Zealand Bill of Rights.

01:45:09-01:45:14

If you're looking to have equal protection or equality, put that somewhere else

01:45:14-01:45:18

so that the context in which it's used is better understood by courts.

01:45:18-01:45:22

Courts know how the Bill of Rights works and applies in all these sorts of contexts.

01:45:22-01:45:25

And so if you have that sort of thing in Section 5 of the Bill of Rights

01:45:25-01:45:27

about justified limitations on property rights or whatever,

01:45:28-01:45:31

that's a process that courts are good and have experience at using.

01:45:32-01:45:35

This one is trying to take something like that

01:45:35-01:45:38

and put it somewhere mostly where it doesn't belong,

01:45:39-01:45:40

even if it is a really good principle.

01:45:40-01:45:43

And that one in particular, equal protection, I think is.

01:45:43-01:45:46

It's why you have the 14th Amendment generally thought

01:45:46-01:45:48

to be the most important part of the US Constitution.

01:45:48-01:45:49

Thank you, Graham.

01:45:49-01:45:51

Todd, and then Josh.

01:45:51-01:45:52

Thanks, and thanks for your submission.

01:45:52-01:45:53

It's very interesting.

01:45:53-01:45:54

At least once submitted this morning,

01:45:55-01:46:00

actually said that Article 3 of the treaty actually only offered equal protection or equal rights to

01:46:00-01:46:05

Maori. Do you think that would be, and you're actually saying equal protection should be actually

01:46:05-01:46:10

a higher level, higher order protection. So do you think only providing equal protection or equal

01:46:10-01:46:17

rights to one group of people based on ethnicity would be appropriate? Part of the reason sort of

01:46:18-01:46:22

that happens, you know, the same reason we have, you know, sort of the UN Convention on the Rights

01:46:22-01:46:24

of women, the UN Convention of the Rights of Indigenous

01:46:24-01:46:26

Minorities, is that

01:46:26-01:46:28

every so often that doesn't happen

01:46:28-01:46:30

and someone has to say

01:46:30-01:46:31

and we mean them too.

01:46:32-01:46:33

You have the important requirements

01:46:34-01:46:35

or protections of equal protection

01:46:36-01:46:37

but then you look at what has happened in the world

01:46:37-01:46:39

a number of countries, Afghanistan or whatever

01:46:39-01:46:42

the rights of women, all sorts of things

01:46:42-01:46:43

lots of countries including

01:46:44-01:46:45

historically New Zealand and

01:46:46-01:46:47

even obviously to an extent today New Zealand

01:46:48-01:46:50

putting a section like

01:46:50-01:46:52

that, the reason you have that is

01:46:52-01:46:54

to say that Māori have greater equal protection,

01:46:54-01:46:56

it's to just underline,

01:46:56-01:46:58

when we said everyone has equal protection,

01:46:58-01:46:59

we meant them too.

01:47:00-01:47:01

We meant Māori too.

01:47:01-01:47:02

That's the 14th Amendment.

01:47:02-01:47:05

The US Constitution has no provision

01:47:06-01:47:07

for different treatment of races,

01:47:08-01:47:10

certainly very early on,

01:47:10-01:47:14

but you looked at it and lots of that was not happening.

01:47:14-01:47:17

You had sort of during the South,

01:47:17-01:47:18

during the pre-civil rights era,

01:47:19-01:47:20

and it's like the 14th Amendment was,

01:47:21-01:47:25

And we mean former slaves too, when it was passed.

01:47:26-01:47:29

And this can be very much everyone has these rights,

01:47:29-01:47:33

but sometimes you have to underline, yes, everyone has these rights.

01:47:33-01:47:35

And factually, that hasn't happened.

01:47:35-01:47:36

So we mean them too.

01:47:37-01:47:38

I've said that, I think, four times.

01:47:38-01:47:40

Graham, we've got a question from Joseph Moon.

01:47:41-01:47:42

Oh, hello, Graham.

01:47:42-01:47:43

Thank you for that submission.

01:47:44-01:47:47

Look, this point around Article, Principle 3.1,

01:47:48-01:47:49

that everyone is equal before the law,

01:47:50-01:47:54

I asked a question before, but I'll sort of ask it again, slightly rephrase it.

01:47:54-01:47:58

But just this principle comes from the Magna Carta back in 1215.

01:47:59-01:48:07

And importantly, it's sought to prevent the king from exploiting his power and placing limits on rural authority by establishing law as a power in itself.

01:48:09-01:48:12

So the important point that the king and his government are not above the law.

01:48:14-01:48:18

When I look at Archdeacon Henry William's letter to Bishop Sohan,

01:48:18-01:48:22

where he said he thought this was the Magna Carta for the Aborigines in New Zealand,

01:48:22-01:48:28

and I look at Article 3, which said that the Queen of England imparted them

01:48:28-01:48:29

to all the rights of privileges for his subjects.

01:48:32-01:48:39

Would you accept that this was intending to impart that key principle

01:48:39-01:48:43

of the Magna Carta to New Zealand, particularly for the Aborigines,

01:48:43-01:48:44

as they framed it at the time.

01:48:45-01:48:48

Of course, the reason that Article 3 gives those rights

01:48:49-01:48:51

to Māori or to New Zealand, as it was known then,

01:48:51-01:48:53

was that British subjects already had the rights

01:48:53-01:48:54

of British subjects.

01:48:55-01:48:57

So no reason to give them to them in a treaty

01:48:57-01:48:58

that you're signing with someone else.

01:48:58-01:49:01

That's about extending the rights that other people already have.

01:49:01-01:49:04

And so that's, I think, particularly why,

01:49:04-01:49:05

and it's possible, better answer to the question

01:49:06-01:49:07

from Mr Stevenson earlier.

01:49:07-01:49:08

It's like, why are we giving Māori those rights?

01:49:09-01:49:10

Well, they didn't have them before then,

01:49:10-01:49:12

but British subjects generally did.

01:49:12-01:49:16

I don't know that I really think of the treaty as sort of that sort of Magna Carta type thing,

01:49:17-01:49:19

with the difficulties that a large number of, you know,

01:49:20-01:49:22

Iwi didn't sign it and all those sorts of things.

01:49:23-01:49:27

And I think very much, you know, but it does serve that purpose of saying,

01:49:27-01:49:29

you know, British subjects have a lot of rights.

01:49:30-01:49:31

We're going to make sure that everyone else has them too.

01:49:32-01:49:33

Thank you, Graham.

01:49:33-01:49:34

Another very good submission.

01:49:34-01:49:35

Thank you for your time this morning.

01:49:35-01:49:36

Thanks for having me.

01:49:36-01:49:38

We're going to move to our submission from the facts.

01:49:38-01:49:42

And we've got Jeff Neal joining us online.

01:49:43-01:49:45

And Jeff will have some PowerPoint presentations as well.

01:49:45-01:49:46

So we'll just get those fired.

01:50:00-01:50:03

Thank you, James, members, and everyone else that's tuning in today.

01:50:03-01:50:05

We did eight written submissions.

01:50:06-01:50:10

And we're going to do a visual submission today rather than oral submission.

01:50:14-01:50:23

So I'm going to go over the key insights and recommendations from the eight submissions that we've done.

01:50:23-01:50:26

And welcome questions at any time after the submission.

01:50:26-01:50:27

I know we've only got 10 minutes.

01:50:28-01:50:29

Can you see the screen okay?

01:50:29-01:50:31

We can, and we can see you as well, Jeff.

01:50:33-01:50:33

Fantastic.

01:50:34-01:50:35

So let's start with what we agree with.

01:50:35-01:50:39

and that is that we all want unity and prosperity for the whole country.

01:50:39-01:50:41

But we also know that there's huge division right now.

01:50:42-01:50:44

This isn't something new, and it's not something caused by this bill.

01:50:45-01:50:47

The best polling we have on this, if we look back,

01:50:47-01:50:50

is the Essential Guardian polling from just before the election.

01:50:50-01:50:55

And it showed that 77% of Kiwis felt we'd become more divided,

01:50:55-01:50:57

and only 3% said we'd been less divided.

01:50:58-01:50:59

So this was our first submission.

01:50:59-01:51:02

And before anyone says, what about the TVNZ racial tensions poll,

01:51:02-01:51:06

that was very misleading for dozens of reasons that were put into that submission, if anyone's

01:51:07-01:51:12

interested. This social division that we have, it's backed up by this Hero Donata poll done a year

01:51:12-01:51:18

earlier, so this covers 2020 to 2022, and two-thirds of Kiwis felt would become more divided.

01:51:19-01:51:24

Some political commentators will suggest that this isn't a big issue, only 8% care about this,

01:51:24-01:51:29

but this is simply not true. Māori slash treaty issues are now the number four most important

01:51:29-01:51:33

issue for Kiwi voters. This is just behind health and it's now ahead of crime, environment,

01:51:34-01:51:37

education and other issues. And of course we've had more than 300,000 submissions.

01:51:39-01:51:43

So I'll start with an early recommendation here. Given the importance of social cohesion for our

01:51:43-01:51:48

country, we need StatsNZ to run some monthly measures on how is it going, is it getting better

01:51:48-01:51:53

or worse? We've got some other challenges. Our MMP and media systems reward factions for creating

01:51:53-01:51:58

that kind of division, so we need some solutions for that. A great starting point would be the new

01:51:58-01:52:02

human rights commissioners and race relations commissioner calling out all uses of racism

01:52:02-01:52:07

but we also need politicians media academia to lead by example on terms like racism as well

01:52:08-01:52:13

and whilst we're in numbers based organization we've done a lot of word analysis here i'm not

01:52:13-01:52:16

going to go through it but it's here as a reference these are the leading resources

01:52:17-01:52:21

in the world for what is racism and there's four key aspects you might be particularly interested

01:52:21-01:52:28

in the UNs. So if we have the social division, who do we turn to? And it's caused by a lot of it's

01:52:28-01:52:33

caused by the treaty. Who do we turn to? And Horizon and the Human Rights Commission have done

01:52:33-01:52:38

some research and sadly, barely one third of us trust the Waitangi Tribunal. And it gets worse.

01:52:39-01:52:44

We get most of our information from politicians and the media, but only 7% of Kiwis, way down here,

01:52:45-01:52:50

trust MPs, and only 6% trust the news media to provide accurate treaty information. That's below

01:52:50-01:52:55

friends and family, below advocacy groups like many of those giving submissions, and

01:52:55-01:52:57

it's just right there amongst social media too.

01:52:58-01:52:59

So this is not a great situation.

01:53:00-01:53:04

So we've got this division, and we can't trust organisations, we have to go to polling.

01:53:04-01:53:09

And let's start with the polling that we can't look at, because there's been a lot of politically

01:53:09-01:53:14

biased polling, and I know a lot of media are tuning in, but we can't use the stuff or the

01:53:14-01:53:15

TVNZ polling.

01:53:16-01:53:19

Neither of them, this is all about the treaty principles, it's about the words of those

01:53:19-01:53:25

principles and neither Stuff nor TVNZ actually even tested the words which is crazy. Stuff, I know

01:53:25-01:53:29

you're listening, you had an incredibly biased question, you can't leave with a political leader

01:53:29-01:53:35

in a party for a fair question in research and TVNZ didn't even include the question or the

01:53:35-01:53:40

preamble in their broadcast. So that leaves us with Curia and I know some of you will think that

01:53:41-01:53:46

they're right-leaning but they have provided really accurate and fair polling so far. I've looked at

01:53:46-01:53:47

all of their research design.

01:53:48-01:53:50

And back around the election,

01:53:50-01:53:51

there was very strong support,

01:53:52-01:53:52

three to one overall,

01:53:53-01:53:54

and strong support across all parties.

01:53:54-01:53:55

Green voters were split.

01:53:56-01:53:57

New Zealand First and Party Māori samples

01:53:57-01:53:58

were too small at that time.

01:53:59-01:54:00

Fast forward a year,

01:54:00-01:54:02

and we have a lot of political parties

01:54:02-01:54:05

being very active in their opposition to this bill.

01:54:06-01:54:07

We have the media as well,

01:54:07-01:54:08

with all of their coverage,

01:54:09-01:54:11

and we have some slightly reverted principles.

01:54:12-01:54:13

Now, Act support really dropped.

01:54:14-01:54:15

Nationals remained four to one.

01:54:15-01:54:17

voters in favour versus oppose.

01:54:17-01:54:19

New Zealand First is even higher at 5 to 1.

01:54:19-01:54:20

Acts support dropped.

01:54:21-01:54:23

Labour's tanked from 6 to 1 to 1 to 1.

01:54:23-01:54:27

And one can only presume that's probably because of the stance taken by the party.

01:54:28-01:54:29

Greens remained 1 to 1.

01:54:29-01:54:34

And even to Party Māori at the time had 15% supporting the bill and 44% unsure.

01:54:35-01:54:36

Two months ahead, back to December,

01:54:37-01:54:39

and the third and final publicly available poll

01:54:39-01:54:41

shows that consistent 2 to 1 support carrying on.

01:54:42-01:54:44

So this is also a curia, Act paid for it.

01:54:44-01:54:48

But we've got two to one, two to one support versus opposed, and four to one for the final principle.

01:54:49-01:54:51

Again, a lot of the results remain the same.

01:54:51-01:54:56

With the reworded principles, Act support went up, and Tepari Māori's support went down,

01:54:57-01:54:58

especially after the Hekoi protest.

01:54:59-01:55:01

Labor and Greens remain one to one.

01:55:02-01:55:07

What's fascinating is this poll also asked for do you support the bill without showing the wording,

01:55:07-01:55:09

and the support dropped from two to one to one to one.

01:55:10-01:55:14

So this shows just how emotionally, I guess, and politically charged this debate has been.

01:55:14-01:55:17

A lot of people who don't support the bill, it's got nothing to do with the wording.

01:55:17-01:55:20

It's got to do with what they've been led to believe or how they feel about it.

01:55:23-01:55:26

Stuff and Curia, they've also asked about referendum.

01:55:27-01:55:28

It's easily the most preferred method.

01:55:29-01:55:32

And I know a lot of people are going to be talking about the judiciary and they've worked on this for 50 years.

01:55:32-01:55:36

But the judiciary is the least preferred method by voters to define the treaty principles.

01:55:38-01:55:41

And on that, I've got a full breakdown by a party in the submission three.

01:55:42-01:55:51

An even probably more important statistic is that 38% of us would rather avoid the debate so as to not upset others.

01:55:52-01:55:58

We've really failed as a nation to foster healthy democratic discourse when we've got one third of us sort of too scared to talk about it.

01:55:59-01:56:01

Some other related polling that is helpful for the debate.

01:56:02-01:56:03

Kiwis want less co-governance.

01:56:03-01:56:05

We want a referendum on co-governance.

01:56:05-01:56:07

And we want English-first communications from the government.

01:56:08-01:56:13

Co-governance was never explained well by the government, by the Labour 2020-23 government,

01:56:14-01:56:15

despite the promises from Chris Hipkins at the time.

01:56:16-01:56:20

A huge percent don't understand it, and many more only have a basic understanding.

01:56:22-01:56:26

A majority of New Zealanders would like New Zealand to be called New Zealand, and only 10% Aotearoa.

01:56:26-01:56:30

This is just one of those other wedges that I guess is dividing us a little.

01:56:32-01:56:33

Our fifth submission was very short.

01:56:33-01:56:40

There was a lot made of the KC letter that 38, actually 42 KCs signed in total, but there

01:56:41-01:56:44

was no coverage that 103 KCs didn't sign it.

01:56:44-01:56:47

So three quarters of KCs didn't sign that letter at all.

01:56:47-01:56:51

And if you think about the retired KCs, only four signed it and about 60 to 70 more did

01:56:52-01:56:52

not sign it.

01:56:53-01:56:55

And later today, you're going to hear from Common Grace Aotearoa.

01:56:55-01:56:59

They're going to tell you 440 Christian leaders signed a similar letter, but they're not going

01:56:59-01:57:02

to tell you about the many more thousands of Christian leaders who did not sign it.

01:57:02-01:57:05

So we have to take these letters with a grain of salt.

01:57:07-01:57:09

On to media bias, because we just sort of talked about that then.

01:57:10-01:57:12

Two-thirds of journalists self-identify as left-wing.

01:57:13-01:57:15

Only one-third of Kiwis trust the media.

01:57:15-01:57:19

We are in the bottom three in the Western world for media trust with the US and UK.

01:57:20-01:57:22

The number one cause is political bias and a lack of facts.

01:57:23-01:57:25

And we saw that come through through this whole debate,

01:57:26-01:57:28

whether it's the Hickaway promotion, bad polls being promoted,

01:57:28-01:57:31

good polls being hidden, the coverage of that KC letter.

01:57:31-01:57:36

And Harold, I know you're tuning in too, but you deleted comments on five different treaty stories.

01:57:36-01:57:40

No other stories, only treaty stories, and you deleted all of our comments.

01:57:42-01:57:43

It gets worse.

01:57:43-01:57:49

Only 6% of us out here, citizens, trust the news media to provide us with accurate information about the treaty.

01:57:51-01:57:57

And perhaps this is because 77% of journalists think that the treaty applies to all or most stories.

01:57:59-01:58:04

Private media can do what they wish, of course, within the laws of our nation.

01:58:04-01:58:07

But state media has an obligation to the taxpayer.

01:58:08-01:58:11

And we have One News as the most biased state media outlet.

01:58:11-01:58:13

They're rated 15% left wing by voters.

01:58:14-01:58:17

Their complaints have doubled from 1,000 to 2,000 per year.

01:58:18-01:58:20

And they now only uphold 1%.

01:58:22-01:58:26

The real problem here is the Broadcasting Act or Code of Broadcasting Standards.

01:58:26-01:58:37

And a lot of people who are watching this will be shocked to know that it is specifically written into the code that media, state-owned media, is allowed to be politically biased with their taxpayer funds.

01:58:38-01:58:40

And there is the exact wording there.

01:58:41-01:58:43

So the solution is we have to remove that.

01:58:43-01:58:44

We have to fix that code up.

01:58:45-01:58:47

We also need state-owned media to reflect the views of citizens.

01:58:48-01:58:52

And we need to legislate against social media suppression of political opinions.

01:58:53-01:58:54

Onto ethnicity race data.

01:58:55-01:58:57

We've seen away dozens of OIAs.

01:58:57-01:59:00

We actually have no race data at all in New Zealand.

01:59:00-01:59:02

And we have very flawed ethnicity data.

01:59:02-01:59:04

So rather than go through all of this in detail,

01:59:05-01:59:08

I encourage anyone to look into the submission number seven

01:59:08-01:59:09

to see what all those flaws are.

01:59:10-01:59:14

Just letting you know, Jeff, there's just under a minute left.

01:59:14-01:59:14

Yeah.

01:59:16-01:59:17

We have all of this data.

01:59:17-01:59:18

We have placed all this importance on ethnicity,

01:59:19-01:59:22

but we don't place the same importance on how we measure that

01:59:22-01:59:23

or gather it or verify it.

01:59:24-01:59:28

We've done some work that estimates that 9% of the country is made up of Māori ancestry.

01:59:28-01:59:31

We'd love Parliament to review this important piece of work.

01:59:32-01:59:35

Finally, we have elected representatives who aren't even representing us,

01:59:35-01:59:37

whether it's a treaty, not even in their own voters, on the Treaty Bill,

01:59:38-01:59:43

three waters, Māori awards, citizens-initiated referendums,

01:59:43-01:59:44

haven't had one for a decade.

01:59:45-01:59:46

We had five, but national ones ignored the results.

01:59:47-01:59:48

And a final summary slide here.

01:59:49-01:59:52

For the Treaty Principles, the status quo, it's not working, it's not defined,

01:59:52-01:59:53

judiciary is not preferred.

01:59:53-01:59:55

We either define these treaty principles in legislation,

01:59:56-01:59:57

we remove the treaty principles from legislation,

01:59:58-01:59:59

which is National New Zealand First policy,

01:59:59-02:00:01

or we elevate the Bill of Rights Act.

02:00:02-02:00:02

Thank you very much.

02:00:02-02:00:03

I know there's a lot here,

02:00:04-02:00:05

and I'm willing to share a lot more

02:00:05-02:00:08

and answer any other questions with politicians or media after this.

02:00:08-02:00:09

Thanks, Geoff.

02:00:09-02:00:11

That's the time for this section today,

02:00:11-02:00:12

but we appreciate your submission

02:00:12-02:00:14

and your detailed information as usual.

02:00:15-02:00:16

Great. Thank you, guys.

02:00:16-02:00:16

Thanks, Geoff.

02:00:17-02:00:20

We've got now a submission from Carl Chaynery,

02:00:20-02:00:21

and hopefully I said Carl's name correctly,

02:00:22-02:00:23

so Carl, I'll invite you to the table.

02:00:23-02:00:27

Welcome to the committee. We have you for 10 minutes this morning, so I invite you to start your presentation.

02:00:28-02:00:29

Kia ora.

02:00:31-02:00:37

Nākuu, Mr Chair. Congratulations on your recent appointment and the opportunities and responsibilities that come with it.

02:00:38-02:00:45

And to all the members for the task for you, my name is Carl Chenery. I'm here as a private citizen.

02:00:46-02:01:04

My fourth great-grandfather was in the first parliament in 1852, and he was in the parliament in 1855 during the first session saying that the Treaty of Waitangi needs to be honoured faithfully, honourably, dutely, in accordance with as the natives understand it.

02:01:05-02:01:10

That was the language at that time, not in accordance with any extra meaning we want to put on it.

02:01:11-02:01:12

So that was the first parliament.

02:01:13-02:01:19

We know now that it was set up without consultation with mine.

02:01:22-02:01:28

And we've been going on a journey the last 30 years in relation to treaty settlements too, which I'll talk more about.

02:01:29-02:01:32

My submission has a one-page summary on the second page.

02:01:33-02:01:41

It outlines 10 problems with the bill, 8 problems with the drafting, 4 desired outcomes, 8 actions for relief sought.

02:01:42-02:01:45

Some of the ones that I would re-emphasise is,

02:01:46-02:01:47

in terms of the first problem,

02:01:47-02:01:50

is that the proposed principles don't reflect what Te Triti says,

02:01:51-02:01:54

and the promoter of the bill has acknowledged this on Q&A with Jack Tame.

02:01:56-02:02:00

It reflects, as you said, what the ACT Party and he wants it to be

02:02:00-02:02:02

and what the ACT Party thinks the principles should be,

02:02:02-02:02:03

not what it actually says.

02:02:03-02:02:05

So that's what I'd emphasise.

02:02:05-02:02:10

The second would be that the bill and the proposed principles

02:02:10-02:02:12

ignores colonial harm to Māori,

02:02:12-02:02:16

to say that all New Zealanders are equal denies our history.

02:02:17-02:02:21

That denies the history that's been acknowledged

02:02:21-02:02:23

within the historical accounts of all treaty settlements.

02:02:25-02:02:27

If we think all New Zealanders should be equal,

02:02:27-02:02:30

Māori should get more than 1% of what's being returned

02:02:30-02:02:30

through treaty settlements.

02:02:31-02:02:32

The 1% is not in dispute.

02:02:33-02:02:39

That's as acknowledged in the Waikato Raupatu deed in 1995

02:02:39-02:02:43

and then through the naitahu and the continuation of that same policy.

02:02:46-02:02:48

It also ignores the Crown apologies to Māori.

02:02:49-02:02:51

So in the, there's a one-page summary,

02:02:52-02:02:53

there's more detail on each of those points,

02:02:53-02:02:56

and then I went through each of the deeds

02:02:57-02:03:00

and collated together the Crown apologies.

02:03:00-02:03:03

So for those who aren't aware or haven't been involved

02:03:03-02:03:05

in treaty settlements or reading them,

02:03:06-02:03:07

the sections are much longer.

02:03:08-02:03:10

There's a historical account, which is negotiated with greed.

02:03:10-02:03:12

There are Crown acknowledgements of past breaches.

02:03:13-02:03:13

There's an apology.

02:03:13-02:03:17

And the last paragraph of that is an apology and a recommitment

02:03:18-02:03:19

to a new treaty-based relationship.

02:03:21-02:03:26

Helmut Modlick spoke to the Crown's apology to Ngāti Toa earlier this morning.

02:03:26-02:03:29

And I understand you have Andrew Little, who was speaking this afternoon,

02:03:29-02:03:31

who's also given those.

02:03:34-02:03:44

The other problem I'd emphasise is it's a continuation of past Crown policies of assimilation, integration, amalgamation.

02:03:45-02:03:50

Those words might sound serious, but going through our history, those were explicit policies by the government.

02:03:51-02:04:01

Amalgamating Māori, 1960s urban migration, intentional policy of Crown integration from the Hun Report, 1960s.

02:04:01-02:04:02

I've got some references there.

02:04:02-02:04:09

and some of a lot of the rhetoric from those promoting the bill have been that this

02:04:10-02:04:15

Māori as an ethnicity as individuals and completely ignoring the political authority of Māori

02:04:15-02:04:20

completely ignoring the mandated entities that have been established through treaty settlements even

02:04:21-02:04:28

as the political authority resides at the hapu level the proposed bill and talking about Māori

02:04:28-02:04:34

just as ethnicity ignores the entities that have been established

02:04:34-02:04:35

through the treaty settlement process.

02:04:40-02:04:43

Instead of trying to rewrite Te Tiriti,

02:04:46-02:04:49

the desired outcome is that we have a more broader conversation

02:04:50-02:04:52

about what constitutional arrangements are

02:04:52-02:04:54

that reflect the agreement that was signed.

02:04:55-02:04:57

We can't do that without informed citizens,

02:04:57-02:05:00

and so that's where I'd also like you to play a role.

02:05:04-02:05:06

One of my specific ask of you as a committee,

02:05:06-02:05:10

I've been through the historical records for the Hansard debates

02:05:10-02:05:11

for all of the treaty settlements.

02:05:13-02:05:16

New Zealand First Party, led and driven by the National Party,

02:05:16-02:05:18

Labour Party, Greens, Acts,

02:05:22-02:05:25

when in government, have all signed off the permission

02:05:25-02:05:29

for these deeds to make these agreements, these apologies and read commitments,

02:05:29-02:05:32

and every political party has unanimously supported these arrangements through Parliament.

02:05:33-02:05:40

My specific ask of you as a committee is that you include the collation of Crown apologies

02:05:40-02:05:44

and commitments to treaty-based relationships within your select committee report.

02:05:49-02:05:52

We're not going to be able to have informed decisions.

02:05:52-02:05:58

There's lots of discussion in the previous speaker about political views, political bias.

02:05:59-02:06:05

I think you could make a meaningful contribution to this debate by including those statements in your report and speaking to those.

02:06:05-02:06:06

Kia ora.

02:06:08-02:06:08

Thank you, Charles.

02:06:09-02:06:10

No, I appreciate your submission.

02:06:10-02:06:11

We'll take some questions.

02:06:12-02:06:13

First one is from Joseph Mooney.

02:06:14-02:06:16

Then we'll go Stephen Abel and then Dr Webb.

02:06:17-02:06:18

Good morning, Rhys.

02:06:18-02:06:18

Thank you for your submission.

02:06:19-02:06:32

Look, just reading your written submission, you said in terms of Article 1 that a fundamental feature is that the authority granted to the British Crown of Kawanatanga was governmental authority in relation to British subjects in New Zealand.

02:06:34-02:06:43

Now, I just want to question you on that because Henry Williams translated the Treaty to Tiritiri and he explained it.

02:06:43-02:06:48

And Bishop Selwyn wrote to him in 1847 concerned about the actions of the government at that time.

02:06:48-02:06:51

Henry Williams shared those concerns in his reply letter,

02:06:51-02:06:54

but he also said that he had explained that,

02:06:55-02:06:57

firstly, the chief shall surrender to the Korean Queen

02:06:58-02:06:59

forever the government of the country

02:06:59-02:07:01

for the preservation of order and peace.

02:07:02-02:07:04

Do you think that creates a problem for the proposition

02:07:05-02:07:07

that Kwa Nhat Nhat Nhat Nhat was only in respect of British citizens?

02:07:08-02:07:11

I think it's important to look at the evidence.

02:07:11-02:07:15

I think the hearings that were put in place for the Waitangi Tribunal

02:07:15-02:07:18

to have the Crown present its view and position

02:07:18-02:07:23

what the meaning and effect of both the English draft and Te Tiriti o Waitangi were,

02:07:25-02:07:29

is important to understand. We also had mentors who were involved in

02:07:31-02:07:35

Kaumātua and Kui of Ngāpuhi who established an independent panel to go and listen to those

02:07:36-02:07:41

hearings and create their own report and it's very important that we put a focus and intention on

02:07:41-02:07:47

what the discussion was including on February the 5th before it was signed and that the agreement is

02:07:47-02:07:48

between two parties.

02:07:49-02:07:52

There have been at least a dozen deputations

02:07:52-02:07:54

from Rangateta heading over to England

02:07:54-02:08:00

to articulate, stand for what their understanding of Te Tiriti was.

02:08:00-02:08:04

So that may be partly answering your question,

02:08:05-02:08:09

but I think it's a multilateral agreement

02:08:09-02:08:11

and you need to have a discussion between the parties.

02:08:11-02:08:13

If you're going to have 30 years of apologies

02:08:13-02:08:14

for unilateral actions

02:08:15-02:08:16

and then take a further unilateral action

02:08:16-02:08:19

to redefine it, it seems to undermine the whole premise

02:08:20-02:08:22

of what every party here has supported.

02:08:23-02:08:23

Thanks, Carl.

02:08:23-02:08:26

We'll go to Stephen Abel and then Dr Webb.

02:08:26-02:08:26

Kia ora.

02:08:27-02:08:27

Thank you very much, Carl.

02:08:29-02:08:34

This bill is predicated on ideas that have been privilege

02:08:34-02:08:36

of one group at the expense of another.

02:08:37-02:08:42

Can you expand on your point about a denial of the process

02:08:42-02:08:46

of colonisation whereby the privilege that Pākehā,

02:08:46-02:08:47

for example, enjoy today,

02:08:49-02:08:52

comes off the back of the acquisition and theft

02:08:52-02:08:56

and ropatu of Māori land and destruction of Māori,

02:08:57-02:08:59

you know, tina rangatiratanga,

02:09:00-02:09:01

essentially through the colonial exercise.

02:09:02-02:09:05

And the suggestion that somehow the correction

02:09:06-02:09:10

is to non-Māori rights that has to be made,

02:09:10-02:09:16

how you respond to that in the context of our actual history.

02:09:16-02:09:21

I think many of us aren't well resourced to have these discussions.

02:09:22-02:09:23

I went to Auckland Grammar School.

02:09:24-02:09:29

We sat with Sir George Gray's name on the front of the hall, celebrated.

02:09:30-02:09:36

And my first year was 1995 when that Opatu acknowledgement apology was given for the invasion.

02:09:36-02:09:37

Those are the words that we used.

02:09:38-02:09:40

And there was nothing about that in my school.

02:09:40-02:09:43

I don't think we're well resourced to have those conversations.

02:09:44-02:09:47

The most common trope I see in social media is about a gravy train.

02:09:48-02:09:52

If you go into the Rau Patu Deed, I might get the number slightly wrong here,

02:09:52-02:09:58

but $170 million, $14 billion loss, that's 0.9%.

02:10:00-02:10:04

Unless leaders like yourselves and others of us in the community

02:10:04-02:10:06

are speaking and correcting these tropes,

02:10:07-02:10:09

we're not able to have a useful conversation.

02:10:12-02:10:12

Yeah.

02:10:12-02:10:15

Yeah, that's what I'd say.

02:10:15-02:10:15

Thanks, Carl.

02:10:16-02:10:16

Thank you.

02:10:17-02:10:18

Valuable submission.

02:10:18-02:10:21

Thank you for your time and being with the committee this morning.

02:10:22-02:10:22

Thank you.

02:10:23-02:10:28

I know you didn't get a chance to answer my question, but my request still stands for

02:10:28-02:10:31

you to consider that as part of your within your parties.

02:10:31-02:10:32

Thank you.

02:10:32-02:10:41

We're going to move on now to submission from Natasha Hamilton-Hart, who is joining us by

02:10:41-02:10:57

Natasha, thank you for being with us. You're on mute, but I will give you, just welcome

02:10:57-02:11:01

you to the committee and hand over to you for the 10 minutes for your presentation.

02:11:02-02:11:07

Thank you very much. My name is Natasha Hamilton-Hart and I'm a professor at a New Zealand university.

02:11:08-02:11:10

My thinking on this issue is informed by my academic work

02:11:11-02:11:13

in comparative political economy and political institutions,

02:11:14-02:11:17

but I make these remarks in my personal capacity.

02:11:18-02:11:20

So I want to speak to three issues raised

02:11:21-02:11:21

in my written submission.

02:11:22-02:11:23

And in brief, they are one,

02:11:24-02:11:25

that the principles of the Treaty of Waitangi,

02:11:26-02:11:28

as they currently figure in law and public governance,

02:11:28-02:11:30

lack democratic legitimacy.

02:11:31-02:11:34

And two, that the Treaty of Waitangi should not be mined

02:11:34-02:11:36

to generate constitutional principles.

02:11:37-02:11:46

And three, that the bills proposed principles one and three capture fundamental democratic values that we should protect somehow.

02:11:48-02:11:51

So first, where we stand now lacks democratic legitimacy.

02:11:52-02:12:00

I think a constitutional revolution has taken place since the 1980s, and many of our foremost treaty scholars would acknowledge that.

02:12:00-02:12:11

The insertion of treaty principles references in legislation has paved the way for the courts and the Waitangi Tribunal to generate law that runs ahead of clear parliamentary intent.

02:12:12-02:12:23

And this process continues. Guidance disseminated by the Waitangi Tribunal explicitly says that the principles will continue to evolve, but apparently without any parliamentary input into what they are.

02:12:24-02:12:31

And this is the blank check that is handed to the most unaccountable and least democratic institutions of state.

02:12:32-02:12:40

I would like to remind the members of this committee that the prime architect of this constitutional revolution back in the 1980s,

02:12:40-02:12:52

Geoffrey Palmer, intended the legislative references to the treaty principles to be such a blank check precisely in order to bring about changes that he did not think Parliament would consent to.

02:12:52-02:13:04

Now, we'll just briefly quote from his 1992 book where he says, legislation was used to set up processes and procedures and the principles on which decisions should be based.

02:13:05-02:13:12

The initial commitment required was to a process. No tangible outcome was provided by the legislation itself.

02:13:13-02:13:20

What should be done was to be decided only after judicial or quasi-judicial processes had assessed individual cases.

02:13:20-02:13:24

First, it was necessary to give the courts something to interpret.

02:13:25-02:13:26

And that is what he did.

02:13:27-02:13:31

Now, this is no way, I think, to do constitutional change in a democracy.

02:13:32-02:13:39

If you celebrate the current status of the treaty principles, as created by the courts and the Waitangi Tribunal,

02:13:39-02:13:43

then I would ask you to have the courage to ask voters for their consent.

02:13:45-02:13:48

Secondly, in my view, the treaty should not be mined for present-day political purposes.

02:13:48-02:13:51

and here I disagree with the authors of this bill.

02:13:51-02:13:53

The treaty is important to New Zealand's history

02:13:53-02:13:55

but it is a document of its time

02:13:55-02:13:58

and there was a time that ushered in a period

02:13:58-02:14:00

of intensive colonial rule around the world.

02:14:00-02:14:03

It was a racist time when it was commonplace

02:14:03-02:14:06

to ascribe personal characteristics to whole groups of people

02:14:06-02:14:07

based on their ancestry.

02:14:08-02:14:10

It was a time when the nascent colonial state

02:14:10-02:14:13

didn't really run a tax system, let alone take nearly a third

02:14:13-02:14:16

of national product in tax, when the state itself

02:14:16-02:14:21

did very little beyond attempts to secure order and property rights, and it was very obviously a

02:14:21-02:14:26

time when the state made no pretense of being a democracy. So what I draw from this is that the

02:14:26-02:14:31

treaty does not provide us with constitutional principles for running a multicultural democracy,

02:14:32-02:14:37

which is one where ancestral lines of many families are richly intermingled, and the state

02:14:38-02:14:43

runs, as I think it should, ambitious programs to promote public health, welfare, and education.

02:14:44-02:14:54

Thirdly, the principles one and three of the bill have great merit in reminding us of the importance of parliamentary sovereignty and the bedrock principle of legal equality among citizens.

02:14:55-02:15:05

And this is consistent in spirit with Article 1 of the Universal Declaration of Human Rights, which begins, all human beings are born free and equal in dignity and rights.

02:15:05-02:15:13

And this is a good principle. I think it captures the spirit of shared humanity that has sustained our most progressive achievements as a nation.

02:15:14-02:15:18

And I would include in that the construction of the welfare state under the leadership of Michael Joseph Savage.

02:15:19-02:15:25

So many opponents of this bill say that we have an urgent moral duty to reduce poverty and other inequities.

02:15:26-02:15:31

And they note that Maori people are disproportionately represented in almost all areas of disadvantage.

02:15:32-02:15:34

The playing field is not level. And I agree.

02:15:35-02:15:42

But my question is, what does it take to generate the political will and capacity to make the investments to address these injustices?

02:15:43-02:15:49

Now, my academic work for the past three decades has been on political institutions in post-colonial societies.

02:15:50-02:16:01

And one very clear takeaway from this work is that countries with inclusive political institutions do a far better job of generating solidarity necessary for shared prosperity.

02:16:02-02:16:11

So-called consociational democracies, where race or religion shape the terms of political engagement, produce profoundly inferior outcomes.

02:16:12-02:16:15

Now, several submitters today have said equality does not work.

02:16:16-02:16:21

However, when it comes to core legal rights, political and civil rights, I think they are mistaking.

02:16:22-02:16:25

I think inequality is what does not work.

02:16:26-02:16:35

So if we base our constitutional framework on the idea that we are separate peoples transacting according to contract, we diminish our sense of shared nationhood.

02:16:36-02:16:40

I think a nation, as put forward famously by one of my former professors, Benedict Anderson,

02:16:41-02:16:47

a nation is an imagined community in which whatever our differences, we are one people.

02:16:48-02:16:51

Now, today we have heard many submitters making the case that we are not,

02:16:51-02:16:55

that Maori are a distinct people with claims not just to cultural autonomy,

02:16:56-02:17:01

but political nationhood, sovereignty, tīnuranga-tiratanga, self-determination.

02:17:02-02:17:05

Now, that is an aspiration shared by many colonized peoples,

02:17:05-02:17:12

The treaty principles, as they have evolved over the past 40 years, represent an attempt to placate this aspiration.

02:17:13-02:17:23

I don't think they ever will, because sovereignty cannot in a practical sense be shared, and especially not sovereignty in a modern democratic welfare state.

02:17:23-02:17:27

We have work to do in this country to make the investments needed for inclusive flourishing.

02:17:28-02:17:34

And I believe we can best do this work on the basis of equal citizenship, not division by ancestry.

02:17:34-02:17:38

Obviously, many in this room and outside believe differently.

02:17:39-02:17:50

And maybe a democratic majority will be persuaded that those who want to embed the treaty and its two people's approach to citizenship as superior law, maybe they will be persuaded.

02:17:51-02:17:51

But maybe not.

02:17:52-02:17:56

And I think it would be reckless to gamble on this issue going away.

02:17:57-02:18:05

And I want to thank a final point, is that we rely on the law as a core institution that enables civil, fair and prosperous society.

02:18:06-02:18:09

But all law is anchored in and depends on a political order.

02:18:10-02:18:14

And the political order and the political authority is not acquired through law.

02:18:14-02:18:20

It makes law possible. And to be sustainable, law needs to be politically legitimate.

02:18:21-02:18:23

And it is your job as parliamentarians,

02:18:24-02:18:25

you are the public's representatives

02:18:26-02:18:27

entrusted with making law

02:18:28-02:18:30

to foster a civil and inclusive discussion

02:18:30-02:18:33

of what our constitutional order should look like.

02:18:34-02:18:34

Thank you.

02:18:35-02:18:35

- Thank you, Natasha.

02:18:36-02:18:37

We've got a couple of minutes for questions in order

02:18:38-02:18:40

from Joseph Tarkater then Todd.

02:18:41-02:18:42

- Good morning, Natasha.

02:18:43-02:18:46

Just in your study of these colonial states,

02:18:46-02:18:48

did you see any others that extended the rights

02:18:49-02:18:51

of the Magna Carta to the Aboriginal peoples

02:18:51-02:18:56

time their founding, particularly the principle that the king and his government were not above the law.

02:18:57-02:19:04

So there are references in a lot of treaties that the British and the Dutch signed across Asia

02:19:06-02:19:13

to having the rights of subjects. Right, this is not an era of democracy and I don't

02:19:13-02:19:16

haven't come across any explicit mention of the Magna Carta.

02:19:18-02:19:25

But they do very explicitly in that period of time envisage a system of indirect rule.

02:19:26-02:19:29

That is how the British and the Dutch ruled their colonial territories.

02:19:30-02:19:36

So they struck agreements with local rulers who at the beginning of the colonial period,

02:19:37-02:19:39

they did envision as governing their people.

02:19:39-02:19:42

The British state didn't want to get involved, right?

02:19:42-02:19:44

They just wanted to extract colonial wealth.

02:19:44-02:19:48

But this actually proved completely unworkable over the next centuries.

02:19:50-02:19:50

Thank you, Natasha.

02:19:51-02:19:52

We'll probably take a final question from Target Affairs.

02:19:53-02:19:54

Kia ora, Natasha.

02:19:54-02:19:58

Hey, you mentioned the country not being able to thrive due to division by ancestry.

02:19:58-02:20:03

Is that something that you think the treaty promotes, division by ancestry?

02:20:04-02:20:05

I think it does.

02:20:06-02:20:08

Not intentionally.

02:20:09-02:20:10

I don't think anyone wants that.

02:20:11-02:20:18

But I think it is the inevitable result of trying to carve up sovereignty and allow for meaningful Tino Rangatiratanga.

02:20:20-02:20:21

Thanks, Natasha.

02:20:21-02:20:23

We'll probably end this session there.

02:20:23-02:20:27

I just wanted to acknowledge your submission and thank you for joining us this morning.

02:20:28-02:20:31

We're going to move to a submission now from Rhys Jones.

02:20:31-02:20:32

Rhys Jones is joining us online.

02:20:32-02:20:44

Kia ora tatou.

02:21:02-02:21:07

Waipapa Tau Matarau, the University of Auckland, and thanks for the opportunity to speak with

02:21:07-02:21:12

you this morning. I, as you all have noted in my written submission, I strongly oppose the bill

02:21:12-02:21:17

and urge the committee to reject it. I just wanted to highlight three main points in my oral

02:21:18-02:21:24

submission. First, irrespective of whether the bill progresses further, the process itself is doing

02:21:24-02:21:31

harm. Second, enacting the bill would actually have significant adverse impacts on health

02:21:31-02:21:35

by removing an important legal framework that's pro-equity approaches.

02:21:36-02:21:42

And third, to address the existential crises facing us, we need Indigenous worldviews,

02:21:42-02:21:47

knowledges and leadership. This bill takes us in completely the opposite direction and really

02:21:48-02:21:54

significantly constrains those possibilities. So firstly, the process itself is doing harm.

02:21:54-02:21:58

On one level it feels a little bit surreal to be sitting here taking part in this process,

02:21:59-02:22:05

feeling compelled to oppose something that really has no basis in evidence or rationality,

02:22:06-02:22:08

and whose principles bear no resemblance to the treaty itself.

02:22:10-02:22:14

The whole process would be laughable if it wasn't for the serious harm that it's doing.

02:22:14-02:22:20

Even if the bill doesn't pass the second reading, its intentions and impacts are malignant.

02:22:20-02:22:26

And I'd refer you to Sanjana Hatatua's submission that really clearly establishes a link between

02:22:26-02:22:31

dispel and violent anti-Mauri discourse in society.

02:22:31-02:22:38

His research identifies a sharp increase in anti-Mauri and anti-treaty discourse observed

02:22:38-02:22:39

online and on social media.

02:22:40-02:22:45

And that's not just a theoretical concern, it's serious material impacts.

02:22:46-02:22:49

Racism is a powerful driver of adverse health outcomes.

02:22:49-02:22:55

There's a huge body of evidence that shows association between exposure to racism and

02:22:55-02:22:57

higher risks of morbidity and mortality.

02:22:58-02:23:03

So the mere introduction of this bill and the associated incitement of racist

02:23:03-02:23:06

violence is having predictable health impacts.

02:23:06-02:23:09

That's making people sick and killing people.

02:23:10-02:23:13

And I would say that those enabling this process,

02:23:13-02:23:16

even if they don't plan to support the bill to the next stage,

02:23:16-02:23:17

are complicit in that.

02:23:19-02:23:23

Secondly, enacting the bill would have serious adverse impacts on health.

02:23:24-02:23:34

And, you know, the negative impacts I'm talking about on health care and outcomes particularly affect Māori, but are actually adverse and negative for all New Zealanders.

02:23:35-02:23:43

Even with the existing kiriti provisions that we have in the health sector, Māori continue to receive poor equality care across the board.

02:23:44-02:23:52

The pro-equity provisions that we do have, based on existing treaty principles, mitigate that systemic racism to some extent.

02:23:53-02:23:56

Admittedly, a small extent, but, you know, at least it's something.

02:23:57-02:24:00

Without those provisions, we would lack an important mechanism

02:24:00-02:24:03

to counter the structural inequity within the health system.

02:24:04-02:24:07

And Māori rights to health and healthcare would be further undermined.

02:24:07-02:24:09

Even more of our whānau would get sick and die.

02:24:11-02:24:12

But it's not just Māori who would suffer.

02:24:12-02:24:16

So, you know, tiriti-based approaches are good for all New Zealanders.

02:24:16-02:24:21

We only need to look to the COVID-19 vaccine rollout back in 2021

02:24:21-02:24:24

to see, you know, the initial phase of the rollout was,

02:24:25-02:24:27

or Māori at least, was an abject failure.

02:24:28-02:24:30

Pathetically low vaccine coverage in those early months

02:24:31-02:24:34

because the government and ministry held on to that power

02:24:34-02:24:35

and control centrally.

02:24:36-02:24:38

Once Māori providers and communities were enabled

02:24:39-02:24:41

to leave the delivery of that vaccine rollout,

02:24:41-02:24:45

we saw it turned around from an unmitigated disaster

02:24:45-02:24:47

to a relative success.

02:24:47-02:25:01

So the treaty principles, those existing principles, may be a pale imitation of what was guaranteed in Te Tiriti, but at least they helped to mitigate the most extreme impacts of colonial racism.

02:25:02-02:25:12

And with the Bill's proposed principles, even those minimal provisions would be undermined, with devastating consequences for Māori, but actually for all New Zealanders.

02:25:13-02:25:28

And my third point is around the broader social, humanitarian, ecological crises facing us and the way that actually indigenous worldviews, knowledges and leadership are critical in responding to those crises.

02:25:29-02:25:39

So as an example, climate change is widely recognized in my field in public health as the biggest threat to global health we face this century.

02:25:39-02:25:48

In my research, I examine some of the factors driving the climate crisis and some of the impacts on health and equity.

02:25:49-02:25:55

And it's clear that colonialism is a fundamental driver of climate change and global ecological collapse.

02:25:56-02:26:01

And Indigenous ways of knowing, doing and being offer a really important antidote to that.

02:26:01-02:26:04

So the response we need is really clear.

02:26:04-02:26:07

We need decolonial approaches that seek solutions

02:26:07-02:26:10

and indigenous worldviews and knowledge systems.

02:26:11-02:26:14

That means, you know, indigenous people having full expression of rights,

02:26:15-02:26:18

including self-determination, to enact those values and knowledges.

02:26:19-02:26:20

So it means Tino Rangatiratanga.

02:26:21-02:26:25

This bill takes us further away from that vision and from those possibilities.

02:26:26-02:26:29

So, yes, we need to have a constitutional conversation,

02:26:29-02:26:35

but this is the exact opposite of the conversation that we need to have.

02:26:36-02:26:38

Nō reira, I strongly oppose this bill.

02:26:38-02:26:41

As I said, urge the committee to reject it in its entirety.

02:26:41-02:26:43

A tēnā tātou katoa.

02:26:43-02:26:44

Kia ora, Dr Jones.

02:26:44-02:26:47

We'll go to questions first from Steve Nabel

02:26:47-02:26:48

and then we'll go Debbie Ngārewa.

02:26:49-02:26:51

Kia ora, Rhys.

02:26:51-02:26:53

Thank you very much for your advocacy.

02:26:53-02:26:54

It's good to see you here.

02:26:54-02:26:59

I wonder to sort of simplify your point,

02:27:00-02:27:03

would you say this legislation is fundamentally racist?

02:27:04-02:27:09

And would you say, in terms of the malignant nature of it,

02:27:10-02:27:14

a parliament which allows it to advance even as much as it has,

02:27:15-02:27:22

enshrines and locks in inaccurate representations of history

02:27:22-02:27:27

and further exacerbates those inequalities we have in our society

02:27:28-02:27:31

under the myth of it addressing equity, inequality.

02:27:34-02:27:40

Yes, I think that there really is no policy rationale for the bill.

02:27:40-02:27:46

And if we look beyond its stated or purpose as written,

02:27:47-02:27:51

we can see that actually its purpose is to sow division,

02:27:52-02:27:58

to create some of that, you know, incite that division and racist rhetoric

02:27:59-02:28:02

and, you know, to further erode the fabric of our constitution.

02:28:03-02:28:09

And I think that's the impact of having this bill out there in the public arena,

02:28:10-02:28:14

you know, enabling and emboldening some of that racist rhetoric and discourse

02:28:14-02:28:20

and contributing to ideas around the fact that Te Tiriti

02:28:20-02:28:25

and those bare minimum responses to the structural inequities

02:28:25-02:28:30

that we have in society are somehow reverse racism

02:28:30-02:28:31

or enabling Maori privilege.

02:28:32-02:28:35

It's allowing all that discourse that takes us further away

02:28:36-02:28:40

from the solutions that seek to address those inequities.

02:28:40-02:28:42

And so, yes, I believe it is racist.

02:29:13-02:29:27

Absolutely. I think an important step would be to immediately reject this process and to move to a meaningful process of a different constitutional conversation, as I said.

02:29:27-02:29:33

And that really means engaging with things like concepts like mātiki mai Aotearoa vision

02:29:34-02:29:40

for constitutional transformation that I think take us in a really much more positive direction

02:29:40-02:29:46

in terms of enabling the best of both worlds and what we have in kāwanatanga and in Tēnuranga

02:29:47-02:29:50

Tērātanga that can take us forward.

02:29:50-02:29:55

So I think it means a completely different approach from government rather than overriding

02:29:55-02:30:00

its treaty partner to engage, to build that partnership and move forward.

02:30:00-02:30:03

Was mātiki mai inclusive for all New Zealanders?

02:30:06-02:30:06

Yes, absolutely.

02:30:07-02:30:12

And so, you know, it included views from all New Zealanders, and I think it highlights

02:30:13-02:30:18

some important options for the ways we move forward and a real good basis for that constitutional

02:30:19-02:30:21

conversation that, as I say, we really need to have.

02:30:23-02:30:25

Sure, Dr. Jones, thank you for your time with us this morning.

02:30:26-02:30:27

We do appreciate you being with us.

02:30:28-02:30:32

Okay, let's move on now to another submission online from Tom O'Connor.

02:30:32-02:30:35

Tom's going to join us, I think, by audio only,

02:30:36-02:30:37

just because we're having some issues on Zoom,

02:30:38-02:30:39

but I can vouch for Tom's existence.

02:30:39-02:30:46

I know I'm a picture of a full beard and a pair of spectacles.

02:30:46-02:30:49

So, Tom, hopefully you can join us very shortly.

02:30:51-02:30:59

If you can hear us and you're having trouble joining, I understand you push star six to join.

02:31:01-02:31:05

And if we are struggling to get common, we can move to our next submitters.

02:31:20-02:31:20

How are we looking, guys?

02:31:20-02:31:25

We can't see anything happening on our end, so we're just waiting for Tom.

02:31:26-02:31:31

Okay, if someone can give Tom a call by phone and give him some instructions on how to join,

02:31:33-02:31:36

hopefully the folks from other Tai Uhi are in the room.

02:31:36-02:31:39

I'll invite you guysと come forward and just say a submission slightly earlier,

02:31:40-02:31:44

and then the committee staff can work on getting Tom to join up as well.

02:31:45-02:31:48

So thank you for waiting patiently and for joining us this morning.

02:31:48-02:31:49

We've got you for 10 minutes.

02:31:50-02:31:51

If you'd like to begin your presentation,

02:31:51-02:31:53

can I just start by thanking you for the work

02:31:53-02:31:56

that you all do on behalf of our young people.

02:31:56-02:31:57

I really appreciate it.

02:32:00-02:32:00

Are you ready?

02:32:01-02:32:01

We're ready.

02:32:02-02:32:03

I'm ready.

02:32:03-02:32:03

I'm ready.

02:32:15-02:32:18

I'm ready

02:32:18-02:32:25

A rau kuku hoki. Nō koteranga me aerani o kutipuna o Tāla Ngātai tōku ingoa.

02:32:26-02:32:30

My name is Tāla Ngātai and I am Māori, Scottish and English descent.

02:32:31-02:32:36

I live in ōtētahi Christchurch and am the current practice lead for Aratai Ohi.

02:32:37-02:32:43

Ngā mihi nui ki a koutou katoa. Pō wai au. Nō kūnngawa hau, hea tanga te tiriti hau, ko James and tō kou ingoa.

02:32:43-02:32:49

My tupuna rest across the globe, predominantly in Cornwall and Wales, and in more recent times,

02:32:49-02:32:55

my ancestors rest here in Aotearoa New Zealand. I honour and acknowledge Te Turiti o Waitangi

02:32:55-02:33:00

as my Turanga Waiwai, my place to stand in this nation, and I am here today resting on the mana

02:33:00-02:33:05

of those who go before me, and the mana of those I represent as the CEO of Arataiohi.

02:33:06-02:33:11

Thank you for the opportunity to present to this select committee. We would like to acknowledge the

02:33:11-02:33:15

huge number of people, particularly young people, who have submitted their views on this bill.

02:33:15-02:33:20

Today we speak on behalf of our entire sector, thousands of people who work day in, day out with

02:33:20-02:33:26

young people and whose practice is grounded in Te Turiti o Waitangi. As the peak body for youth

02:33:26-02:33:31

development, the vision of Arataiohi is to create an empowered ecosystem of youth development where

02:33:31-02:33:38

rangatahi thrive. We should not have to go through this process. It is a dangerous precedent that a

02:33:38-02:33:41

a party that represents just 5.45% of the electoral vote

02:33:42-02:33:43

can disrupt the foundations of our country.

02:33:44-02:33:47

We have been concerned that speaking today would in some way

02:33:47-02:33:50

be used to legitimise or justify this bill

02:33:50-02:33:52

and the calls to undermine Te Turiti.

02:33:53-02:33:55

However, it is because the Treaty Principles Bill

02:33:55-02:33:59

is so fundamentally undermines the ethical practice of youth work

02:33:59-02:34:02

and risks the wellbeing of young people of Aotearoa

02:34:02-02:34:03

that we feel compelled to speak.

02:34:05-02:34:11

The practice of youth work in Aotearoa is explicitly founded on a commitment to Te Tiriti o Waitangi.

02:34:11-02:34:16

Our structures and mahi reflect the relationship between Tangata Whenua and Tangata Tiriti.

02:34:17-02:34:24

This partnership and the work that flows from it strengthens how we engage and support young people from across Aotearoa.

02:34:25-02:34:33

Ara Taiohi a kaitiaki of Mana Taiohi, an approach of positive youth development informed by International Best Practice and Te Ao Māori,

02:34:34-02:34:36

as well as the Code of Ethics for Youth Workers.

02:34:37-02:34:40

Mana Taiohi and Code of Ethics are te tititi in action,

02:34:41-02:34:43

taking our lead from an indigenous perspectives

02:34:43-02:34:45

that have shaped our young people for generations.

02:34:47-02:34:50

Te tititi is the foundation of our ethical practice,

02:34:50-02:34:53

our professional association, Korowai Tupu,

02:34:53-02:34:54

and our youth work qualifications.

02:34:56-02:35:00

Research, evidence, and experience consistently reinforces

02:35:00-02:35:03

that this practice approach results in better outcomes

02:35:03-02:35:05

for young people, whānau and communities.

02:35:07-02:35:10

The mere introduction of this bill undermines our practice,

02:35:10-02:35:14

questions the identity of youth work and tangata whenua.

02:35:15-02:35:17

Youth workers come from an incredibly diverse background

02:35:17-02:35:19

and work with beautiful and unique young people.

02:35:20-02:35:24

Experienced and emerging youth workers work in a titiriti context

02:35:25-02:35:28

and it is central to our identity as practitioners in Aotearoa.

02:35:28-02:35:30

Each journey is unique and challenging.

02:35:31-02:35:35

Hakeha youth workers, especially those who start their journey from a monocultural context,

02:35:36-02:35:41

repeatedly report that understanding te tiriti is personally and professionally transformative.

02:35:41-02:35:44

It enables them to better connect with all young people

02:35:44-02:35:47

and to journey with young people whose behaviours are a natural consequence

02:35:48-02:35:50

of a system that continues to oppress them.

02:35:51-02:35:55

It is naive to think that this Bill, where it to proceed, would not change te tiriti.

02:35:55-02:35:59

The proposed principles would fundamentally affect how te tiriti is interpreted

02:35:59-02:36:01

and the place it holds in our society.

02:36:02-02:36:04

It would significantly disrupt how youth work is understood

02:36:05-02:36:06

and practised in Aotearoa,

02:36:06-02:36:09

and it would be a step backwards for us as a sector.

02:36:10-02:36:12

There is a misconception out there that this is a Māori issue.

02:36:13-02:36:16

Every New Zealander has a place in Te Tiriti,

02:36:16-02:36:19

and it cannot and must not be changed unilaterally.

02:36:19-02:36:21

It creates a partnership and relationship

02:36:21-02:36:23

that allows us all to grow and succeed.

02:36:24-02:36:28

Today, in preparing our remarks and speaking for all our members,

02:36:28-02:36:31

we have reflected on the journey of creating and thriving

02:36:31-02:36:33

within a te te riti organisation and sector.

02:36:34-02:36:38

This hairinga has been hard fought and full of difficult moments.

02:36:38-02:36:40

We have learnt what it is to listen.

02:36:41-02:36:45

We have learnt what it is to unpack ingrained ways of being and doing that harm.

02:36:46-02:36:46

We have compromised.

02:36:47-02:36:49

We've had wins and we've had losses.

02:36:49-02:36:51

And we've had many, many misses.

02:36:51-02:36:53

We have so much more to learn from each other.

02:36:54-02:36:56

And we are stronger because of it.

02:36:57-02:37:03

Mana Taiohi is an example of what is possible when we approach an issue through the lens of te tereti.

02:37:04-02:37:07

Prior to the creation of Mana Taiohi, our previous principles were good,

02:37:08-02:37:13

informed largely by North American research that highlighted strengths and relationships and connections.

02:37:14-02:37:19

But we can be proud as a nation that our new principles weave these international views with te ao Māori.

02:37:19-02:37:25

It has resulted in a more holistic and transformative practice that works for young people, whānau and communities.

02:37:26-02:37:32

Should this bill proceed, we will see this transformative and world-leading way of practice systematically eroded.

02:37:33-02:37:35

Our identity stands in Tititi.

02:37:35-02:37:44

We strongly oppose the lack of due process and the exclusion of iwi, hapu and youth voices in the development of this legislation.

02:37:44-02:37:48

Legislation that directly impacts young people and their communities.

02:37:49-02:37:55

The bill, developed solely by minority interests, fails to recognise the critical importance

02:37:55-02:37:59

of including those most affected in this decision-making process.

02:38:00-02:38:07

A robust legislative process involves engaging with impacted communities, seeking expert

02:38:07-02:38:13

advice to assess potential impacts, and conducting transparent reviews to uphold inclusivity

02:38:13-02:38:14

and fairness.

02:38:15-02:38:21

By bypassing these steps, this legislation silences the voices of Māori and rangatahi.

02:38:22-02:38:27

It is a breach of Te Tiriti o Waitangi, which creates the platform for active collaboration,

02:38:28-02:38:33

shared decision-making, and the safeguarding of rights and wellbeing for all.

02:38:34-02:38:38

It also ignores international obligations, including those in the United Nations.

02:38:40-02:38:45

The voices of young people are paramount in shaping the policies that will determine

02:38:45-02:38:45

their future.

02:38:46-02:38:52

Rangatahi have unique experiences, perspectives and aspirations that are critical to creating

02:38:53-02:38:55

an effective, equitable society.

02:38:56-02:39:03

Including their input and the input of those who work with them not only fails to uphold

02:39:03-02:39:07

the rights of our rangatahi but perpetuates systemic inequities.

02:39:09-02:39:15

Relations made without the insight of young people often result in ineffective, one-dimensional

02:39:15-02:39:19

policies that fail to address the complexity of their lives.

02:39:21-02:39:25

There are many examples of youth-led initiatives supporting youth workers that empower young

02:39:25-02:39:28

people to be active contributors to their world.

02:39:28-02:39:35

It is our responsibility as people in positions of power and influence to provide a platform

02:39:35-02:39:41

for young people to shape policies and programs that resonate with their needs and aspirations.

02:39:42-02:39:48

These initiatives underscore the transformative power of involving rangatahi and processes that

02:39:49-02:39:55

directly affect their lives and those young people to come. This process has been extremely damaging.

02:39:56-02:40:01

Challenging settled relationships and partnerships creates a sense of anxiety for our whole society

02:40:01-02:40:03

and most importantly, our rangatahi.

02:40:03-02:40:05

This is an attack on the rights of tangata whenua,

02:40:06-02:40:08

particularly mokopuna and rangatahi Māori.

02:40:08-02:40:10

This bill is part of a wider movement to undermine

02:40:11-02:40:13

the role that Te Tiriti plays in our legislative framework.

02:40:14-02:40:16

Since the introduction of this bill, sadly,

02:40:17-02:40:19

we have heard too many stories of young people

02:40:19-02:40:20

who have experienced a rise in racism

02:40:21-02:40:23

and who feel their identity is being stripped away.

02:40:23-02:40:26

The predictable consequence of this will be increased trauma,

02:40:27-02:40:28

grief, anger and pain.

02:40:29-02:40:30

This costs us.

02:40:31-02:40:34

This costs communities, not just financially, this costs us lives.

02:40:35-02:40:38

We call on this committee not only to recommend that this bill is withdrawn,

02:40:39-02:40:44

but that future constitutional discussions are centred in our participatory and inclusive process.

02:40:45-02:40:48

Nō reira, tēnā koutou, tēnā koutou, tēnā tātou, katoa.

02:40:48-02:40:50

Kia ora kāroa, thank you for your presentation.

02:40:50-02:40:53

We've probably got time for one question and that is going to be from Debbie Ngāreo.

02:40:53-02:40:55

Actually, I'm going to hand it to him.

02:40:56-02:40:56

That's OK for you?

02:40:57-02:40:58

I'll check with Duncan.

02:40:58-02:41:00

Yeah, no, I think it's appropriate. I'll go to him.

02:41:00-02:41:00

Thank you.

02:41:00-02:41:02

Kia ora, thanks for that, look.

02:41:02-02:41:03

Sorry, sorry.

02:41:05-02:41:06

Good luck, Rangatahi.

02:41:06-02:41:07

We're pleased, isn't it?

02:41:08-02:41:10

Sorry, I think, just given the submitters,

02:41:10-02:41:12

I'll go to Tam if there's any first time at the end,

02:41:12-02:41:13

I'll give you a chance, but hopefully it is.

02:41:14-02:41:16

Kia ora, I'll get straight to the question.

02:41:17-02:41:20

What can we do to make it easier for Rangatahi to submit?

02:41:21-02:41:23

Obviously on this one, we know where this bill is going,

02:41:23-02:41:27

but in future, for all of the decisions that influence Rangatahi,

02:41:27-02:41:32

What can we do to make sure that their voice is powerfully heard and listened to?

02:41:34-02:41:36

I think I would start by saying before a bill is introduced,

02:41:37-02:41:38

look at the processes that already exist,

02:41:39-02:41:40

both in communities and within government,

02:41:41-02:41:44

that enable youth voice to be part of what goes even that far.

02:41:45-02:41:46

That will mean that what is presented,

02:41:47-02:41:49

when it gets to the legislative process,

02:41:49-02:41:52

when we get to subcommittee processes, et cetera, et cetera,

02:41:52-02:41:55

and there's been a large number of rangatahi that have submitted at this stage,

02:41:56-02:41:58

but it will ensure what they are submitting on

02:41:58-02:42:00

is actually building on Youth for West

02:42:00-02:42:01

right from its foundations.

02:42:02-02:42:04

I think the principles of manataiohi

02:42:04-02:42:05

that we referred to before,

02:42:05-02:42:06

if those are embraced,

02:42:06-02:42:08

we'll see more rangatahi empowered

02:42:08-02:42:10

and able to participate in democratic processes.

02:42:10-02:42:11

Sure, guys.

02:42:11-02:42:13

Thank you for wrapping up very succinctly.

02:42:13-02:42:14

Thank you for your submission today.

02:42:14-02:42:15

We appreciate you being here

02:42:15-02:42:17

and again for all the work that you guys do for us.

02:42:17-02:42:22

We'll now move on and see if we can get Tom online.

02:42:22-02:42:23

So Tom will join the call.

02:42:23-02:42:45

Good morning.

02:42:45-02:42:46

Can you hear me now?

02:42:47-02:42:47

Tom, we can.

02:42:47-02:42:48

We've got you.

02:42:49-02:42:51

So I'll hand over to you for the next 10 minutes.

02:42:52-02:42:55

I'm not feeding back through the sound, but I think that's fine.

02:42:55-02:42:56

Okay, Tom, take it away.

02:42:58-02:42:59

Look, thank you very much.

02:42:59-02:43:00

My apologies for this.

02:43:01-02:43:06

At 80 years old, I haven't got my grandchildren here to help me fix my computer.

02:43:07-02:43:11

But just a little bit of introduction about me, sir.

02:43:13-02:43:18

I was one of very few, I believe, partially bilingual journalists,

02:43:18-02:43:21

a Parker journalist way back in the 1960s,

02:43:21-02:43:23

and I took an interest in a treaty issued then.

02:43:25-02:43:27

Since that time, I've written nine books

02:43:28-02:43:29

based on New Zealand history,

02:43:30-02:43:32

and for 12 years, I wrote a history column

02:43:33-02:43:35

for Fairfax and later for Stuff,

02:43:37-02:43:40

and in 2019, I was humbled and honoured

02:43:40-02:43:42

with the membership of the New Zealand Order of Merit

02:43:42-02:43:43

for that work.

02:43:44-02:43:46

So I know something of the subject matter,

02:43:47-02:43:55

And it grieves me that I have had to witness the enormous power of misinformation.

02:43:56-02:43:58

And we didn't need to do this.

02:44:00-02:44:07

The treaty, as I have read it, and there are a few documents and diaries and journals that I have not read over that time,

02:44:08-02:44:11

the treaty did not create two classes of citizenship.

02:44:13-02:44:16

And it did not create a partnership in the governance of the country.

02:44:16-02:44:24

Those are misconceptions and understandable misconceptions when they're constantly repeated.

02:44:25-02:44:35

But if we want to understand what the treaty set out to do, we need to read the proceedings of the Conference of Kohimarama in July of 1860.

02:44:35-02:44:46

And tribal leaders there, in excess of 200 of them, made it very clear that they most certainly did understand that the law would apply to all people equally.

02:44:47-02:44:55

They did want and did for some time apply British law to their own people in their own way.

02:44:55-02:44:57

But that only lasted about eight years.

02:44:58-02:45:00

But there was no great division.

02:45:01-02:45:12

And the divisions and the fear and the accusations of racism are most unfortunate and really didn't happen, or really should not have happened.

02:45:12-02:45:15

And they've come from people who didn't want to have this conversation.

02:45:16-02:45:36

But basically, we are the only country in the Commonwealth and Western democracies I'm aware of that has anything like a rule or a regulation or a principle that requires people to act in a certain manner that's not defined, that's not written down.

02:45:37-02:45:39

And that is illogical.

02:45:39-02:45:41

And we can't allow that to happen.

02:45:41-02:45:48

The bill, as I read it, is an honest attempt to bring certainty where there is none.

02:45:49-02:45:52

Whether it's well written is for others to decide.

02:45:53-02:45:55

I think it's a good start, but it needs to be built on.

02:45:57-02:46:01

The other thing that's most important,

02:46:03-02:46:05

if we're going to have principles of the treaty,

02:46:05-02:46:07

they can only be the principles of common law.

02:46:09-02:46:13

Nothing else is acceptable in democracy.

02:46:14-02:46:15

So those principles must be common law.

02:46:15-02:46:18

In my view, we should also add the principles of civil law.

02:46:19-02:46:26

The principles of common law are that huge body of precedent-setting decisions made by our courts

02:46:26-02:46:29

and interpreting the laws made by the parliament.

02:46:30-02:46:33

But our courts must not ever be allowed to make law.

02:46:33-02:46:37

And that's what we've allowed them to do and required them to do.

02:46:37-02:46:43

When the principles are cited in litigation, and because those principles are undefined,

02:46:43-02:46:47

we put judges in the difficult position to actually make that definition.

02:46:47-02:46:49

It's not their role to do that.

02:46:50-02:46:56

The principles of civil law are simply the rules by which disputes are settled,

02:46:57-02:46:58

and I think that needs to be added.

02:47:00-02:47:03

I'm going to make a comment now that probably will upset some.

02:47:03-02:47:05

It's certainly not my intention to do so.

02:47:07-02:47:12

Maori did not cede sovereignty, simply because there was no sovereignty to cede.

02:47:13-02:47:20

They were fiercely independent of each other, and on symbolic occasions still are,

02:47:20-02:47:24

as were the tribes of Ireland and Scotland.

02:47:25-02:47:27

So there was no overarching sovereignty.

02:47:28-02:47:32

Had there been sovereignty, overarching sovereignty, over the nation,

02:47:32-02:47:36

they most certainly would not have surrendered it to a 21-year-old girl

02:47:36-02:47:38

on the other side of the world that they had never met.

02:47:39-02:47:43

Their own personal mana would not have allowed that to happen.

02:47:45-02:47:51

On a personal note, I know that Maori were treated abysmally

02:47:52-02:47:55

by authorities after the signing of the treaty.

02:47:56-02:47:57

Even though they were British subjects,

02:47:57-02:47:59

they were denied their rights of British subjects.

02:48:01-02:48:04

My family knows about that sort of suppression.

02:48:04-02:48:07

My Irish ancestors tolerated 700 years of it.

02:48:07-02:48:09

We know about oppression.

02:48:09-02:48:13

But that's not an excuse to have unwritten principles to a treaty.

02:48:15-02:48:17

If we're not going to have principles to the treaty,

02:48:17-02:48:19

and there's a reasonable argument that we should not,

02:48:20-02:48:23

then all reference to principles of the Treaty of Waitangi

02:48:24-02:48:26

must be removed from the statute books.

02:48:26-02:48:28

The status quo is simply untenable.

02:48:30-02:48:34

Now, in my youth, I grew up with two languages.

02:48:35-02:48:39

Some of my mentors were senior members of the Kingitanga.

02:48:41-02:48:45

Ako reo tu atahi te roo Māori, tu a reo te roo Pākehā.

02:48:46-02:48:51

So I grew up with two languages and two sets of mātauranga,

02:48:52-02:48:53

of folklore and knowledge.

02:48:54-02:48:57

They are not strange to me, and I'm not a stranger here.

02:48:58-02:49:02

People like me, and I refer to myself when I speak on the Marai, as Nadia Pākehā.

02:49:03-02:49:04

And that's who we are.

02:49:04-02:49:06

We are, in fact, Pacific Islanders.

02:49:07-02:49:15

There's nothing in law or nature that says a Pacific Islander can only be a Melanesian or a Polynesian or a Micronesian.

02:49:15-02:49:17

I am a Caucasian Pacific Islander.

02:49:17-02:49:18

I am Thukatafinua.

02:49:19-02:49:21

And that treaty belongs to me.

02:49:22-02:49:24

The Treaty of Waitangi is not a Maori issue.

02:49:25-02:49:26

The Treaty of Waitangi is a New Zealand issue.

02:49:27-02:49:31

And the treaty and the laws that flow from it are mine.

02:49:31-02:49:33

They belong to me and my children and my grandchildren.

02:49:34-02:49:41

And I think we need to see the treaty as simply the envelope by which the law arrived here.

02:49:42-02:49:43

And it's no more than that.

02:49:43-02:49:47

And you can read anything you'd like into it, but that's the facts of the matter.

02:49:48-02:49:48

So,

02:49:50-02:49:54

So that's all I have to say to you, sir.

02:49:55-02:49:57

I'm sorry about the technology.

02:49:58-02:50:01

I like to meet people face to face, but this is all we have.

02:50:01-02:50:03

So kia ora tātou.

02:50:03-02:50:04

He pāpāhi.

02:50:04-02:50:05

Any questions for me?

02:50:06-02:50:09

Ngāri, aku pīrangi, te kōrero mai te pāpāhi,

02:50:10-02:50:10

hei mai te rāpāhi.

02:50:11-02:50:14

So to translate, if you're going to question me,

02:50:14-02:50:16

please question me in English so everybody else can understand.

02:50:16-02:50:17

Kia ora.

02:50:17-02:50:18

Kia ora, Tom.

02:50:18-02:50:18

Thank you.

02:50:18-02:50:20

Now we've got about two and a half minutes left.

02:50:20-02:50:22

I've got a question from Todd Stevenson.

02:50:23-02:50:23

Hi, Tom.

02:50:24-02:50:24

Thank you for your submission.

02:50:24-02:50:29

In your submission you actually talk about two additional principles you'd put forward.

02:50:29-02:50:30

Can you talk to those?

02:50:32-02:50:32

Yes.

02:50:33-02:50:35

These are the principles of civil law.

02:50:36-02:50:42

And they would be principles that require the parties to a dispute, be that the Crown and Maori,

02:50:42-02:50:45

to act towards each other with the utmost good faith.

02:50:46-02:50:57

And the second principle of civil law was for the government to ensure that those bringing actions against the Crown are adequately resourced to do so.

02:50:58-02:51:05

The Crown is an enormously powerful beast and a very difficult beast to have as an opponent.

02:51:05-02:51:16

And I think in terms of equity, it would be quite proper to ensure that those who are bringing an action against the Crown to settle a dispute are adequately resourced to do so.

02:51:16-02:51:20

Thanks Tom. Members, any more questions for Tom?

02:51:21-02:51:23

Taka to Ferris, last question.

02:51:24-02:51:26

Kia ora Tom, tēnā koe o kōrero.

02:51:27-02:51:31

I'm just curious about your idea that there was no sovereignty to be ceded.

02:51:31-02:51:35

In Article 1 it's pretty clear that the Crown, Article 1, Bākaua version,

02:51:35-02:51:39

the Crown is asking for the individual chiefs of the individual territories

02:51:40-02:51:42

that they are sovereigns of to consider ceding it to them.

02:51:43-02:51:45

So I'm not sure how you landed.

02:51:45-02:51:48

You know, what do you mean there's no sovereignty to cede?

02:51:48-02:51:50

It's right there in the treaty, in the English text.

02:51:52-02:51:52

Thank you.

02:51:52-02:51:55

I was waiting for someone to ask that very awkward question.

02:51:56-02:51:58

It depends how you see sovereignty.

02:51:59-02:52:04

When they wrote, the people who wrote the English version of the treaty

02:52:04-02:52:09

referred to sovereignty as the rule of a sovereign over a nation.

02:52:10-02:52:18

When we talk about sovereignty in Mataroko Māori, we talk about Tino Rangatirutaka as sovereignty, and indeed it is.

02:52:18-02:52:22

But it's only sovereignty over their takiwa, over their people.

02:52:23-02:52:27

There was no overarching sovereignty for the nation for them to cede.

02:52:27-02:52:38

There was an attempt to create that with the Declaration of Independence, but most people didn't even know about it.

02:52:38-02:52:42

it was not a success and if they had known about it they would not have signed it.

02:52:43-02:52:47

So there is a difference in understanding what sovereignty means.

02:52:47-02:52:55

So if we talk about personal self-determination, you can call that a form of sovereignty,

02:52:56-02:53:04

but in terms of treaty, in terms of law, certainly in terms of democratic law, sovereignty means the role of a sovereign.

02:53:05-02:53:07

Thank you Tom, sorry to interrupt you there, but that's the time we've got today.

02:53:07-02:53:09

So I just want to acknowledge your submission.

02:53:10-02:53:12

Apologize for the technical issues and just thank you for being with us this afternoon.

02:53:13-02:53:13

Well, this morning still.

02:53:17-02:53:20

We'll go now to submission from the New Zealand Bar Association.

02:53:21-02:53:25

Joining us online is the Honourable Christopher from the Lace.

02:53:25-02:53:25

Thank you.

02:53:25-02:53:45

Thank you.

02:53:55-02:53:58

Thank you, Mr Chair, for your guidance and technical expertise,

02:53:58-02:54:01

and congratulations on your elevation.

02:54:01-02:54:04

As Dr Webb will tell you, such honour passes reasonably quickly.

02:54:06-02:54:10

I've got a very brief submission to make on behalf of the Bar Association,

02:54:10-02:54:14

which is, if you like, the independent Bar version of the Law Society.

02:54:15-02:54:16

It has about 1,200 members.

02:54:17-02:54:17

You have the submission.

02:54:18-02:54:21

I don't intend to refer to it at any length,

02:54:21-02:54:26

simply to make the point that above all the bill is misconceived

02:54:27-02:54:31

because it endeavours to raise a number of principles

02:54:31-02:54:35

that simply do not reflect the relationship of the Treaty of Waitangi

02:54:36-02:54:37

between the Crown and Tangata Whenua.

02:54:38-02:54:41

Frankly, there are principles that could possibly go in a written constitution,

02:54:42-02:54:44

although they're not particularly well drafted,

02:54:45-02:54:47

or possibly be included in the Constitution Act,

02:54:47-02:54:53

but they don't belong in the Treaty of Waitangi Principles Bill

02:54:54-02:54:57

because they don't accurately define the treaty relationship

02:54:58-02:54:59

between the Crown and Tangata Whenua.

02:55:00-02:55:01

Happy to answer any questions.

02:55:02-02:55:02

Thank you, Chris.

02:55:02-02:55:05

I'm sure Duncan and I will make sure your South Island passport

02:55:05-02:55:05

is in the mail already.

02:55:06-02:55:08

I'll go first to Dr Webb.

02:55:08-02:55:09

Then we've got one from Ginny Anderson.

02:55:11-02:55:12

Kia ora, Chris.

02:55:12-02:55:15

Really good to see you and hear from you on this forum.

02:55:16-02:55:21

Really interested in, we've had some discussions around parliamentary sovereignty already,

02:55:22-02:55:27

and you used quite a nice phrase, Parliament's sovereign but not omnipotent.

02:55:27-02:55:33

I'm just really interested in you just giving a minute on what you mean by that,

02:55:33-02:55:39

and in what ways do you think Parliament's power to do whatever it wants is in some way constrained?

02:55:40-02:55:44

Well, it's a topic that comes up from time to time, Dr Webb.

02:55:44-02:55:48

You will recall, of course, what the late Lord Cook said,

02:55:48-02:55:52

that there are some things that may be beyond the competence of Parliament,

02:55:53-02:55:56

like abolishing the judiciary and so on.

02:55:56-02:55:57

So there are obvious limits.

02:55:58-02:56:02

And one such limit is to start to interfere with the Treaty of Waitangi,

02:56:03-02:56:07

which stands quite apart from parliamentary sovereignty.

02:56:07-02:56:13

So, as I say, the Parliament can legislate to provide that the earth is flat

02:56:13-02:56:20

and so on. It doesn't make it flat, but this is an issue where it is arguably beyond the

02:56:20-02:56:25

competence of Parliament to start interfering with the treaty which was signed between the

02:56:25-02:56:27

Crown and Māori in 1840.

02:56:28-02:56:30

Thanks for this. Ginny and then Takata.

02:56:31-02:56:40

Kia ora. Nice to hear from you. Some submitters this morning, we've heard that this bill is

02:56:40-02:56:48

required because our judges are not democratically elected as opposed to us politicians. I'm

02:56:48-02:56:55

interested to hear your views on that, specifically on whether or not that undercuts some of the

02:56:55-02:56:59

key separation of power doctrines that underpin our system.

02:57:00-02:57:05

Oh, but you hear these comments every once in a while. When the first Ngāti Āpā decision

02:57:05-02:57:13

came out in 2002. There were all sorts of screams about activist judges and so on. In actual fact,

02:57:13-02:57:19

the decision was in line with ancient principles of common law. So I don't pay too much attention to

02:57:20-02:57:29

that kind of debate. And the last thing we want in this country, Ms. Anderson, is a politicization

02:57:29-02:57:31

of the judicial appointments process,

02:57:31-02:57:33

which has worked incredibly well,

02:57:33-02:57:37

regardless of Labour or national administrations.

02:57:38-02:57:42

Attorneys General, I have known over the years,

02:57:42-02:57:44

have always done their best to appoint judges

02:57:44-02:57:47

who will do justice and administer the law.

02:57:47-02:57:49

And the last thing we want in this country

02:57:50-02:57:52

is sort of confirmation hearings

02:57:52-02:57:56

like happened in the United States Senate with Brett Kavanaugh.

02:57:56-02:58:01

So I pay no attention to those sorts of comments because they're meaningless.

02:58:02-02:58:02

Can I say one, sir?

02:58:03-02:58:06

And when you're in a soundbite, what advice do you give

02:58:07-02:58:12

and how do we accurately communicate to the New Zealand public the importance of that

02:58:13-02:58:18

and get around that sort of dogma that it's a left-leaning judge

02:58:18-02:58:20

giving light sentences or being activist?

02:58:21-02:58:35

Because from time immemorial, both administrations, centre-left and centre-right, have appointed people who will administer justice according to the law.

02:58:35-02:58:46

And I've never had any doubt that if a judge may be of a left-wing or right-wing persuasion, they won't end up doing justice for the people before them.

02:58:46-02:58:50

We have the best system of appointment of judges in New Zealand.

02:58:51-02:58:55

We have a judiciary that is extremely talented and hardworking,

02:58:56-02:59:00

and we don't want to go down that path of attacking the judiciary

02:59:01-02:59:03

as happens in the United States.

02:59:03-02:59:04

We're too good for that.

02:59:05-02:59:05

Thank you.

02:59:05-02:59:06

Thank you, Chris.

02:59:06-02:59:08

We'll go to Takata and then Joseph.

02:59:09-02:59:10

Tēnā koe, Chris.

02:59:11-02:59:13

The principles are being talked about a lot,

02:59:13-02:59:16

and in my view they're being sort of painted as the bad guy

02:59:16-02:59:18

and helping to generate all of the discussion,

02:59:19-02:59:20

which is largely misinformed.

02:59:21-02:59:31

Now, I'm probably a little bit privileged in that I've had a very clear explanation of where and how the principles come about from Tai Hakure.

02:59:33-02:59:43

So I'm just asking, I want to ask you if you can give us some clarity on where and how and why principles come out of Te Tiriti o Waitangi.

02:59:44-02:59:58

Well, there aren't many principles, and they're all reasonably benign, to act with dignity towards one another, to properly consult tangata whenua, to protect their treasures and so on.

02:59:59-03:00:10

I don't want to send you away to do your homework, but many years ago, Doug Woolerton, the New Zealand first MP, introduced legislation to delete the principles of the treaty from the legislation.

03:00:11-03:00:16

And I was in opposition at the time and gave what I thought was quite a good speech summarising the principles.

03:00:17-03:00:20

And so you may want to go to Hansard in 2006 and dig those out.

03:00:21-03:00:24

But look, they're pretty innocent principles.

03:00:25-03:00:30

They've been interpreted in a very conservative way by the judges over the years.

03:00:31-03:00:33

And this really is a case of much ado about nothing.

03:00:35-03:00:36

Thank you, Chris.

03:00:36-03:00:37

We'll go a question from Joseph Moody.

03:00:39-03:00:40

Good morning, Chris.

03:00:40-03:00:40

Good morning.

03:00:42-03:00:44

In the written submission,

03:00:44-03:00:46

New Zealand Law Society has said that

03:00:46-03:00:48

te tiriti is what it is, a treaty using particular

03:00:48-03:00:50

words between the Kaurau and the chiefs who signed it.

03:00:51-03:00:52

Now, there's been quite a bit of discussion

03:00:53-03:00:54

in the public domain

03:00:55-03:00:56

about kawana-tanga and

03:00:56-03:00:58

tēnuranga tēnuranga. I just

03:00:58-03:01:00

would like to get your thoughts on what

03:01:00-03:01:02

tēnuranga tēnuranga means in terms of

03:01:03-03:01:04

in the Tērō Māori

03:01:04-03:01:06

version, it's guaranteed to

03:01:07-03:01:08

the chiefs

03:01:08-03:01:18

And if I look to Henry Williams, the translator of the treaty,

03:01:18-03:01:21

who was commissioned by Captain Hobson to interpret and explain the treaty,

03:01:22-03:01:24

not to allow anyone to sign it until he fully understood it,

03:01:25-03:01:28

said in a letter in 1847 to Bishop Silwin that he had explained

03:01:28-03:01:31

that as meaning the Queen of England confirms and guarantees to the chiefs

03:01:32-03:01:36

and tribes and to each individual native their full rights of chiefs,

03:01:36-03:01:37

their rights of possession of their lands,

03:01:38-03:01:41

and all the other property of every kind and degree.

03:01:42-03:01:45

Do you think that that is an accurate reflection

03:01:46-03:01:48

of what Teno Rangatiratanga means?

03:01:49-03:01:52

Well, the way I look at Article 2 is Rangatiratanga

03:01:53-03:01:58

gives protection to the taonga of the chiefs,

03:01:58-03:01:59

the iwi and the hapu,

03:02:00-03:02:05

and that's played out and been played out in cases over the years.

03:02:06-03:02:11

But essentially, we recognise the authority, the stewardship,

03:02:11-03:02:17

the leadership of rangatira and the right protection of their taonga.

03:02:18-03:02:20

There's a supplementary I could, Mr Chair.

03:02:20-03:02:22

Do you accept that is also extended to the individual?

03:02:24-03:02:24

The individual who?

03:02:26-03:02:31

The individual native, as was framed by Henry Williams,

03:02:31-03:02:33

Archdeacon, Henry Williams in his letter in 1847.

03:02:34-03:02:39

Oh, I've given you the answer based on what I consider to be Article 2 of the Treaty,

03:02:40-03:02:43

glosses on letter that may have been written in 1847,

03:02:43-03:02:46

which were referred to by the New Zealand Law Society.

03:02:46-03:02:47

You can ask them.

03:02:49-03:02:49

Thanks, Joseph.

03:02:49-03:02:51

We've got a final question from Sample.

03:02:52-03:02:52

Kia ora, Chris.

03:02:53-03:02:53

Quick one.

03:02:54-03:02:56

For someone who is not a lawyer, a.k.a. me,

03:02:57-03:03:02

what does this mean for settlements and what does this mean for jurisprudence

03:03:02-03:03:06

if this bill were to come through via second reading or via a referendum?

03:03:07-03:03:10

Oh, that's actually a very interesting and very loyally question with respect,

03:03:11-03:03:20

because one of the issues that may be raised is if there are certain rights

03:03:20-03:03:28

which are confirmed on settlement, and I refer particularly to the Ngāi Tahu Claims Settlement Act 1992,

03:03:28-03:03:34

be very careful what you wish for because it may give Ngai Tahu a lot more authority

03:03:35-03:03:39

in and over Tiwai Poonamu than Mr Seymour and his cohorts intend.

03:03:41-03:03:41

Thank you.

03:03:41-03:03:45

That has been the subject of some comment in recent times, but it's an excellent loyally

03:03:45-03:03:50

question and you should go and see the commentary that's been written on that.

03:03:50-03:03:51

Thank you, Chris.

03:03:52-03:03:52

That's the time we've got.

03:03:52-03:03:57

I'm not sure something called loyally is often a compliment, but I think in this instance

03:03:57-03:03:58

it definitely is.

03:03:58-03:04:02

So appreciate you being with us this morning and wish you the best.

03:04:04-03:04:08

Okay, folks, we're going to now move to a switch from Arete Mitua Mate,

03:04:09-03:04:11

who's going to join us by Zoom online.

03:04:14-03:04:18

Just so we're going to know we are running about nine minutes behind,

03:04:19-03:04:20

which is pretty good for the length of the morning.

03:04:22-03:04:23

Kia ora, Arete.

03:04:23-03:04:24

Thank you for joining the committee.

03:04:24-03:04:26

You've got 10 minutes with us this morning,

03:04:26-03:04:29

so I'll ask you to go ahead and present your submission.

03:04:32-03:04:33

You're just online, sorry, sir.

03:04:34-03:04:36

Sorry, mute. You are online, but obviously you're on mute too.

03:04:37-03:04:38

Kia ora. Thank you, Chair.

03:04:38-03:04:40

Tēnā koutou ngā mi mō te kōmiti.

03:04:41-03:04:44

Tēnā au he uri o Ngāti Kauwhata, o Ngāti Raukawa ki te tonga,

03:04:45-03:04:46

o Ngāti Haua e mihi atuana.

03:04:48-03:04:51

I won't read my submission, obviously, because that's taken as read,

03:04:51-03:04:53

but I've got a few points that I want to follow up on.

03:04:53-03:04:56

Can I just point out that what a privilege to follow

03:04:56-03:04:57

by the Honourable Christopher Finlayson.

03:04:58-03:04:59

The point I want to make about that is that

03:04:59-03:05:02

when you've got people like Chris Finlayson and Eddie Jury,

03:05:03-03:05:05

two of the great legal minds in the history of our country,

03:05:06-03:05:07

sort of opposing this bill,

03:05:07-03:05:10

it says a lot about the state of this bill

03:05:11-03:05:13

and the constitutionality of it and all those things.

03:05:14-03:05:18

I think it's wonderful to see diverse experts on the treaty

03:05:18-03:05:20

from all sorts of different political perspectives

03:05:21-03:05:23

coming out and opposing what is essentially

03:05:23-03:05:27

significantly flawed proposal.

03:05:28-03:05:33

I was compelled to submit on this purely because I was following the commentary in the news media

03:05:33-03:05:37

and on social media and really concerned about what that was doing to the fabric of our country.

03:05:37-03:05:44

And while I respect David Seymour's right to make a proposed legislation like this,

03:05:45-03:05:50

I think what's fundamentally happening here is a misunderstanding of the role of Parliament,

03:05:50-03:05:54

role of the Crown in relation to its engagement with Māori, as many people have already said.

03:05:55-03:05:59

The treaty is a partnership between the Crown and Māori. So it's not for the Crown alone,

03:06:00-03:06:04

it's not for the government alone to determine the rules that impact our people. You know,

03:06:04-03:06:09

just the fundamental flaws in this whole process have been really concerning, as a political

03:06:09-03:06:14

scientist particularly, but also as an Iwi member who's been involved in treaty research for my own

03:06:14-03:06:19

people. There's two things I really want to touch on. The first is about this misconception about

03:06:19-03:06:23

democracy purely being about rule by the majority.

03:06:25-03:06:28

Democracy is about rule of the people for the people, yeah?

03:06:28-03:06:30

So where we've got people constantly talking about,

03:06:30-03:06:32

well, there should be a referendum

03:06:32-03:06:35

so the majority of New Zealanders can speak to this issue,

03:06:35-03:06:39

it's just completely not understanding the principles

03:06:40-03:06:42

of democracy that speak about protecting

03:06:42-03:06:44

and recognising the interests of minority people,

03:06:44-03:06:45

and in this case, obviously, Māori.

03:06:46-03:06:47

I live between Australia and New Zealand.

03:06:47-03:06:50

My wife's an Aboriginal scholar in Australia.

03:06:50-03:06:51

I'm in Australia right now.

03:06:51-03:06:54

It's actually the public holiday for Australia Day today,

03:06:55-03:06:57

which is a controversial day in this place.

03:06:57-03:06:59

We call it Invasion Day or Survival Day.

03:07:00-03:07:02

But, of course, many Australians celebrate Australia Day.

03:07:03-03:07:05

The issue is, in Australia, they had a referendum last year

03:07:05-03:07:08

around the voice to parliament, a voice for Aboriginal and Torres Strait Islander

03:07:09-03:07:10

people to be recognised in the Constitution.

03:07:11-03:07:16

And that voice referendum was doomed to fail because you were having a majority,

03:07:16-03:07:21

seeking the views of a majority of Australians to make a call as to whether or not this voice

03:07:21-03:07:25

should go through. Well, Aboriginal people, for example, are around 3 or 4% of the population.

03:07:25-03:07:31

In Māori, if we're 15, 17, 20% of the population, we're a minority in our own country. So the

03:07:31-03:07:36

concept, the proposal of a referendum was just really concerning, particularly when you think

03:07:37-03:07:41

about what's happened, not just in New Zealand, but around the world, when referendums related to

03:07:42-03:07:46

matters that particularly speak to the Indigenous people, the relationship with Indigenous people,

03:07:46-03:07:47

very rarely get up.

03:07:48-03:07:50

But I don't think Mr Seymour was doing that by accident.

03:07:51-03:07:53

I think Mr Seymour's whole desire with this legislation,

03:07:54-03:07:55

with this whole debate,

03:07:55-03:07:58

is while he has his own particular strong views about things,

03:07:58-03:08:03

he knew very well that this will stir up concern amongst New Zealanders.

03:08:03-03:08:06

There are people online, I read just this morning on some blog sites,

03:08:06-03:08:10

people saying that the time has come for Māori to be put back in their place,

03:08:10-03:08:13

which I find completely ironic given our place is Aotearoa.

03:08:14-03:08:15

We are tangata whenua as well, Aotearoa.

03:08:15-03:08:18

and the debate that's being

03:08:19-03:08:22

that's coming out of this particular

03:08:22-03:08:25

proposal is really concerning. The other point I want to make is

03:08:26-03:08:28

and I'm actually friends with Don Brash which

03:08:29-03:08:31

my thai I think is funny but Don Brash used to

03:08:31-03:08:34

talk about Iwi tahitātou and the Hobson's

03:08:35-03:08:37

Pledge. They had that quote at the start of their

03:08:38-03:08:41

submission. There's two things that I want to say about

03:08:41-03:08:45

the use of that quote in this context. First it's

03:08:45-03:08:48

that a Pākehā-led organisation like the Hobson's Pledge

03:08:49-03:08:52

is using a Māori word, a Māori phrase,

03:08:52-03:08:54

that a Pākehā person spoke to Māori.

03:08:54-03:08:58

It's like, how ironic that Pākehās are telling us

03:08:58-03:09:01

what he iwi tai hi tātou means in our own language.

03:09:02-03:09:04

He iwi tai hi tātou doesn't mean everyone is one

03:09:04-03:09:05

and we are all exactly the same.

03:09:05-03:09:08

It just fundamentally doesn't understand.

03:09:09-03:09:11

You can bring people together and have a partnership

03:09:11-03:09:13

and a connection, and we can become one

03:09:13-03:09:15

for that particular purpose, but that doesn't mean

03:09:15-03:09:20

all exactly the same. Everything we do is the same. We all should be treated exactly the same.

03:09:20-03:09:25

He iwi tahi tato has been misused and abused, not necessarily deliberately by people like

03:09:26-03:09:30

Hobson's pledge, but probably because they just don't understand. Having people who are not fluent

03:09:30-03:09:35

in our language telling us what Governor Hobson meant when he said he iwi tahi tato is just

03:09:35-03:09:40

ridiculous. And the last point I want to make is I think Seymour, Mr Seymour should focus on

03:09:40-03:09:42

bigger issues around the constitution.

03:09:43-03:09:44

We're one of the

03:09:44-03:09:46

countries in the world that doesn't have a written

03:09:46-03:09:48

constitution, a comprehensively written constitution.

03:09:48-03:09:50

There's a world where potentially that's a conversation

03:09:50-03:09:52

that New Zealanders want to go on

03:09:52-03:09:54

and have. This particular bill around

03:09:54-03:09:56

the treaty principles, I mean not only are these principles

03:09:56-03:09:57

the ones that is proposed

03:09:58-03:10:00

just completely out of

03:10:00-03:10:02

sync with what's actually

03:10:02-03:10:03

the treaty is about.

03:10:04-03:10:06

There are principles that already make sense

03:10:06-03:10:08

in the context of the way our country has been operating

03:10:08-03:10:10

for many, many years and

03:10:10-03:10:12

to do what Mr Seymour is proposing to do,

03:10:13-03:10:16

not only disrespects many, many years of lawmaking,

03:10:17-03:10:21

but it also disrespects many people on his side of politics

03:10:21-03:10:23

and across the political spectrum

03:10:24-03:10:27

who have been fighting really hard to ensure that the Treaty is honoured

03:10:27-03:10:28

in a respectful way for all New Zealanders,

03:10:28-03:10:31

because as people have said, the Treaty is not just for Māori, it's for all.

03:10:31-03:10:35

And the lovely guy who spoke earlier even said that he was tangata whenua,

03:10:35-03:10:38

I liked his principle, but the reality is,

03:10:38-03:10:40

You're a tangata whenua if you're from the land,

03:10:40-03:10:41

if you're a Maori here.

03:10:41-03:10:43

And my uncle Eddie always talks about

03:10:43-03:10:46

everyone else also has the right to be here as tangata treaty.

03:10:47-03:10:48

So the treaty is for everybody.

03:10:49-03:10:50

That's my final point.

03:10:51-03:10:53

Kira Ariti, thank you for that submission.

03:10:53-03:10:54

We've got three questions lined up.

03:10:54-03:10:57

First is from Debbie Ngarewa-Paka,

03:10:57-03:10:58

then Todd Stevenson, then Tracing Club.

03:10:59-03:11:00

Tēnā koe, a hoa.

03:11:00-03:11:01

Ka paiki te kiti a koe,

03:11:02-03:11:03

and good to hear your voice

03:11:04-03:11:05

and to receive your submission.

03:11:06-03:11:11

The bill is going to be dead like a duck at second reading.

03:11:12-03:11:14

What, in your opinion, in your expert opinion,

03:11:15-03:11:19

needs to be the real next phase for a government to consider,

03:11:20-03:11:21

not only in protection of Te Tiriti,

03:11:22-03:11:25

but to conclude the division that this bill has created

03:11:25-03:11:27

in Aotearoa for all New Zealanders?

03:11:28-03:11:31

Well, it's a relevant question I've been thinking about

03:11:31-03:11:33

because here in Australia, post the voice referendum,

03:11:34-03:11:36

there's a whole lot of soul-searching happening

03:11:36-03:11:37

because what actually happened in that referendum

03:11:38-03:11:39

was damaging to the First Nations people here.

03:11:40-03:11:42

And I don't want to dwell on that too much,

03:11:42-03:11:43

but as you know better than me, Whaya,

03:11:44-03:11:47

there's a lot of people who have been harmed by this process.

03:11:47-03:11:49

The stuff that's written online about our people

03:11:50-03:11:51

and our koumata and our pakeke,

03:11:52-03:11:56

it's deeply hurtful because a lot of it is deeply racist and harmful.

03:11:57-03:11:58

But I think the government,

03:11:58-03:12:00

I touched on the point about a written constitution.

03:12:01-03:12:03

I feel like there's been so much work done

03:12:03-03:12:05

by both government committees, organisations,

03:12:06-03:12:08

our people around having conversations

03:12:08-03:12:09

about the constitution and where it should go.

03:12:09-03:12:12

And I think those should be given some proper weight.

03:12:12-03:12:13

And they should be given weight,

03:12:13-03:12:15

not in line with that idea that democracy

03:12:15-03:12:17

is ruled by the majority,

03:12:17-03:12:18

but ruled by the people,

03:12:19-03:12:21

which includes the minority peoples

03:12:21-03:12:24

having appropriate and respectful engagement

03:12:24-03:12:25

and say in the process.

03:12:27-03:12:28

Thank you.

03:12:28-03:12:29

We'll go to Todd and Tracey.

03:12:30-03:12:31

Thanks, and thanks for your submission.

03:12:31-03:12:33

I'm just on, it's page one of your submission,

03:12:33-03:12:38

and you've outlined four treaty principles as you see that.

03:12:38-03:12:42

If this bill just basically legislated those four principles,

03:12:42-03:12:43

what would be your position?

03:12:44-03:12:47

Well, my position is that the Crown shouldn't be determining these things

03:12:47-03:12:49

without consultation with Māori in an appropriate way,

03:12:50-03:12:53

outside of this Crown government-led process.

03:12:54-03:12:56

The treaty, as I said earlier, is between Māori and the Crown.

03:12:56-03:13:00

You've got a government minister of a minority tiny party

03:13:00-03:13:04

with no real mandate actually to be pushing a major national issue like this,

03:13:04-03:13:07

given the percent of support he has from New Zealand and his party.

03:13:08-03:13:12

It's not the right place, it's not the right way to go about this.

03:13:12-03:13:15

It's an insult to Māori that we go about this in this way.

03:13:15-03:13:17

You should be asking Māori first what they want,

03:13:18-03:13:22

and then having conversations, not forcing a bill down our throats like this.

03:13:23-03:13:23

Supplementary if I might.

03:13:24-03:13:25

No, sorry, we'll go to Tracy.

03:13:25-03:13:26

Yes, you'll be.

03:13:27-03:13:28

Thank you, Mr Chair, and thank you for your submission.

03:13:29-03:13:36

We've heard earlier that Te Tiriti inadvertently creates division by virtue of its mere existence.

03:13:37-03:13:46

And this bill therefore appears, on the surface at least, to be seeking a solution to that by simply abandoning the principles.

03:13:47-03:13:53

As a political scientist and someone I'm assuming would be interested in a more informed citizenry,

03:13:54-03:13:56

what do you think we should be doing instead?

03:13:56-03:13:59

because I agree with Debbie when she says

03:13:59-03:14:02

this isn't going to go away after this particular process.

03:14:03-03:14:07

So how do we prepare ourselves for the next phase

03:14:07-03:14:09

so that we come to a good outcome rather than a poor one?

03:14:10-03:14:14

Well, David Seymour should pump a few tens of millions of dollars

03:14:14-03:14:16

into a commission independent with independent experts

03:14:16-03:14:19

from around the world, including representatives of Tangata Whenua,

03:14:19-03:14:22

and have a proper conversation in that space first

03:14:22-03:14:23

and then see what they suggest.

03:14:24-03:14:26

Thanks, Aleti. Thank you, Tracey.

03:14:56-03:14:58

Our very warm greetings from down here in the south.

03:14:59-03:15:03

Just checking that the sound is working because I've had a few technical hitches today.

03:15:03-03:15:04

But if you can hear me, fantastic.

03:15:06-03:15:13

I'm a professor of political science and I specialise in democracy and also in climate change and environment.

03:15:14-03:15:18

The reason I'm presenting on this issue is that one of the areas that I've researched

03:15:19-03:15:23

and I've taught New Zealand politics for over 30 years at Lincoln and Canterbury.

03:15:23-03:15:28

I've had fellowships at Oxford and the University of Surrey and the University of East Anglia.

03:15:28-03:15:33

But one of my key interests is how can we maintain democracy through big upheavals,

03:15:33-03:15:40

whether those upheavals are climate change, economic earthquakes, or in this case, the

03:15:40-03:15:41

breakdown of social cohesion.

03:15:42-03:15:43

And that's what I want to speak to in this.

03:15:44-03:15:49

So I just want to touch on four points that I make in the proposal and then just leave

03:15:49-03:15:50

it for questions.

03:15:50-03:15:55

I'm opposed to the Treaty Bill in its entirety and to the referenda.

03:15:56-03:16:01

But I'm particularly concerned about the framing of this whole debate

03:16:01-03:16:05

and the way, for example, in which expertise is positioned as politicised.

03:16:06-03:16:08

I'm speaking as a defender of democracy here,

03:16:09-03:16:12

not because of any political perspectives of my own.

03:16:13-03:16:18

I am concerned that this bill, and I was extremely surprised, actually,

03:16:19-03:16:22

that our national party, as the major coalition party,

03:16:22-03:16:27

enabled it, because it's led a small and extreme libertarian

03:16:28-03:16:32

view within a party, set policy direction that's now

03:16:32-03:16:35

well outside of the position of median New Zealand voters.

03:16:37-03:16:42

Back in 2012, Emeritus Professor Jack Nagel

03:16:42-03:16:44

said there is one huge risk with MNP,

03:16:45-03:16:47

but it would never happen, or very rarely, he imagined,

03:16:48-03:16:52

where a small party could exploit a favourable bargaining position

03:16:52-03:16:56

to impose an undiluted view of their preferred policy,

03:16:56-03:16:59

therefore causing great distress amongst the majority.

03:17:01-03:17:05

And if that happened, that power is dangerous to the polity

03:17:05-03:17:09

and it's difficult to defend from a democratic viewpoint.

03:17:11-03:17:12

He said, however, it would hardly ever happen

03:17:13-03:17:15

because it would be very unusual, and it had been very unusual,

03:17:15-03:17:24

governments under MNP had ever enabled a small party to extract such a high price for a block of votes.

03:17:25-03:17:30

But I would say that's exactly what's happened now. And I want to talk about why this is so

03:17:30-03:17:34

dangerous for our democracy and what actually is happening in a wider political sense.

03:17:36-03:17:42

I know that a number of the ACT Party members will take umbrage at being described as an extreme

03:17:42-03:17:49

libertarian at the moment. But to be absolutely clear, what this party has done in positioning

03:17:49-03:17:55

this bill is to frame it within an international debate that is very strong in the United States,

03:17:56-03:18:05

where small parties have tried to paint equality of votes as a very narrow interpretation,

03:18:06-03:18:10

where it simply means equality for all individuals, as if we had no history,

03:18:10-03:18:12

as if we had no connection.

03:18:13-03:18:16

The leader of the Act Party, David Seymour, asks,

03:18:16-03:18:20

where in the world has it worked to divide people up by their ancestry?

03:18:21-03:18:24

Now, I would argue that that's extremely disingenuous

03:18:24-03:18:27

because, for a start, the treaty hasn't done that.

03:18:27-03:18:31

The treaty is a treaty between the Crown and Maori authority.

03:18:31-03:18:34

It's a treaty about power and how we live together.

03:18:35-03:18:39

But, in reality, very many modern democracies,

03:18:40-03:18:44

Canada, Denmark, Bolivia, Sweden, Finland, Ecuador, the Philippines,

03:18:45-03:18:49

are all enabling constitutional recognition of Indigenous people.

03:18:52-03:18:56

The reason that I also argue that this is an extreme position

03:18:56-03:19:00

is that the majority of New Zealanders, their core value is fairness,

03:19:01-03:19:03

which is something that John Key really well understood.

03:19:04-03:19:06

And for the reasons of fairness,

03:19:06-03:19:13

The idea that we would have a referendum to determine the future of our treaty is fundamentally unfair.

03:19:14-03:19:19

And all of our research is showing that New Zealanders do recognise fairness.

03:19:19-03:19:25

They recognise a situation where we have inherited an unequalled situation.

03:19:26-03:19:30

A referenda, as the previous submitter said, is a very blunt tool.

03:19:31-03:19:37

And it's very rarely used by governments to determine constitutional rights for small minorities.

03:19:38-03:19:40

And I would strongly recommend we don't go that route.

03:19:41-03:19:43

I would recommend we think about other routes.

03:19:44-03:19:48

We've seen what happened in Australia, but we've also seen positive outcomes in Ireland

03:19:48-03:19:52

where they've used other forms of constitutional assemblies and discussion,

03:19:52-03:19:54

like we've already seen with Matua Jackson around the country,

03:19:55-03:19:58

where we begin a different way of talking about constitutions.

03:19:59-03:20:01

So I'll stop there and answer questions.

03:20:02-03:20:03

Thank you very much for having me.

03:20:03-03:20:04

It's a privilege to be here.

03:20:05-03:20:06

Thank you, Bronwyn.

03:20:07-03:20:10

You're part one of the tag team of Haywood's Southland Oil this morning,

03:20:10-03:20:11

so looking forward to part two.

03:20:12-03:20:12

Thank you for your submission.

03:20:13-03:20:15

We've got some questions from Ginny Anderson and then Duncan Webb.

03:20:17-03:20:17

Thanks very much, Bronwyn.

03:20:18-03:20:20

I've always been interested in your work.

03:20:21-03:20:24

I'd like to thank you for sort of framing this debate up in a global context.

03:20:25-03:20:32

And I'd like to ask you what your analysis of, what is the motive?

03:20:32-03:20:38

What's the underlying motive for doing this from David Seymour?

03:20:39-03:20:43

Given what you've said in terms of playing out in other countries in the global context,

03:20:44-03:20:47

what do you think it is that he's trying to achieve by going through this?

03:20:49-03:20:53

I don't want to personalise it to David Seymour, and I can't speak for what his motive is,

03:20:53-03:20:57

but I can speak for what a small, smart party might try and do,

03:20:57-03:20:59

is that they're trying to frame their core values

03:21:00-03:21:02

as being part of something that's fundamental to a constitution.

03:21:03-03:21:04

So they've framed the narrative.

03:21:05-03:21:07

The National Party has lost control of this narrative

03:21:08-03:21:11

and is risking losing control of the governments of the country.

03:21:11-03:21:16

We have seen polls showing increased social discontent.

03:21:16-03:21:17

It is doing harm.

03:21:18-03:21:23

But by trying to position equal opportunities in a very narrow way

03:21:23-03:21:28

definition of the treaty, our constitutional document. A small party is trying to create and

03:21:29-03:21:35

broaden its position. It's really trying to make itself much bigger and align itself to something

03:21:35-03:21:41

that's strongly important to the nation. At the same time, it is exploiting basic wedge politics

03:21:41-03:21:47

to do this. It grows the sense of dissatisfaction and anger, and that becomes incredibly hard to

03:21:47-03:21:53

manage politically and it's extremely divisive for the country. Thank you. Duncan and then Tam.

03:21:55-03:22:01

Kia ora. Thanks for that submission, Bronwyn. Really useful. Interested in some of your statements

03:22:01-03:22:08

around democracy, you used the term the democratic viewpoint. One of the threads here is that if

03:22:08-03:22:13

you've got a properly elected democratic, a properly elected government, they can take any

03:22:13-03:22:17

step that they want to because they've been democratically elected and that gives them the

03:22:17-03:22:23

authority to do so. I'm interested in your comments on that. And does a responsible

03:22:24-03:22:28

democratic government mean more than simply that kind of democracy?

03:22:29-03:22:34

Yes. I mean, it's very easy to think a democracy means one person, one vote. But actually,

03:22:34-03:22:39

we have thousands of democracies around the world. In politics, as a political science,

03:22:39-03:22:44

we say that democracy means a set of principles. It means that you are an accountable government,

03:22:45-03:22:46

you are inclusive and you are transparent.

03:22:47-03:22:50

And you are therefore recognising the rights of your people

03:22:51-03:22:52

and your people are diverse,

03:22:53-03:22:56

so that you come to unique ways in which you ensure

03:22:56-03:22:59

that your community feels like they're being heard,

03:23:00-03:23:03

they have a place, they have a voice and a right to be here.

03:23:03-03:23:05

But also, your government has to have legitimacy.

03:23:06-03:23:09

And the opening speakers were talking about the treaty

03:23:10-03:23:13

as being one of the key things that gives Parliament its legitimacy.

03:23:14-03:23:16

Thank you, Bronwyn.

03:23:16-03:23:18

Well, final question from Tampa Paul.

03:23:19-03:23:19

Kia ora, Professor.

03:23:20-03:23:25

I just wanted to ask you, could you, in your oral submission just now,

03:23:25-03:23:29

you talked about a number of countries who have special rights arrangements

03:23:29-03:23:31

within their democracies, and you named some.

03:23:31-03:23:35

Could you just speak to some of what those look like,

03:23:35-03:23:38

give a few examples, and how they're kind of based

03:23:38-03:23:39

in what they look like in other countries,

03:23:39-03:23:41

and how they're completely normal?

03:23:43-03:23:46

My wonderful colleague, Dr. Lindsay MacDonald here,

03:23:46-03:23:47

has done a whole study on these,

03:23:47-03:23:49

but they are completely normal

03:23:49-03:23:54

in that all democracies seek to protect the rights of groups

03:23:54-03:23:56

and as well as individuals.

03:23:57-03:23:58

We aren't just a society of individuals.

03:23:59-03:24:00

We have our histories.

03:24:00-03:24:01

We have our traditions.

03:24:01-03:24:02

We have our religions.

03:24:03-03:24:06

Freedom actually means protecting all of those practices,

03:24:07-03:24:08

traditions and cultures.

03:24:09-03:24:12

So every society develops particular unique ways,

03:24:12-03:24:16

And we have a very distinctive and important way of doing this.

03:24:17-03:24:20

And it has a long and constitutional basis,

03:24:20-03:24:22

which we should be very proud of as a nation.

03:24:23-03:24:25

And we have a tribunal and courts

03:24:25-03:24:28

in which we can actually attend to our differences.

03:24:29-03:24:32

And that matters hugely for social cohesion

03:24:33-03:24:34

and for the health of our democracy.

03:24:34-03:24:37

So I really implore this committee to be extremely strong

03:24:38-03:24:40

in resisting a referenda.

03:24:41-03:24:43

It would be a terrible next step.

03:24:44-03:24:44

Thank you, Bronwyn.

03:24:44-03:24:45

Thank you for your time with the committee.

03:24:46-03:24:47

We appreciate you spending it with us this morning.

03:24:48-03:24:51

We're going to move on now to a submission from Takanawha Wilson,

03:24:53-03:24:53

who's joining us online.

03:24:54-03:24:55

Takanawha is speaking in today,

03:24:55-03:24:58

so members will have translation devices with them.

03:24:58-03:25:00

There isn't a live translation in the room,

03:25:01-03:25:02

but the overflow room next door will have one

03:25:03-03:25:05

if those in the gallery would like to hear the translation.

03:25:09-03:25:10

Kia romei tātou.

03:25:10-03:25:12

Kia ora to Kārawa, over to you.

03:25:40-03:25:42

Ngo te maringa nui emihi nui ana.

03:25:43-03:25:45

Ka atira, ko te kanawanakou hau gus in tōku ingoa,

03:25:46-03:25:47

e te kaumāono a ku pakeke,

03:25:48-03:25:49

he uria uno te kāhu i maunga,

03:25:50-03:25:50

no Ngāti Porau,

03:25:51-03:25:53

no Ngāti Mani Apoto,

03:25:53-03:25:55

no whaingaroa mo ana, anohoki.

03:25:57-03:25:59

E ruapea ngā kaupapa matua,

03:25:59-03:26:00

ka whakatako tōria e au.

03:26:01-03:26:02

Ko te hia hia,

03:26:02-03:26:04

ki a marama pū a i te katoa,

03:26:05-03:26:06

te kadoa o te motu,

03:26:07-03:26:08

te pūtaketanga,

03:26:08-03:26:10

waka kōrero whakahe.

03:26:10-03:26:13

Arā tua tahi, ko te mana motu hake,

03:26:13-03:26:14

tēnai i te mana tīreni.

03:26:15-03:26:16

O te tua rua,

03:26:16-03:26:18

ko tēnai mea te iwitanga.

03:26:19-03:26:19

Hei,

03:26:20-03:26:21

i mua i taku aro

03:26:22-03:26:23

ki ngā kaupapa matua,

03:26:24-03:26:25

me tahuri atu au,

03:26:25-03:26:28

ki a kuwhakaro mo ngā mātāpono e tolu

03:26:28-03:26:29

o te pire nei.

03:26:29-03:26:31

Te mātāpeno tua tahi,

03:26:31-03:26:33

kwa mana ke e te ruina ngā matua

03:26:33-03:26:35

o te pāremata no reira he mau mautaima.

03:27:37-03:27:47

A, ki te kau papatua tahi o taku kau fau te rangine, arra, ko te mana motuhake ki te mana tīrin ni.

03:27:48-03:27:54

Ko taku pātai ki te Party Act, kei whea te mana maori motuhake i roto i te mana tīrin ni.

03:27:55-03:27:56

Ikare kau.

03:27:57-03:28:02

I whakatipuri a iau, i roto katoa, i te reo me o Ngatikanga,

03:28:02-03:28:07

ko titi a ki tōku whatu manawa, ngā tino uaratanga o tōku ao Māori.

03:28:09-03:28:12

Kia Māori ngā whakaro, kia tangatanga, te arero rangatira,

03:28:13-03:28:18

kia tū pakari, kia tū rangatira hoki au, i roto i tōku tu akiritanga,

03:28:18-03:28:20

pō te ao, ao te pō.

03:28:21-03:28:25

Ara, nā te tiriti o waitangi, e nei āhuatanga i manaai,

03:28:25-03:28:30

Nga te mana Māori motu hake, e na i ā huatanga i tāia ae.

03:28:32-03:28:34

I te tau kotahimano i warau waru te kaumarua,

03:28:35-03:28:38

I whakatūria te kaupapa o te kohangareo,

03:28:38-03:28:40

E ngā rangatira o te motu,

03:28:40-03:28:42

Kia whakatipuri a ngā tamaiti Māori,

03:28:43-03:28:45

I roto i tō rātau anotua kilitanga.

03:28:46-03:28:47

Kāti e kui iri tana,

03:28:48-03:28:49

Tangi nei ki a koe,

03:28:49-03:28:50

Taumaha nei,

03:28:50-03:28:51

Nghi nui ana koe,

03:28:52-03:28:52

I au mahi katoa.

03:28:54-03:29:09

A i te tau roa mano māwha, ka whakatūria tako kura o ngā tai ātea wharekura, hei kura kāenga mo ngā tamariki Māori o Kirikiriroa, e tuwai rā tau, hei rangatira mo te āpōpō.

03:29:10-03:29:14

Nā te mea, ko te wharekura noa, e pātata ana ki Kirikiriroa.

03:29:14-03:29:23

A te wharekura o rākau mangamanga, taku tuaka nei hanarafiti tēnei kamihi, tira e pā, wata nohia, tēnei au kamihi atu ki ākue.

03:29:23-03:29:32

Noreira, anai e noho nai, anai e noho nā, e tahi o ngā hua o enei kaupapa.

03:29:32-03:29:38

Me kore ake ko te whaka unia o te tinorangatiratanga o ngā hapū e te tiriti o Waitangi,

03:29:39-03:29:40

o kore te kohanga reo.

03:29:41-03:29:47

Kwa kore ngā kura Māori, a, o kore rawau e tū nei, nua i tōkau taiwaroaro.

03:29:48-03:30:00

A, ko taku awangawanganui ki tēnei pire, e pírangitiana kia tū ai au hei New Zealander, tēnā i tētahi uri no ngā iwi me ngā hapū.

03:30:01-03:30:13

No reira, nā te wana motu hake me ngā mā tāpuno tūturu o te tiriti o Waitangi, au i ora ai, e harai te mea ngā taku ni utire ni tanga.

03:30:15-03:30:32

Kaati, kia waiho i ngā kou, ng korero, o ngā kaupapa i ora ai a hau te taha mo tēnei wā, kia angataku haere ki ngā korero o te tinorangatiratanga me te mana motu hake i ngā whakatau ngā tiriti, putano i te motu fânui.

03:30:34-03:30:46

Tua tahi, ko ngā whakatau ngā tiriti whanui, pēnai te Sea Lords me te Tree Lords, he kaupapae e nei hei painga mō ngā ibi katoa.

03:30:47-03:30:56

A, karongo te katoa o te motu i ngā hua, pēnai i te tau hoko hoko, i te whai tūranga mahi, ahā tu, ahā tu.

03:30:58-03:31:01

Tua rua, ko ngā rahi o tōku nāma.

03:31:02-03:31:11

O waikato tai nui, tētahi tawira paira wātu o te whakatairanga o te whakatinana o te tinorangatiratanga mi te mana Māori moduhake.

03:31:13-03:31:18

Nā kīngi tāwhia o te kōrero e meana, māku anō tōku nei whare e hanga.

03:31:18-03:31:21

A, nā waikato tai nui i whakatinana.

03:31:21-03:31:33

I whakatauri a ngā takitiriti, kia whai hua i ngā uri, a ngā waira, ngā waira, ka whai hua hoki, te hapori, me ngā kamupene.

03:31:34-03:31:47

A rā, ko te awa te era, the base, i tuana ki te rapa, a ko ngā hotera te era, kei te taone, a korua kura, tai atu, kia tāma ki makaurau, horapa atu ki te motu.

03:31:47-03:31:55

Nō reira, i hangaiai rā tau, tō rā tau a ke whare, e tūtangatanga ana tau a whare i tēnei wātongi.

03:31:57-03:32:04

Sua toru, a, ko ngā rahi o tōku pāpa, ko te awa o whangani, wanganu.

03:32:05-03:32:12

He tawira mo te awa katoa, ai, he tawira kia mana ai, te reo ake o te awa.

03:32:12-03:32:19

He oi, koia hei tūrama mo ngā awa katoa, putano ai te motu me te ao fânui tonu.

03:32:21-03:32:28

Maraila, hea ha te he o e nei huapai e ronga ai a au te aroa fânui.

03:32:29-03:32:38

Arā, he painga mo te ohanga, he painga hoki mo te tai au, he painga mo te tangata, a he painga mo ni utidini.

03:32:39-03:32:41

Katoa katoa, nā te tiriti.

03:32:41-03:32:49

A, nā te hiahia o te kā wanatanga ki te mahi tahi me te Māori i runga i te tika me te pono.

03:32:50-03:32:53

Noreira, heaha te he o te tika me te pono.

03:32:54-03:32:58

Māna, ko te tika me te pono, tei roto i te he.

03:33:01-03:33:06

Kā tira, ko e nei kupu e tukuna ana i runga i te ngākau akiaki.

03:33:07-03:33:16

Mkotāku ki akautau, tura ki nga tēnei pire, hai oranga mo te Māori, o tira, hai oranga mo te katoa o Autearoa.

03:33:18-03:33:29

Kia tiki nga atu ai, tau kōrero, ai tako tūakana, Hana, e me ana, ka ora tonu mātau, āke, āke, āke, Autearoa, matike mai.

03:33:30-03:33:44

Thank you for your submission, we've got a little bit of time, have any questions for Tikaanawa?

03:33:44-03:33:44

Hana.

03:33:45-03:34:02

Tēnā rākoe te kome te whakahaere e James, waihoki tēnā rākoe e te kanawa e mihi kaiwana ki a koe me tō korohike i ngā rangi tatami.

03:34:32-03:34:36

Tehuatahi Tehuang Arangatahi, wai hoki ngā whakareanga kaerea ki nei.

03:34:38-03:34:41

Wau, ko tā te pire nei he ngana ki te turaki.

03:34:43-03:34:53

Mena, ka pāhi te môtini o te nei pire, he ara te rā e pāiai te mokona hatia o te reo rangatahi, e rā tae wano e Tehuang Arangatahi.

03:34:53-03:34:54

No rei rā.

03:34:55-03:35:04

Yeah, ko ina pea, he take tāami, he take tūra ki, i te mana o te rangatahi, o tira, i te mana o ngā Māori katoa.

03:35:06-03:35:10

Kero te kānoa, thank you for your time with the committee this morning.

03:35:11-03:35:15

We appreciate your submission and thank you for giving young people a voice in this process to it.

03:35:15-03:35:21

It's really, really good to see you here and I think the committee really appreciated your time, so thank you.

03:35:21-03:35:23

Ngā mihi nui ki a koutou katoa. Tēnā koutou.

03:35:24-03:35:24

Kia ora, darling.

03:35:25-03:35:29

I'm going to move now to submission from David Farrar. David will join us online.

03:35:43-03:35:47

Good morning David, thank you for joining us. We've got you for 10 minutes this morning

03:35:47-03:35:49

so I'll hand over to you to present your submission.

03:35:50-03:35:53

Thank you, Mr Chair, and thank you for hearing from me.

03:35:53-03:35:57

I'm one of the lucky 0.1% who get to make an oral submission.

03:35:58-03:35:59

I'll be as brief as possible

03:35:59-03:36:02

if I think questions are the best part of this.

03:36:02-03:36:04

I really just want to make one point

03:36:04-03:36:07

and perhaps pose a challenge to members of the committee.

03:36:07-03:36:09

The one point I want to make is

03:36:10-03:36:12

I do think it would be a very good thing

03:36:12-03:36:15

for there to be a parliamentary or legislative definition

03:36:16-03:36:18

of the principles of the treaty.

03:36:18-03:36:20

The reason for that is twofold.

03:36:21-03:36:22

The first is certainty.

03:36:23-03:36:26

I think a lot of the challenges we've had in the last 5-10 years

03:36:27-03:36:28

are people are uncertain.

03:36:28-03:36:34

They are anxious over how interpretations of the treaty impact them.

03:36:34-03:36:38

We've seen recently the last government had a select committee,

03:36:38-03:36:44

not select, an independent group recommend all councils be co-governed 50-50,

03:36:45-03:36:49

Māori, non-Māori, as part of the principles of the treaty.

03:36:50-03:36:51

Now, that's a big issue.

03:36:52-03:36:54

Not everyone agrees with that.

03:36:54-03:36:59

People are worried about what this may mean to them.

03:37:00-03:37:04

So I think having Parliament come in and say,

03:37:05-03:37:08

we're defining or clarifying the principles is a good thing.

03:37:08-03:37:10

Now, you can say, let's leave it up to the courts.

03:37:11-03:37:14

But ultimately, these are political issues.

03:37:14-03:37:16

They're not just judicial issues.

03:37:17-03:37:21

You will not get the public acceptability, the legitimacy,

03:37:22-03:37:25

if you just say this is all going to be decided by the courts.

03:37:26-03:37:29

And what it will lead to is more like the United States,

03:37:29-03:37:33

where if you're going to say the courts are the only people who decide this,

03:37:34-03:37:37

then judicial appointments will become political.

03:37:37-03:37:38

There will be a litmus test.

03:37:38-03:37:41

How are you going to rule on these issues?

03:37:41-03:37:48

So I would love to see Parliament actually step up and do its job as legislators and say,

03:37:49-03:37:53

these are what we think are the principles of the treaty, because you are the Parliament

03:37:53-03:37:56

that's put them in 20 or 30 different acts of Parliament.

03:37:56-03:38:01

Now, personally, I quite like the principles in this draft bill.

03:38:02-03:38:08

I think the second one has come a long way from the draft act policy and trying to recognise

03:38:08-03:38:09

rights of hapū and iwi.

03:38:09-03:38:16

everybody also recognise this is controversy, not everyone likes that. I would happily go with

03:38:16-03:38:23

principles defined by Parliament that I only partially agree with, 55-60%, then there'd be

03:38:24-03:38:31

no principles at all defined in legislation, because I think getting them into law would be a

03:38:31-03:38:37

good thing. The challenge I would like to pose to, I guess, Parliament members of Select Kamihi

03:38:37-03:38:41

is if pāhi's don't like the principles in these bills,

03:38:41-03:38:45

I would love to see each pāhi pop forward.

03:38:46-03:38:50

These are the principles we would like to define in legislation.

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That would allow New Zealand to understand

03:38:54-03:38:55

what the different perspectives are,

03:38:56-03:38:57

see where there is common ground.

03:38:57-03:39:00

There might be very close similarities

03:39:00-03:39:02

between Labour, Greens, Te Pāhi Māori.

03:39:03-03:39:05

There might be closeness between National Act.

03:39:05-03:39:13

we might end up that we've got two different visions of the principles, which would then allow us to have a more defined conversation.

03:39:13-03:39:20

What I don't want is just a status quo of we think everything's happy.

03:39:20-03:39:25

We don't think there's anxiety over these issues and we're just going to leave it to the court.

03:39:25-03:39:29

So that's effectively my submission. Very keen to have questions.

03:39:29-03:39:34

Thank you, David. We've got four questions lined up, first from Duncan Webb and then Tamif Paul.

03:39:34-03:39:40

Kia ora, don't get too carried away being in the top 0.1%, David.

03:39:41-03:39:48

But look, I do have a question, and it's around focusing these principles

03:39:49-03:39:53

or freezing them in a piece of legislation, because in your written submission,

03:39:54-03:39:58

you identify that over time, the way in which the treaty has been viewed

03:40:00-03:40:03

has changed with perceptions of it and social circumstances.

03:40:03-03:40:05

you referred as Sāpāraāna nāta.

03:40:07-03:40:10

Isn't there a risk if we, whatever principles we choose,

03:40:11-03:40:15

that in fact we do our future selves a disservice

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because in fact, you know, as some would say,

03:40:18-03:40:21

it's a living document that it's understanding changes

03:40:22-03:40:25

to meet society's needs as it progresses?

03:40:26-03:40:27

Very good question.

03:40:27-03:40:28

Thank you, Dr Webb.

03:40:29-03:40:31

The nice thing about principles and legislations

03:40:32-03:40:33

and the Privacy Act's a good agree,

03:40:33-03:40:37

a good example is they can actually adapt over time.

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Our understanding of principles can change.

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So it's not calling for a statutory text

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of this is exactly what the treaty means,

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effectively putting the treaty in legislation,

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but I think defining principles will still give you flexibility.

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To a degree, I really think, though, what this is about

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is almost setting an upper floor or limit.

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people are concerned about

03:41:06-03:41:09

does the treaty mean that equality of suffrage

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is something that is at conflict with the treaty

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if so, how is this resolved?

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that's not a question that's going to go away

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and that's where I think Parliament can provide some certainty

03:41:23-03:41:27

by saying this is how we interpret the principles

03:41:28-03:41:30

so that people can feel reassured

03:41:30-03:41:33

I don't think it would be a straitjacket

03:41:33-03:41:38

I think if you look at the three principles in this bill, there's still lots of room for interpretation.

03:41:41-03:41:43

David, we've got a question from Timothy Paul then.

03:41:44-03:41:45

Kia ora, David.

03:41:46-03:41:48

Thanks for the one-page submission.

03:41:48-03:41:50

Really appreciate when it's nice and succinct.

03:41:50-03:41:51

It makes it easier to digest.

03:41:52-03:41:54

I appreciate the points you make about certainty.

03:41:55-03:42:00

But do you think that this bill actually is far more uncertain than the status quo?

03:42:00-03:42:05

because at the moment we've got settlements in writing

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and we've got jurisprudence in writing

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and both parliamentarians and lawyers and whoever else can rely on that,

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whereas this bill is an effective reset button.

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And so that throws all of that all up in the air

03:42:19-03:42:21

and creates far more uncertainty than we have right now.

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So just trying to understand your logic there.

03:42:25-03:42:26

Thank you for that question.

03:42:27-03:42:29

I think the settlement should be unaffected

03:42:30-03:42:39

because as I understand principle too, it specifically refers to that settlements can give different rights.

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In the short term, you are right, there would be more uncertainty when you ever change,

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like when the RMA changes, as much as people don't like the RMA, you'll have a temporary period of uncertainty.

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In the medium to long term, which is what I think is more important,

03:42:58-03:43:00

I think you would end up with greater certainty.

03:43:00-03:43:02

So short term, yes, there would be,

03:43:03-03:43:06

you wouldn't be able to rely on the jurisprudence,

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but I think in the medium to longer term,

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it would be more certain.

03:43:10-03:43:10

For who?

03:43:13-03:43:16

Well, for government,

03:43:16-03:43:20

because I think you have a lot of government agencies

03:43:21-03:43:24

trying to interpret what these treaty principles

03:43:25-03:43:26

and their acts mean.

03:43:27-03:43:33

I think for Crown Law, and I also think for the courts themselves.

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It's quite common for Parliament to say,

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look, we don't think the courts have quite got this right,

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so we're going to clarify things further.

03:43:46-03:43:49

So I think the certainty can apply to all of those,

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but it will take time.

03:43:51-03:43:52

Thanks, David.

03:43:52-03:43:54

We've got a takuta and then the final one from Todd.

03:43:56-03:43:56

Kia ora, hoa.

03:43:56-03:44:11

I sort of hear what you're saying, but you see, the trouble I have with your view in the submission is that it's sort of built on the premise or it assumes that MPs understand te tiriti wa waitangi or that they understand the history.

03:44:12-03:44:13

And I can guarantee you that's not the case.

03:44:14-03:44:18

There is also no prerequisite for an MP to have such skill sets or knowledge sets.

03:44:19-03:44:23

So you will always be on the back foot if that's the approach we take.

03:44:24-03:44:30

If we take the status quo idea, well, the status quo is just the maintenance of an ignorant state.

03:44:31-03:44:38

So our real problem to move forward in a manner that you are describing, David, is how do we educate our people?

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And what level of education do we expect of our decision makers, our lawmakers?

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So what do you think about that?

03:44:46-03:44:54

What sort of expectation should we have for MPs and figures of power when it comes to this being capable of deliberating this type of thing?

03:44:57-03:45:02

I'm a bit optimistic here, you might say unrealistic, but I think there is ignorance.

03:45:03-03:45:14

Absolutely. You can spend months reading the histories of the period and still not be sure what was intended back in the 1840s.

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But if we actually had the six parliamentary parties come out with, here's our interpretation of the principles, that would actually start the knowledge with both other MPs, but also the wider public at understanding there are differences of views, and then being able to have those conversations about, well, what does the historical record say? How does this reflect our value today?

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That's the work the tribunal's done, right? For 50 years.

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- Sorry, folks, that's the remaining time in the session.

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I'm gonna have to interrupt there.

03:45:44-03:45:46

Thank you, David, for being with us.

03:45:46-03:45:47

- Thank you.

03:45:47-03:45:48

- I do all the best for the day.

03:45:49-03:45:51

We'll move on now to submission from Janine Hayward.

03:45:51-03:45:52

Janine is joining us online.

03:45:55-03:45:58

I'm just a reminder to members,

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if we can keep questions relatively succinct,

03:46:00-03:46:01

we can get through a few more,

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but it's ultimately up for you.

03:46:40-03:46:47

made five brief comments outlining a few objections to the bill. These were that the existing treaty

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principles are clear and effective, the bill breaches the Treaty of Waitangi, Parliament is

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not the appropriate place to decide the treaty principles, sending the bill to select committee

03:46:59-03:47:04

is not a national debate, and a referendum on the treaty principles would be unjust and

03:47:04-03:47:11

unconstitutional. So I want to use my time now to elaborate on just the first of these points and

03:47:11-03:47:17

discuss the treaty principles as they currently are. They were first introduced, of course,

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in 1975 as a way for the Crown to respond to Māori demands for the treaty to be honoured,

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without the Crown having to address the guarantees made in the text of the treaty.

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In 1975, Parliament had the good sense to understand that it did not have the necessary expertise,

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nor the appropriate opportunity to determine what those principles were or are,

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and that this work should be tasked to the newly established Waitangi Tribunal and also to the courts.

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So research I've done in the past has traced the work of the Waitangi Tribunal

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in drawing treaty principles out of the claims that it has investigated and reported on.

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In its early reports, such as Orake, Broadcasting Frequencies and Muri Whenua Fishing, just to name a few, the Waitangi Tribunal spoke of the duty of the Crown to protect Māori.

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It talked about the principle of mutual benefit for Māori and the Crown, and the notion of partnership and the importance of Crown consultation with Māori.

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These principles didn't come out of thin air.

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They emerged from the historical detail of the treaty breaches before the Waitangi Tribunal in relation to the claims.

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They supported recommendations that the Tribunal made to redress the real problems at the time.

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In the three-volume Ngai Tahu report in the early 1990s, which addressed the wholesale loss of Māori land into Waipounimu,

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The Tribunal established a comprehensive framework for the principles of the treaty, which became the foundation for its reports for many years to come.

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The report identified an overarching principle of exchange, which was explained as the fundamental compact or accord between Māori and the Crown embodied in the treaty.

03:49:07-03:49:12

Inherent in that principle of exchange was also a notion of reciprocity.

03:49:12-03:49:21

The exchange of the Crown's right to govern, for the right of Māori to retain their tribal authority and control over their lands and all their valued possessions.

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So subsequent reports from the Tribunal drew on these principles and some moved in different directions, as the facts of the claims required.

03:49:32-03:49:36

These principles all have meaning, substance and application.

03:49:37-03:49:44

They're clearly identified, they are certain, and each has an extensive explanation and justification.

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Now, more recently, my research collaboration with Professor Nicola Ween, also here at Otago,

03:49:51-03:49:57

has investigated the changing nature of the Treaty Principles clauses in legislation as

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interpreted by the courts.

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And that research has highlighted the Crown's control over how the courts can and do already

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interpret treaty principles. So treaty clauses have been appearing in an increasing number of

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laws since 1975, first of all environmental acts and more recently in relation to social policy.

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Our research has found that from soon after the Milestone lands case in 1987,

03:50:25-03:50:31

Parliament has wrestled control of treaty principles back from the courts using elaborated

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treaty clauses. The Crown Minerals Act is an excellent example of this sort of elaborated

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clause. The Act has a standard, broad treaty clause in Section 4 which says all persons

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exercising functions and powers under this Act shall have regard to the principles of

03:50:47-03:50:53

the Treaty of Waitangi. But attached to the Act is a minerals programme which enables Cabinet

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to set policies and procedures for mine and Crown owned minerals. These programmes are

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issued by the Minister through an order in Council, they're not debated or voted on in Parliament.

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In the case of minerals, the programme elaborates on the meaning of Section 4 of the Act.

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So the first minerals programme, issued in 1995, stated that Section 4 required that the Minister

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must act reasonably and in good faith with its treaty partner, must make informed decisions,

03:51:22-03:51:28

and must have regard to whether a decision will impede redress of a treaty grievance.

03:51:29-03:51:39

But by 2013, the revised programme had reduced the meaning of Section 4 to mere consultation with Māori.

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Therefore, despite the Act saying that decision makers must have regard to the principles of the treaty,

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the elaboration in the programme meant that the Crown was only required and is only required to consult with Māori

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to satisfy its treaty obligations in relation to minerals.

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So the treaty principles in this case have been limited to consultation.

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So my point in saying all of this is twofold.

03:52:06-03:52:12

First of all, treaty principles are best determined by those institutions, the tribunal and the courts,

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with the expertise, circumstance and experience to consider them on a case-by-case basis.

03:52:20-03:52:24

The existing principles have provided workable solutions for real challenges.

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Treaty principles are not a matter of opinion.

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Parliament is not appropriately equipped and too self-interested as a treaty partner

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to determine unilaterally what the principles ought to be.

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Second, treaty principles are a conservative reading of the treaty text,

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and they are a tool of the Crown and a compromise which already benefits the Crown.

03:52:50-03:52:56

Nevertheless, they have provided solutions to real challenges on a case-by-case basis for decades.

03:52:57-03:53:00

They are not radical, and they are certainly not a threat to our democracy.

03:53:01-03:53:06

As we have seen time and time again, the Court can choose to ignore tribunal recommendations,

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it can direct the Court's interpretation of the treaty principles,

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and it can legislate in response to judgments that run contrary to its policy agenda.

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The proposed bill, with its new set of principles, bear no relation to the decades of work by the tribunal and courts,

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and it's a very poor solution where there is no obvious problem.

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Finally, I want to acknowledge the many people who have worked so hard to try and inform the public about the treaty and its principles since this bill was first proposed.

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Despite their efforts, this has not been an informed or productive national debate.

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A responsible government approach to a significant policy proposal such as this would provide

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the public with impartial and trusted information to ensure an informed discussion.

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When we made the important decision about our electoral system, for example, the Electoral

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Commission performed the role of educating the public.

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It's crucial that trusted and impartial public education is provided for future proposals

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of this significance.

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are many important discussions to have about the treaty and its principles. This has not been one of

03:54:20-03:54:25

them. It was a mistake for the treaty to be traded off in order to form a coalition government.

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Whatever else this coalition government achieves while it's in office, it is likely to be remembered

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for the unnecessary damage this bill has caused. Tēnā koutou kato.

03:54:37-03:54:37

Tēnā koutou kato.

03:54:37-03:54:41

Thank you. We've got two questions lined up, first from Ginny Anderson, then if we've got time,

03:54:41-03:54:52

Thank you very much, Janine. I really appreciated how you put this current debate in the context of the wider development of the treaty principles in New Zealand.

03:54:53-03:55:05

One of the challenges I find is that trying to have an informed debate on such intricate issues is difficult in the current context when soundbites seem to be more important than ever before.

03:55:05-03:55:22

I'm interested to know what your, I guess, predictions of what this will do in the long term for New Zealand's understanding and engagement with the treaty, whether it's going to cause damage or whether it's simply a blip.

03:55:23-03:55:25

Well, I think two things are important.

03:55:25-03:55:33

I hope that it emphasises how important it is that we stick with a really substantial history in schools programme

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so that we can bring through generations of New Zealanders who understand the history that we're talking about.

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But I also hope that it emphasises the need to get away from this kind of flurry of public debate

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and restore a really substantial discussion between the actual treaty partners for the Crown and Māori

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to consult with each other far more substantially

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and effectively and meaningfully,

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rather than putting these issues out for a debate in a whirlwind

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where you really can't control the kind of information

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that's being used and disseminated.

03:56:05-03:56:06

Thanks, Janine.

03:56:06-03:56:07

Sorry, we don't have time for the last question,

03:56:07-03:56:11

but I just want to extend my appreciation for you being with us this afternoon

03:56:12-03:56:13

and wish you all the best for the rest of the day.

03:56:13-03:56:14

Kia ora koutou.

03:56:15-03:56:17

I'm going to move to submission now from Ngāta Manuhiri Settlement Trust

03:56:18-03:56:21

and we've got Mook Honik joining us online.

03:56:21-03:56:33

Now we have two more submissions to come and then we'll be breaking for a slightly reduced lunch.

03:56:47-03:56:52

Go to Nicola. Thank you for joining us. I'm not sure if Mooc is due in as well, but we've

03:56:53-03:56:55

got you here for 10 minutes, so I'll hand over to you to begin your presentation.

03:56:57-03:57:02

Thank you, Chair and committee members. My apologies from my Chair. He's not able to

03:57:02-03:57:08

be here with you today, so for our submission, you have myself, Nicola MacDonald, Chief Executive

03:57:08-03:57:14

for Ngāte Manuhiri Settlement Trust. I'll take our submission as read, and we'd like

03:57:14-03:57:19

to address the committee on two key themes of our submission. The first being that Te

03:57:19-03:57:26

Tiriti or Waitangi does not require reinterpretation as an agreement between a sovereign and sovereigns,

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and two, closer to home, a discussion on our settlement history. It's not uncommon for

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iwi Māori and hapū Māori to find themselves stating and restating to the Crown as well

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to Parliament that Te Tiriti is a partnership in which both the Crown and Māori must act

03:57:45-03:57:52

reasonably and with utmost good faith. However, throughout the past 185 years that Te Tiriti

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has existed, it has only ever been the Crown who has attempted to rewrite, reinterpret or

03:57:58-03:58:03

redefine Te Tiriti. We state the obvious. It takes those on both sides of a partnership

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to successfully change an agreement, a unilateral approach, as proposed with this Bill, will not succeed.

03:58:12-03:58:16

As members of Legislature, you all have a duty to ensure that partnership is respected.

03:58:17-03:58:24

You should not be complicit in allowing the Executive to abrogate its duties to those that it has a partnership with,

03:58:24-03:58:28

namely ourselves, iwi and hapu Māori.

03:58:29-03:58:32

In exercising its duty to report back to Parliament on this Bill,

03:58:32-03:58:38

the committee should consider how many Māori, hapu, iwi, PSGEs,

03:58:38-03:58:41

that is, how many treaty partners have submitted on this bill.

03:58:42-03:58:45

The committee should also consider whether this bill

03:58:45-03:58:50

and its consultation process has been done with iwi, hapu, Māori,

03:58:50-03:58:53

or to iwi and hapu, Māori.

03:58:53-03:58:57

It should come as no surprise that the Trust believes it is the latter.

03:58:58-03:59:07

Every rangatira who affixed their moko, tohu or signature to Te Tiriti o Waitangi agreed to the Articles of Te Tiriti.

03:59:08-03:59:09

No rangatira signed principles.

03:59:11-03:59:15

Furthermore, Te Tiriti is an agreement between a sovereign and sovereigns.

03:59:16-03:59:20

It was signed on behalf of the sovereign by Captain William Hobson and the Brown Agents,

03:59:21-03:59:25

and Sovereign Hapu Iwi Māori represented by their own rangatira.

03:59:26-03:59:35

It has been understood to manifest in a way that entitles hapū and iwi Māori throughout the mutu their own unique, enduring relationship with the Crown.

03:59:36-03:59:46

Decades of efforts by successive governments to improve the way the Crown upholds its obligation to hapū and iwi are at risk of being undone by this Bill.

03:59:46-03:59:57

Even allowing this Bill to progress at this stage, a select committee, allows those who are not part of an agreement to have an opinion on what that agreement should or could mean.

03:59:58-04:00:05

This undermines years of good faith partnership and collaboration by successive governments with hapua and iwi.

04:00:05-04:00:19

In proceeding with this Bill, we submit that the Government has shown a preference to prioritising agreements between political parties over respecting, protecting and upholding its obligations contained in Te Tiriti.

04:00:19-04:00:34

We implore the Committee and its members to report this Bill back to the House as quickly as possible with a recommendation it not be passed and remind the Crown of its duties to uphold its obligations into the future.

04:00:34-04:00:40

Rather than give validation to the purpose of this Bill by wasting words on specifics,

04:00:40-04:00:44

I want to share with you our settlement history as a hapū.

04:00:45-04:00:53

I do so to emphasise that each hapū has their own unique and enduring relationship and history with the Crown.

04:00:53-04:00:58

This cannot be forced into a box just because it makes things more easy or more convenient.

04:00:59-04:01:06

The history of how Ngāti Manuhiri Settlement Trust came into existence extends back to the early 1800s.

04:01:07-04:01:11

Ngāti Manuhiri did not sign the Treaty of Waitangi or Te Tiriti o Waitangi,

04:01:12-04:01:18

but with the arrival of colonial governments, we developed quickly those relationships with Crown officials.

04:01:19-04:01:24

In 1841, the Crown purchased an extensive area called Mahurangi,

04:01:24-04:01:29

which included much of the lands in which Ngāti Manuhiri held its customary interests.

04:01:30-04:01:32

We were not consulted about the sale,

04:01:32-04:01:37

and the Crown did not conduct an investigation on customary rights when it purchased this land.

04:01:38-04:01:43

By the time the Crown recognised Ngāti Manuhiri interest in these lands,

04:01:44-04:01:48

settlers had moved in and Ngāti Manuhiri were forced to accept compensation.

04:01:48-04:01:57

Our people were also forcibly evicted from Te Hauru o Toi, Little Barrier Island, after the Crown decided it wanted to own the island.

04:01:58-04:02:04

By the late 2000s, not that long ago, Ngāti Manuhiri were effectively landless.

04:02:06-04:02:12

In 2009, we began the negotiation process with the Crown for the settlement of our historical treaty claim.

04:02:12-04:02:20

And in 2012, the Ngāti Manuhiri Claims Settlement Act was passed to give effect to that deed of settlement.

04:02:21-04:02:23

We represent our people since then.

04:02:24-04:02:28

We are compelled by a duty to our people to state our opposition to this Bill.

04:02:29-04:02:35

Our mission is to elevate the voices, hiki te mano o ngā tūpano o Ngāti Manuhiri,

04:02:35-04:02:40

through advancing the prosperity and well-being of our Ngāti Manuhiri people.

04:02:40-04:02:45

Now, we focus on prosperity for our people through strategic initiatives and partnerships

04:02:46-04:02:52

that amplify our presence across our rohi, many of which involve partnering with the Crown.

04:02:53-04:02:59

Some of these include combating the invasive seaweed kalupa with the Ministry of Primary Industries.

04:03:00-04:03:04

Some of these include o mahurangi, powering up infrastructure and roading.

04:03:04-04:03:10

In Tāmaki, we're one of the first to have iwi partners embedded in this much-needed

04:03:10-04:03:11

roading project.

04:03:12-04:03:16

We value those enduring relationships, but we want to make it clear the government puts

04:03:17-04:03:20

this relationship at risk when entertaining a bill like this.

04:03:21-04:03:26

The Crown's own apology to us in our deed of settlement says it wants to build a new

04:03:27-04:03:31

relationship with Ngāti Manuhiri, based on the Treaty of Waitangi and its principles,

04:03:32-04:03:37

so that Ngāti Manuhiri and the Crown can work together to revitalise Ngāti Manuhiri.

04:03:38-04:03:42

Given the Government's support for this Bill through to second reading,

04:03:42-04:03:47

it's not unreasonable for the Trust to now question the integrity of that apology.

04:03:49-04:03:57

In closing, decades of work to repair and evolve the relationship between the Crown and Māori

04:03:57-04:04:00

have been disrupted by the progression of this Bill.

04:04:00-04:04:06

While as ultimately the Government must sit with its decision, this select committee has

04:04:06-04:04:11

the opportunity to do what is right rather than what is politically expedient.

04:04:12-04:04:16

The only sensible course of action at this point would be for the select committee to

04:04:16-04:04:21

recommend that the bill will not be passed by the House, and we implore the committee

04:04:21-04:04:23

to do so with utmost urgency.

04:04:24-04:04:28

On behalf of Ngāti Manuhiri we would like to express our appreciation for the work that

04:04:28-04:04:30

you are doing and for your time.

04:04:31-04:04:32

Tēnā koutou. Kia ora.

04:04:33-04:04:35

Kia ora, Nicola. We've got a couple

04:04:35-04:04:36

of questions, first from Duncan Webb, then

04:04:36-04:04:37

Mara Mino Kapkini.

04:04:39-04:04:40

I'll defer to Mara Mino, actually,

04:04:41-04:04:41

James.

04:04:43-04:04:45

Thank you, Mr Chair. Tēnā kui,

04:04:45-04:04:47

Duncan. Ngāti manuhiri

04:04:47-04:04:48

tēnā koutou e Nicola

04:04:48-04:04:50

kourou ko mok, kāne te mihi ki

04:04:50-04:04:52

koutou. Nicola,

04:04:52-04:04:54

iroti tau ko orero, in your

04:04:55-04:04:57

submission, there's a statement

04:04:57-04:05:00

the Crown cannot act as a partner while denying us a voice,

04:05:01-04:05:05

which was one of the many standout statements.

04:05:05-04:05:10

So my question is, what steps should the Crown take

04:05:10-04:05:13

to reflect iwi perspectives in legislation?

04:05:14-04:05:19

Well, the first one is to ultimately not pass this bill.

04:05:20-04:05:22

I think that it's really important.

04:05:23-04:05:25

New Zealand has done, through successive governments,

04:05:26-04:05:32

have made such huge progress between Māori and non-Māori relationships.

04:05:33-04:05:37

As a country, we should be proud of those strong steps and foundations

04:05:37-04:05:38

that have been achieved.

04:05:40-04:05:42

And there are many examples which I won't go into.

04:05:43-04:05:45

But one of the big examples for Ngāti Manuhiri,

04:05:46-04:05:48

being a hapū who had a direct negotiation with the Crown,

04:05:49-04:05:51

at that time that was with the national government,

04:05:52-04:05:56

has seen Ngāti Manuhiri advance and propel itself forward

04:05:57-04:05:59

when just 20 years ago we were landless.

04:06:01-04:06:01

Thank you, Nicole.

04:06:02-04:06:03

Duncan, you've got time for a quick question.

04:06:04-04:06:04

Kia ora.

04:06:04-04:06:08

Look, very quickly, I read your settlement legislation.

04:06:08-04:06:12

Throughout it are references to the principles of the Treaty of Waitangi.

04:06:13-04:06:15

Do you think that this Bill, if passed,

04:06:15-04:06:18

would be a unilateral renegotiation of your settlement?

04:06:20-04:06:33

No, I don't see, well we don't, Ngāti Manuhiri does not see ourselves renegotiating our treaty settlement unless the Crown wants to give us more, then let's open the paper for that discussion. Happy to do that Duncan, that would be fantastic.

04:06:35-04:06:39

Thanks Nicola, thanks Duncan, appreciate your time here with us this afternoon and for presenting to the committee.

04:06:40-04:06:41

Tēnā koe, kia ora.

04:06:42-04:06:46

We're going to go to submission now from Haura Taewhenua Rural Health Network who's joining us online.

04:06:49-04:06:51

Joining us will be Tanya Chamberlain.

04:07:06-04:07:07

Kia ora, Tanya.

04:07:07-04:07:09

Thank you for joining the committee this afternoon.

04:07:09-04:07:13

We've got you for 10 minutes, so if you'd like to begin your presentation, we'd appreciate

04:07:13-04:07:13

that.

04:07:16-04:07:17

You're currently on mute, Tanya.

04:07:17-04:07:23

I'm just waiting for my colleague Fiona, she's also presenting.

04:07:26-04:07:28

Is Fiona in the room as well?

04:07:29-04:07:29

Fiona's coming through now.

04:07:35-04:07:40

Tanya, unless Fiona's going first, she'll be able to hear you as she's coming in, so you

04:07:40-04:07:41

are entitled to start if you like.

04:07:42-04:07:43

She is going first.

04:07:44-04:08:13

So Fiona needs to accept the promotion request there, Tanya.

04:08:44-04:08:49

Okay, so what we'll do is if we can bring the next submitter into the room, Asian supporting

04:08:49-04:08:53

Tēnā Rāngatīrātāngā and please get a message to Fiona to make sure she knows the

04:08:53-04:08:55

instructions and how she can join.

04:08:56-04:09:00

So let's bring the representative from that group in.

04:09:01-04:09:02

Sorry I don't have the name.

04:09:05-04:09:10

Kirstie, thank you for joining the committee.

04:09:12-04:09:12

Thank you.

04:09:13-04:09:16

got you for 10 minutes this afternoon if you can just begin your presentation now.

04:09:22-04:09:23

Okay do we have Kirstie?

04:09:27-04:09:29

Kirstie you're online and we can hear you if you'd like to begin.

04:09:32-04:09:37

Pēnā koe to the chair, pēnā koutou to the select committee. My name is Kirstie Fong with

04:09:37-04:09:41

and we are here representing Asian supporting

04:09:41-04:09:43

Tīnō Rāngatira-tanga.

04:09:43-04:09:47

We are a national organisation of tau iwi from diverse backgrounds

04:09:48-04:09:51

who support the restoration of Māori Indigenous sovereignty.

04:09:52-04:09:55

Many are of our communities have migrated or been displaced

04:09:55-04:10:00

because of colonialism and imperialism in our homelands and beyond.

04:10:00-04:10:04

As tau iwi, we have been afforded the opportunity and privilege

04:10:04-04:10:08

to live in Aotearoa by virtue of Te Tiriti o Waitangi.

04:10:09-04:10:12

We start our submission on the inalienable fact

04:10:13-04:10:15

that Māori have never ceded sovereignty

04:10:15-04:10:19

and ground our submission in the full text of Te Tiriti o Waitangi.

04:10:20-04:10:23

We oppose this bill because it desecrates Te Tiriti,

04:10:24-04:10:28

a sacred and generous agreement that allows immigration to these lands

04:10:28-04:10:33

under the clear condition of protection and respect for Tino-Rangatiratanga.

04:10:34-04:10:42

This bill is dishonourable in its distortion of the language of equality to erase Indigenous rights and further violates te tiriti.

04:10:43-04:10:55

This bill, although not passed, is already causing division and emboldening racial discrimination towards Māori, including in our communities, and it will continue to do so if not stopped.

04:10:56-04:11:00

This bill distracts from the urgent issues of the climate crisis

04:11:00-04:11:03

and resurgence of fascism across the world,

04:11:04-04:11:07

stemming from the centuries of colonial and racial capitalism.

04:11:08-04:11:11

Furthermore, the Crown has not consulted or negotiated

04:11:11-04:11:14

with all parties tuti-tiriti around this bill

04:11:15-04:11:17

and cannot unilaterally redefine the meaning

04:11:18-04:11:21

of the principles of the Treaty of Waitangi.

04:11:22-04:11:28

Meanwhile, this bill denies Tino Ranga Tiritanga for Māori in the first two proposed principles

04:11:28-04:11:33

in order to cement Crown sovereignty and limit the scope of Māori political power.

04:11:34-04:11:37

Professor Margaret Mutu defines Tino Ranga Tiritanga as a paramount authority,

04:11:38-04:11:42

and what was granted to the Crown was kawana-tanga, a delegated authority to have a governor

04:11:43-04:11:44

to manage their own people and those to come.

04:11:45-04:11:49

The Crown was never granted power to govern over Māori,

04:11:49-04:11:53

who long have had their own political structures and independent nationhood.

04:11:54-04:11:57

Proposed principles do not reflect the Articles of Te Te Riti.

04:11:58-04:12:03

We see the underlying agenda of this bill is far from equality,

04:12:03-04:12:09

but the removal of barriers for corporate interests and extractive industries to further exploit Māori land.

04:12:10-04:12:16

We find the prioritising of short-term profit in the midst of urgent climate catastrophes,

04:12:17-04:12:20

a devastating betrayal to Wangatahi and future generations

04:12:20-04:12:23

who will face even worse environmental crises.

04:12:24-04:12:28

We also want to briefly speak to the history of the Crown

04:12:29-04:12:31

trying to put a wedge between Asian and Maori peoples.

04:12:32-04:12:35

For example, this includes the anti-miscegenation efforts

04:12:36-04:12:39

to prevent interrelationships between Maori and Chinese

04:12:40-04:12:44

and the unofficial white New Zealand policies restricting Asian immigration.

04:12:45-04:12:49

Our solidarities are threatening to the existing colonial order.

04:12:50-04:12:53

We see the continuation of these divisive strategies

04:12:53-04:12:57

and the ways that multiculturalism is used to recruit Asians

04:12:58-04:13:00

into a sinister anti-Mauri agenda.

04:13:01-04:13:05

The party has been spreading treaty disinformation in Asian communities,

04:13:05-04:13:09

such as in Chinese New Year festivals and good waters,

04:13:09-04:13:14

and feigns care for migrant communities to pit us against Maori.

04:13:15-04:13:18

Liberal multiculturalism undermines te no rangatiratanga

04:13:19-04:13:24

and subsumes Māori as just another ethnic minority group amongst others,

04:13:24-04:13:27

which conveniently erases indigeneity

04:13:27-04:13:30

and denies tapu and iwi rightful political power.

04:13:31-04:13:33

Indigeneity is not wholly about race.

04:13:34-04:13:38

It is also a deep and unseverable relationship to land

04:13:38-04:13:40

that colonisation has sought to destroy.

04:13:41-04:13:45

This is an important distinction that our communities understand.

04:13:47-04:13:52

But despite the divide and rule tactics, we have long begun forming direct relationships,

04:13:53-04:13:57

where there are many beautiful stories and histories of mutual aid and care.

04:13:58-04:14:03

Matua Mwana Jackson has shared some of these stories with us, including some from his own whānau.

04:14:04-04:14:08

Our own relationships with Tangata Whenua are also testament to these solidarities,

04:14:08-04:14:13

And our experience at the hikoi shows glimpses into what Aotearoa could be on a larger scale,

04:14:14-04:14:17

showing the power of refusing to be divided by white supremacy.

04:14:18-04:14:24

Throughout the hikoi, we were met with warmth and manaakitanga and hosted by Maori friends around the country.

04:14:25-04:14:30

People of Maori and Asian whakapapa came up to us and shared their stories.

04:14:31-04:14:38

They reminded us that our communities are not separate, but interdependent, and that our liberation is therefore interlinked.

04:14:38-04:14:43

And counter to the divisive intentions of the bill, we have come together.

04:14:44-04:14:48

When we have offered accurate and translated information to our communities,

04:14:49-04:14:55

our peoples have all expressed desires to uphold their responsibilities in honouring Te Tiriti o Waitangi.

04:14:55-04:15:01

When we organised collaborative submission parties across the country, both in person and online,

04:15:01-04:15:05

we saw full house attendance from migrant and refugee communities.

04:15:06-04:15:16

We have seen our communities take the initiative to provide informative and engaging translations about Te Tiriti o Waitangi in a growing number of languages.

04:15:17-04:15:21

Our belonging in Aotearoa is contingent on honouring Te Tiriti.

04:15:22-04:15:31

All peoples in Aotearoa have responsibilities to uphold Tino-Rangatirathanga, to live in interdependence, where we can be strong in who we are.

04:15:32-04:15:37

We have been strengthening cross-community solidarity against colonialism and against racism

04:15:38-04:15:44

so that we can move forward together to a just future that is honourable and good for all.

04:15:45-04:15:47

This bill must be stopped.

04:15:47-04:15:50

We call on the government to comprehensively reject this bill

04:15:51-04:15:55

and abandon other bills that seek to undermine te te riti and Māori rights.

04:15:55-04:16:00

Instead, we call on the government to focus on implementing the visions for constitutional transformation

04:16:00-04:16:02

in the Mataki Mai Aotearoa report,

04:16:03-04:16:05

which will actually bring about meaningful equality

04:16:05-04:16:07

and justice for all of us.

04:16:07-04:16:10

Toi tu he whakaputanga, toi tu te teriti.

04:16:11-04:16:12

Thank you, Kirsty.

04:16:13-04:16:13

Members, any questions?

04:16:14-04:16:14

Yes.

04:16:14-04:16:15

Marimiro kapakini.

04:16:15-04:16:16

Thank you.

04:16:16-04:16:17

Tēnā koe, Kirsty.

04:16:18-04:16:19

Tēnā koutou katoa.

04:16:21-04:16:22

Somewhere in your discussion,

04:16:23-04:16:25

which links directly to your submission,

04:16:26-04:16:28

you talk about tino rangatiratanga

04:16:28-04:16:30

as not just a Māori take.

04:16:30-04:16:32

It is a shared commitment to justice for all.

04:16:33-04:16:37

And hearing the sentiment and the directness in your discussion this morning,

04:16:38-04:16:39

kā nui te mihi ki a koutou,

04:16:40-04:16:43

it is so helpful for the committee to hear you and see you.

04:16:44-04:16:48

I'd like if you could just to help the committee even more.

04:16:49-04:16:52

In the statement, it is a shared commitment to justice for all.

04:16:52-04:16:54

Can you just talk a little bit more

04:16:55-04:16:59

so the committee can get a further layer of what that statement means for you?

04:16:59-04:17:01

Absolutely.

04:17:02-04:17:03

Do you want to go?

04:17:03-04:17:03

Okay.

04:17:05-04:17:13

Well, we see that racism in this country stems from the history of colonial racism and the treatment of Māori.

04:17:14-04:17:20

And all other racisms as migrants that we experience are connected to that foundational violence of colonialism.

04:17:21-04:17:25

If we do not address that foundational violence, there can be no racial justice for any of us.

04:17:28-04:17:29

Thank you. Members, any more questions?

04:17:29-04:17:34

Thank you, Kirsty, thank you for presenting on behalf of your organisation.

04:17:35-04:17:36

We would appreciate

04:17:59-04:18:05

for lunch. It is going to be a shortened break. We'll be back in the room at 1pm sharp.

04:18:07-04:18:07

So eat fast.

04:18:16-04:18:17

Kia ora, Tanya. Thank you for joining us again.

04:18:18-04:18:21

Kia ora. Hopefully Fiona's with us as well.

04:18:23-04:18:24

Kia ora, I am.

04:18:24-04:18:26

Thank you for joining us.

04:18:28-04:18:30

We'll hand over straight away and give you your 10 minutes.

04:18:30-04:18:30

Please stay.

04:18:32-04:18:34

Good afternoon, everyone.

04:18:34-04:18:36

And thank you for inviting Hawara Tai Whenua,

04:18:36-04:18:38

the Rural Health Network, to make a full presentation

04:18:40-04:18:42

on our submission to the principles of the Treaty of Waitangi Bill.

04:18:43-04:18:46

I am Fiona Bolden, Chair of Hawara Tai Whenua,

04:18:46-04:18:48

and I'm accompanied by Tanya Chamberlain,

04:18:48-04:18:51

who is a representative of our Te Riti partner, Te Rupoarahi.

04:18:51-04:19:00

I have worked as a rural GP in New Zealand for 25 years, and Tanya is the Chief Operating Manager of a rural-based IWI provider in the Hawke's Bay.

04:19:00-04:19:05

Hawarotai Fenua is a membership organisation for rural health providers, students and communities.

04:19:06-04:19:15

We were compelled to make a submission on this bill because of the consequences this will have for rural health as a whole, and in particular for rural Māori.

04:19:17-04:19:26

Hawala Tai Fenua, along with Otago University, compiled the available research on the current state of health outcomes for the 19% of New Zealanders who live rurally.

04:19:27-04:19:31

Overall, rural health outcomes are worse than for those who live in urban areas.

04:19:32-04:19:39

But this is almost entirely due to the huge discrepancies in health outcomes for those 22% of Mali who live rurally.

04:19:40-04:19:50

This is most shocking for those Mali under 30 who are twice as likely to die from disease than their urban counterparts.

04:19:50-04:19:52

And this is from preventable causes.

04:19:53-04:19:58

For me personally, I've seen with my own eyes the consequences of inequity under the health system.

04:19:59-04:20:07

I came to Carpher from the UK where the rate of end stage kidney disease requiring dialysis is 1,300 per million.

04:20:08-04:20:15

In Kapia, I had three young people within the population of 300 under my care on home dialysis,

04:20:16-04:20:21

a rate which equates to 10,000 people per million in the population.

04:20:22-04:20:26

This is an example where an equity-based approach to healthcare is essential.

04:20:27-04:20:31

The health system is not working for rural and specifically not for rural Maori.

04:20:31-04:20:36

They have not been given Tīnā Rangatīra tanga over their health,

04:20:36-04:20:39

as per the second article of the Tertility.

04:20:39-04:20:42

Giving Māori the opportunity to use their own perspectives

04:20:42-04:20:44

and frameworks to address their health needs

04:20:44-04:20:45

makes a real difference.

04:20:46-04:20:48

Tania will give her local knowledge on how this happens

04:20:48-04:20:50

from a Haora Māori perspective.

04:20:52-04:20:53

Tēnā koutou katoa.

04:20:53-04:20:56

He uni tinei no te waka tapu o takitimu.

04:20:56-04:20:59

No kahinunu, no nai tahu ko Tania Chamberlain ahau.

04:21:01-04:21:03

I speak with Haora Tai Whenua, the Royal Health Network,

04:21:04-04:21:07

and as te kahuhautu for an iwi provider in a rural setting,

04:21:08-04:21:10

Ngā te kahununuki tamaki nui Aroa,

04:21:10-04:21:14

both who work relentlessly to address the inequities faced by our rural Māori whānau.

04:21:17-04:21:19

I speak also as a Māori wahine and a nan,

04:21:20-04:21:23

with over three decades' experience working in various health settings,

04:21:23-04:21:26

who has witnessed countless times how the system has failed us.

04:21:27-04:21:30

Māori face the worst health statistics in Aotearoa.

04:21:30-04:21:34

We are over-represented in poor health outcomes,

04:21:34-04:21:36

life expectancy gaps and preventable mortality.

04:21:37-04:21:40

We're in a relentless fight for equity

04:21:40-04:21:42

that leaves us navigating systems

04:21:42-04:21:44

that were never designed with us in mind.

04:21:44-04:21:47

We are making some progress to improving the health of our whānau,

04:21:47-04:21:49

but this bill threatens to undo our efforts

04:21:49-04:21:51

and undermines the gains we've made.

04:21:52-04:21:54

The realities of distance and isolation

04:21:54-04:21:57

amplify healthy inequities for whānau

04:21:58-04:21:59

who live hours away from health services

04:22:00-04:22:03

and simply cannot afford either the time or the cost

04:22:03-04:22:05

to seek the care they need.

04:22:06-04:22:09

They experience a health system that, as a collective,

04:22:09-04:22:11

fails to respect the impact and past experiences

04:22:12-04:22:15

of colonisation, discrimination, and cultural disconnect.

04:22:16-04:22:19

At an individual level, it often falls short of understanding

04:22:19-04:22:21

the values and cultural needs of whānau,

04:22:21-04:22:24

which often results in them feeling whakamā

04:22:24-04:22:26

and often prevents them from following up on treatment,

04:22:27-04:22:28

seeking or seeking help in the future.

04:22:29-04:22:32

Services like ours help whānau,

04:22:32-04:22:34

many of whom haven't seen a GP for years,

04:22:35-04:22:36

not because they didn't need the help,

04:22:36-04:22:38

but because they didn't trust the system.

04:22:38-04:22:40

By offering culturally safe whānau-centred care,

04:22:41-04:22:43

we help them re-engage and achieve better outcomes.

04:22:43-04:22:46

This is how Māori-led services make a difference

04:22:46-04:22:48

to the lives and health of Māori.

04:22:49-04:22:52

During COVID-19, Māori-led services mobilised quickly

04:22:52-04:22:54

to protect our whānau and entire communities.

04:22:55-04:22:57

We provided testing, vaccination and food supplies,

04:22:57-04:23:00

stepping in where mainstream systems were slow to act.

04:23:01-04:23:05

It took vaccination rates from the low 20s to up around 60%.

04:23:05-04:23:10

Likewise, during recent cyclones, Māori were at the forefront of delivering emergency support

04:23:10-04:23:13

to all of those affected, regardless of ethnicity.

04:23:15-04:23:20

One of the biggest differences Māori-led services can make is through our focus on the prevention of health issues,

04:23:20-04:23:23

working with whānau to identify issues before they arise,

04:23:24-04:23:28

and supporting the entire whānau to make the changes they need to prevent things getting worse.

04:23:29-04:23:33

Māori-led services empower whānau, allowing them to have mana motohaki over their own well-being.

04:23:34-04:23:39

Our approach places the power to make decisions about well-being back into the hands of whānau

04:23:39-04:23:43

in a way that is culturally relevant and deeply rooted in our values.

04:23:44-04:23:48

When whānau are supported to lead their own care, the results are transformative,

04:23:49-04:23:53

improving health outcomes and well-being in ways that the mainstream system has failed to achieve.

04:23:54-04:23:58

This positively impacts the wider community and the wider health system.

04:23:58-04:24:02

The Treaty Principles Bill poses a real threat to rural Māori-led water services.

04:24:03-04:24:06

If this bill proceeds, the equality prevails over equity.

04:24:07-04:24:11

Targeted resources that enable Māori-led services like ours will come under threat.

04:24:12-04:24:16

It will undermine our ability to provide culturally safe whānau-centred care

04:24:17-04:24:21

and leave our rural whānau Māori and non-Māori in rural areas with no choice

04:24:21-04:24:24

but to rely on a system that has historically failed them.

04:24:25-04:24:32

Without the trust, the relationships that our services conform with whārao Māori, many will revert to not engaging with health services at all.

04:24:33-04:24:41

The Bill's Crown-centric approach threatens the autonomy of Māori providers, and it will strip us of the ability to develop our own solution.

04:24:42-04:24:44

Rural Māori will be left more vulnerable than ever.

04:24:46-04:25:00

So we believe that diminishing the articles of the treaty to a set of principles defined by the government alone will undermine the gains in health outcomes that can be made by giving Māori tī nārāngā tīrātāngā over the Tāwāngā, which is their health.

04:25:01-04:25:09

Rural Māori lie at the intersection of rurality, poverty and ethnicity, where the poorest health outcomes in this entire country sit.

04:25:09-04:25:18

Cultural anchoring is an essential component of designing and providing health services for our people, and this can never be done if we accept this bill.

04:25:19-04:25:29

As an organisation, we unequivocally oppose this bill, as we believe it will lead to further health inequity and consequently more suffering and death for rural Māori.

04:25:30-04:25:33

Thank you for listening and thank you for your time. We welcome your questions.

04:25:33-04:25:35

Thank you, Fiona and Tanya.

04:25:35-04:25:37

I'll hand over to the committee for questions.

04:25:38-04:25:40

Any questions for Rural Health Network?

04:25:41-04:25:42

Tana for Paul.

04:25:44-04:25:44

Kāra kōrua.

04:25:46-04:25:50

The minister in charge of this bill this morning talked a lot about how race shouldn't be,

04:25:51-04:25:56

well, he kind of talked about how race is used in categories across our society.

04:25:56-04:26:00

And I wondered whether you might want to offer an alternative perspective

04:26:00-04:26:03

about why knowing that information

04:26:04-04:26:07

and applying it to your health services is actually useful.

04:26:08-04:26:11

That's because we've got really good evidence

04:26:11-04:26:18

from Professor Sue Kringle's work around what I was talking about,

04:26:18-04:26:21

about the intersection of rurality, poverty and ethnicity,

04:26:22-04:26:27

that people who are Māori and poor and rural

04:26:27-04:26:32

do worse than people who are just poor and rural.

04:26:33-04:26:35

And we've got good evidence around that.

04:26:36-04:26:38

And that's why we need that information

04:26:39-04:26:41

that we can then apply that to how we design health services

04:26:42-04:26:43

to change those outcomes.

04:26:45-04:26:46

Thank you, Fiona.

04:26:46-04:26:47

Thank you, folks.

04:26:47-04:26:48

If there's no further questions,

04:26:49-04:26:51

well, thank you both for joining us

04:26:51-04:26:52

and for spending the time with us this afternoon

04:26:53-04:26:53

and making your submission.

04:26:53-04:26:55

We appreciate you being here to speak to it.

04:26:56-04:26:56

Thank you.

04:26:57-04:27:01

The meeting is now suspended for lunch break until 1pm.

04:27:02-04:27:05

If we can clear the rooms that are only staff remaining over the break,

04:27:05-04:27:06

we'd appreciate that.

04:27:06-04:27:07

We'll see you all back here at 1 o'clock.

04:27:10-04:27:10

Cameron.