**Machine generated time-coded transcript of Justice Committee proceedings, and submissions on oral submissions on Treaty Principles Bill**

Original video at <https://vimeo.com/1050592185>, and is just over four hours long.

27 January 2025

00:00-00:19

It's okay.

00:30-00:36

Good afternoon. Hopefully I've got Jill and Dr Higgins with me. Thank you for joining

00:36-00:39

the committee. We've got you for 10 minutes this afternoon, so I'll hand over to you to

00:39-00:46

present your submission. Tēnā koutou e hiuhi maine i tēnē ra, and I hope that you can

00:46-00:53

hear us both. Yes, we can. Ko Jill Hawke toku ingoa, I'm the Executive Director at the

00:53-00:58

Christchurch Methodist Mission. Ko Jane Higgins toku ingoa, I'm the Strategic Advisor at the

00:58-01:05

So the Christchurch Methodist Mission is a social service organisation of Te Hahi Wetiriana

01:06-01:13

o Aotearoa, the Methodist Church of New Zealand, and we operate in Canterbury, Nelson, Marlborough

01:13-01:20

and the West Coast. So why do we have an interest in this bill? Well the early Wesleyan Church

01:20-01:24

actively supported and promoted Te Tiriti o Waitangi.

01:25-01:28

In 1840, the Methodist mission at Mangungu

01:29-01:30

in the Hokianga Harbour

01:31-01:34

hosted one of the largest signings of Te Tiriti.

01:35-01:36

And so the Methodist Church, therefore,

01:36-01:38

has a particular responsibility

01:39-01:42

to honour the faith that those signatories

01:42-01:44

placed in its missionary forebears

01:45-01:48

and today continues to honour Te Tiriti o Waitangi

01:48-01:50

as the founding document of our nation.

01:52-01:54

Over 40 years ago, the Church committed itself

01:55-01:57

to working biculturally, and since that time,

01:58-02:01

all major decisions within the Church are made

02:01-02:05

when there is agreement between Te Taha Māori and Tauiwi.

02:06-02:10

So Te Turiti o Waitangi is an agreement between Māori and the Crown,

02:11-02:15

and to propose this bill without any meaningful engagement

02:16-02:17

with Māori is unacceptable.

02:17-02:27

For our time with you today, we would like to speak to or from our experience as a social

02:27-02:32

service agency because we think this has something to offer the discussion and so we draw your

02:32-02:38

attention to our points five and six in our written submission. These address the impact

02:39-02:45

of breaches of Te Tiriti. In our work we see daily the impact of breaches of Te Tiriti.

02:45-02:59

For example, among those that our Housing First Team works with, and these are people who have been long-term homeless, half are Māori, where only 13% of the Christchurch Ōtātahi population is Māori.

03:00-03:06

Among our social service clients and in our preschool, again, there is significant over-representation of Māori.

03:06-03:13

In fact, our only service where Māori are underrepresented is in our aged care facility.

03:15-03:20

And a significant reason for that is that Māori have a lower life expectancy than Pākehā.

03:21-03:30

Similar systemic inequities can be found across the country over representation of Māori in poverty, housing insecurity and poor health outcomes.

03:31-03:40

We know that these inequities are closely associated with breaches of titiriti, with land alienation and cultural assimilation.

03:40-03:50

For example, here in Canterbury, the Crown's failure to honour Kemp's purchase deprived five generations of Ngai Tahu of their livelihood by taking their economic base from them.

03:51-03:56

The history is very clear on this. The impact is ongoing and we see it daily.

03:57-04:06

We have the tools to address this impact through the already existing principles that the Waitangi Tribunal and the courts have developed,

04:07-04:15

in particular principles of tētina rangatiratanga, equity, partnership, redress, good faith, active protection and so on.

04:17-04:25

We're gravely concerned that the Bill replaces these principles, in fact actively excludes them from consideration

04:25-04:28

where such treaty principles would be relevant.

04:29-04:32

And yet these are the mechanisms by which breaches of titidity

04:33-04:36

and the impact of these breaches can be addressed.

04:38-04:40

In contrast with the established principles,

04:41-04:45

the principles proposed in this bill cannot address the inequities

04:46-04:49

that we see on a day-to-day basis in our work.

04:50-04:53

And so we'll stop there and we look forward to your questions.

04:54-04:54

Thank you both.

04:55-04:55

Thank you for your submission.

04:56-04:58

Members, I'll open it up to questions,

04:58-04:59

and the first one is from Stephen Abel.

05:00-05:00

Kia ora.

05:01-05:04

Yeah, thank you very much for your very powerful submission.

05:05-05:09

Going back to that original conversation that happened

05:09-05:12

between Māori and the missionaries,

05:14-05:18

is it your view that it was beyond comprehensible

05:19-05:22

that Māori would be intentionally ceding sovereignty?

05:24-05:36

I'm certainly not a church historian, but certainly I don't think that there was any understanding that Māori was setting sovereignty at that time.

05:37-05:41

My follow-up is in terms of what you talked about,

05:41-05:46

the impact of land alienation and cultural assimilation

05:47-05:50

on outcomes for Māori, do you think in a sense this bill

05:51-05:58

is in that tradition of assimilationist acts of Parliament

05:59-06:02

insofar as it has the effect of nullifying the Māori right

06:03-06:04

to self-determination?

06:05-06:07

Yes, I think that puts it very well.

06:08-06:14

I think at the heart of this discussion is, if you like,

06:14-06:16

a discussion about cultural identity.

06:17-06:21

And cultural identity is not a simple thing,

06:21-06:30

but this bill glazes over any sense that we have different cultures

06:30-06:33

and in particular that there is an Indigenous culture in this country.

06:34-06:40

And so in our work, we work really hard to be culturally responsive to people who come to us.

06:40-06:56

And we know that by being culturally responsive, by recognising in particular, for example, tikanga, that our clients respond very well to that and that their own well-being is deeply tied up with that tikanga and their cultural identity.

06:57-07:01

So to try to say that everyone is the same in a way that I think this bill is doing,

07:02-07:04

is doing great harm to people who are not of the dominant culture,

07:04-07:06

which is essentially Pākehā.

07:07-07:07

Kia ora. Thank you.

07:07-07:09

We'll go to a question from Taka Tafiris,

07:09-07:11

and then Duncan, if you had one as well.

07:11-07:14

Tēnā kōrua. Mea kōrua mahi.

07:14-07:17

So thank you for your work that you do down there in Ngāi Tahu Land.

07:18-07:19

I'm a descendant of Ngāi Tahu.

07:20-07:22

And I appreciate you referencing Kemp's purchase

07:22-07:24

and the ongoing economic impact

07:24-07:27

that eventually led to all of the social and health

07:27-07:30

and every other depravity that Maori endure.

07:31-07:32

So my question too is,

07:32-07:34

there's a lot of resource going down the drain right here.

07:35-07:37

So what are some ideas

07:38-07:39

that you might be able to give the government for?

07:39-07:41

Maybe there's a better place to direct that resource

07:42-07:43

to get some better outcomes,

07:43-07:45

given that Maori and the South Island

07:45-07:47

have had to suffer five generations

07:48-07:49

with no economic base.

07:50-07:51

What are some other ways

07:51-07:52

that the government might deploy its resources

07:52-07:56

to help raise the health of Māori across the board?

07:59-08:01

That's a very, very large question.

08:02-08:05

But certainly that conversation needs to be held in consultation

08:06-08:06

and together with Māori.

08:07-08:10

But certainly the things that we're seeing is the need for housing.

08:11-08:13

That's a major issue for us.

08:13-08:15

We know it's a major issue through the country.

08:15-08:19

We talked about we've got 90 people on our waiting list at the moment

08:19-08:20

for housing first.

08:20-08:22

So people have been homeless for over a year.

08:22-08:29

they need housing we really need to be building more housing that's actually suitable for people

08:29-08:36

so that's only one one area right across the board in terms of mental health good strong early

08:36-08:40

childhood education there are there are certainly places that we could be putting our resources

08:40-08:46

rather than an expensive select committee process I think also just to acknowledge that people are

08:47-08:51

experts in their own well-being and their cultural identity is an absolutely fundamental part

08:51-08:52

of their wellbeing.

08:53-08:55

And so to recognise that cultural identity

08:56-08:59

and to recognise that people become healthy

08:59-09:01

within an environment that recognises

09:01-09:04

and honours their mana, I think is very important.

09:04-09:04

Kia ora.

09:05-09:05

Tēnā kōruga.

09:06-09:07

Thank you, Doctor.

09:08-09:08

Any further questions?

09:09-09:12

Yeah, I will ask mine if I may, James.

09:13-09:14

It was touched on.

09:15-09:18

Look, there's a lot of narrative around this

09:18-09:22

about having different rights based on ethnicity

09:22-09:24

and better rights for Māori.

09:24-09:27

And some of the stuff you've said today

09:28-09:29

has actually touched on that.

09:29-09:30

But I want to give you an opportunity

09:31-09:33

to talk about the actual work you do

09:34-09:39

and how taking a treaty principles approach

09:40-09:42

gives better outcomes for all of the people

09:42-09:44

that you help here in Christchie Te Tahi.

09:46-09:49

Well, certainly if I look at our Housing First service,

09:49-09:52

we'd really work hard to operate on a bicultural model there

09:52-09:58

and actually recognise that 50% of the people we work with are Māori.

09:59-10:02

And so that impacts on the staff who we employ

10:02-10:09

through things like karakia, waiata being very much a part of the work that we do

10:09-10:15

and for a lot of Māori actually helping to re-engage with whānau, hapu and iwi

10:15-10:18

who they may have become disconnected with over time.

10:20-10:21

Thank you both.

10:21-10:21

Thank you, Duncan.

10:22-10:24

I appreciate your time with us this afternoon

10:25-10:26

and for providing your submission.

10:26-10:27

Thank you.

10:27-10:28

Kia ora.

10:29-10:30

We're going to move on to submission now

10:31-10:33

from Citizens Advice Bureau of New Zealand.

10:33-10:35

And with us in the room is Kerry Dalton.

10:35-10:36

Kerry, thank you for joining us.

10:37-10:38

We've got you for 10 minutes this afternoon,

10:39-10:40

so if you'd like to begin your presentation.

10:41-10:42

Tēnā koutou katoa.

10:43-10:47

Thank you very much for allowing us to be heard on our submission.

10:47-10:50

It's something that we feel very strongly about.

10:52-10:56

I'm just going to go through a brief overview of the submission

10:56-10:57

and then open up for questions.

10:59-11:03

So the CAB provides free, confidential and independent information

11:04-11:05

and advice to anyone.

11:06-11:08

The CAB helps people know what their rights are

11:09-11:11

and how to access the services they need.

11:11-11:17

And we use the insights from clients' experiences to show where policies and laws and their

11:18-11:20

implementation are having a negative impact on people.

11:21-11:27

The CAB works for positive social change and a just society, and we're a universal service

11:28-11:28

for everyone.

11:29-11:34

And as an organisation that supports people to know about and understand and access their

11:34-11:41

rights, we acknowledge Te Riti as the founding document of our nation and the rights it conferred

11:41-11:46

on Māori as Tangata Whenua, the Indigenous people of our land, and to Tangata Tiriti.

11:48-11:54

Our opposition to the Bill, and we strongly oppose it, is based on our commitment to an

11:54-12:03

honourable treaty relationship. As set out in our submission, the CAB in Aotearoa is always

12:03-12:08

recognised to Tiriti o Waitangi as the founding document of our nation, and this is reflected

12:08-12:12

in fundamental documents of our organisation.

12:13-12:15

We recognise Te Riti within the constitution

12:15-12:19

of our national organisation and in that of every CAB in Aotearoa.

12:20-12:23

There is acknowledgement and commitment to Te Riti

12:24-12:27

as part of the volunteer agreement that every CAB volunteer

12:27-12:29

must sign to be accepted as a volunteer.

12:30-12:34

It's part of our membership principles and we have a kaupapa,

12:34-12:40

Mauri Manaia, which seeks to honour our tohu, our manaia,

12:41-12:44

and give life to that through promoting te reo and tikanga

12:45-12:46

within the organisation.

12:48-12:51

The key point I want to make from our submission

12:52-12:55

is that we consider it to be unjust and wrong

12:56-12:59

that the bill was developed without the agreement of Māori

13:00-13:03

as signatories and partner to te tiriti.

13:04-13:08

We are deeply concerned that the current government,

13:09-13:12

acting as the Crown, one treaty partner,

13:13-13:16

has developed and proceeded with this legislation

13:16-13:20

without the agreement and involvement of the other treaty partner.

13:22-13:26

Given the history of breaches of Te Tiriti by the Crown,

13:27-13:31

we consider that extreme care should be taken to engage meaningfully

13:32-13:46

and in good faith with Māori as treaty partner in regard to anything that has the potential to limit and change their Indigenous rights under the established meaning of te tiriti.

13:47-14:08

And hearing from submitters today, it was distressing to hear that some of those kapu and iwi who have gone through the settlement process and received apologies from the Crown for accepted breaches are now questioning the integrity of the apologies made by the Crown.

14:09-14:24

The fact that consultation involvement with Māori as a treaty partner is deeply disappointing,

14:24-14:32

and it means that the Crown is acting as if Te Tiriti doesn't exist, and there isn't a treaty partner.

14:34-14:38

We note that the Waitangi Tribunal says of the Bill

14:38-14:44

that it would reduce the constitutional status of the Treaty of Te Tiriti,

14:44-14:49

remove its effect in law as currently recognised in Treaty clauses,

14:50-14:53

limit Māori rights and Crown obligations,

14:54-14:55

hinder Māori access to justice,

14:56-14:59

impact Treaty settlements and undermine social cohesion.

15:02-15:17

A select committee process and a referendum as the means for Māori as a treaty partner to engage with the Bill does not recognise and respect their status as a treaty partner.

15:18-15:36

We consider that the government acting as our representative, as the Crown, has not acted in good faith in relation to Māori as the Treaty Partners of the Crown, and therefore the bill should definitely not proceed.

15:37-15:40

We had hoped that it would not proceed to this stage.

15:41-15:49

As the CAB, we have a vision and work for a decent, fair and just society.

15:50-15:54

And an honourable treaty relationship is fundamental to this.

15:57-16:04

So that is the key thing that I would like to emphasise in the submission today.

16:05-16:22

And also to say that as a universal service that has that acknowledgement and commitment to te riti, it doesn't take away from our service being available and accessible to everyone.

16:22-16:23

We're a universal service.

16:25-16:25

Kia ora.

16:26-16:28

I'd like to open up to questions.

16:28-16:29

Kia ora, Kerry.

16:29-16:29

Thank you.

16:30-16:31

We've got time for questions.

16:31-16:32

The first one's from Steve Abel.

16:33-16:33

Kia ora.

16:33-16:35

Thank you very much for your very strong submission.

16:36-16:42

I wonder if you can please expand on the point you make in your near final paragraph,

16:43-16:46

that in your Citizens Advice Bureau analysis,

16:46-16:51

Māori face significant barriers to access to justice in relation to knowing and acting on their rights.

16:52-16:56

And these issues exist in the context where an experience of inequity for Māori today

16:57-17:00

is grounded in the ongoing impacts of colonisation, structural racism,

17:01-17:05

and the Crown failing to uphold the rights promised to Māori under Te Tiriti.

17:05-17:08

How do you then respond to the author of this legislation,

17:09-17:14

which says it's correcting a privilege to one group at the expense of another,

17:14-17:20

and that group that currently has privilege in the view of the author is tangata whenua Māori?

17:22-17:27

I say that that's misguided, and it's also ignoring the evidence

17:27-17:37

that Māori are adversely affected in most of the areas of social experience.

17:38-17:42

We see Māori overrepresented, for instance,

17:42-17:48

and we did an analysis of our client inquiries from Māori,

17:49-17:55

overrepresented in people coming to us because they couldn't put food on the table

17:55-18:00

and needed to access food banks, emergency accommodation,

18:00-18:06

and also in digital exclusion, which is fundamental often,

18:06-18:10

people being able to access government services

18:11-18:14

is fundamental often to them being able to access their rights.

18:14-18:21

And a number of Māori, they are overrepresented

18:22-18:26

in those people who, for various reasons,

18:27-18:30

cannot operate online or find it difficult.

18:33-18:37

So would you say that that assertion of that privilege

18:37-18:40

is really a highly outrageous one,

18:40-18:44

and that, in fact, for us to achieve equality in this country,

18:45-18:48

it needs to be done through better enabling that expression

18:48-18:49

of Maori self-determination?

18:51-18:53

I would say that there needs to be an acknowledgement

18:54-19:03

that there has been harm to Māori from breaches of Te Tiriti to date.

19:04-19:08

And while there is a process of redress,

19:09-19:15

that there is also ongoing harm from those breaches of the treaty,

19:15-19:20

which in many cases removed an economic base

19:20-19:23

from iwi and hapu,

19:25-19:27

and that, therefore,

19:28-19:31

there has to be particular and special consideration

19:31-19:36

given how to ensure equity for tiwi Māori.

19:38-19:39

Got it. Thanks, Kerry.

19:39-19:41

We'll go final question from Taka Tiferis.

19:41-19:43

Tēnā koe, Kerry. Nga mihi.

19:43-19:47

And given you've got a real broad catchment of people across the country,

19:47-19:51

does your organisation have a feel for how the public are feeling

19:52-19:59

or what the bill is impacting them just on a broad sweep?

20:01-20:07

What I would say is that we are concerned about this feeding

20:07-20:10

into false ideas and false narratives,

20:11-20:26

The one being that Steve Abel just asked about the fact that the acknowledgement of Maori Indigenous rights somehow takes away from other people's rights when it's an and and.

20:27-20:38

And as I say in the submission, you know, it is the basis, acknowledging Maori rights under the Treaty of Tangata Whenua is the basis for a decent and just society.

20:39-20:40

Thank you, Kerry. Thanks, folks.

20:40-20:44

That's the end of time for this afternoon, so I just want to extend our appreciation

20:44-20:46

for you being with us to provide your submission.

20:47-20:47

Kia ora.

20:48-20:50

We're now going to invite Kendall Clements.

20:50-20:51

Kendall's here.

20:53-20:53

No?

20:54-20:55

Oh, Kendall, you're online.

20:55-20:55

Thank you.

20:55-20:56

Kia ora.

20:56-20:56

Thank you.

20:56-20:57

Welcome to the committee.

20:58-21:02

We have you for 10 minutes to provide us with your submission, so I'll hand over to you.

21:03-21:04

Tēnā koutou katoa.

21:04-21:08

I'd like to thank you for the opportunity to have this kōrero with you.

21:10-21:15

I felt I'd said most of what I wanted to say in my written submission.

21:16-21:21

And I'll just summarise a couple of what I think are the main points from that.

21:22-21:24

And then I'd like to invite questions,

21:25-21:31

because I see the only way out of this situation is through good faith dialogue.

21:33-21:35

I think we need to focus more on process.

21:37-21:45

And I think a lot of that to date has been negatively impacted by sort of assumptions of bad faith.

21:46-21:49

And I think there's also a lot of ideology embedded in this.

21:51-21:57

I follow U.S. politics fairly closely, and you can see a lot of great similarities,

21:57-22:02

despite the massive differences in the issues that we face here.

22:03-22:07

And one of the really unfortunate things that I think has happened

22:08-22:13

is the way that opponents of the bill have resorted to ad hominem

22:13-22:15

and intimidation.

22:15-22:17

I mean, calling people racists because they disagree

22:18-22:22

with these fundamental aspects of New Zealand democracy

22:23-22:25

is just completely counterproductive

22:26-22:29

and is actually one of the main reasons why I think we do need

22:29-22:30

some form of process.

22:31-22:40

But we need to align the many problems that face all New Zealanders, including Maori, with real solutions.

22:40-22:47

And we can't just rely on slogans, name calling, and just sort of make this a naked contest for power.

22:48-22:57

I've said in my submission that I don't think a referendum is the way to go, some form of plebiscite.

22:59-23:05

I mean, the US just elected Donald Trump, and I doubt that many of us on this webinar

23:08-23:13

actually agree that that's a good outcome for certainly the rest of us who aren't in the,

23:13-23:14

many of us who aren't in the States.

23:16-23:24

I'd just like to read a couple of quotes from David Lange's Bruce Jessen lecture,

23:24-23:29

which have influenced my thinking, and this isn't the only document I've looked at,

23:29-23:34

But David Lange, obviously not a paragon of the far right.

23:34-23:36

So I'm just going to read two short quotes.

23:36-23:41

First one is, democratic government can accommodate Maori political aspiration in many ways.

23:42-23:46

It can allocate resources in ways which reflect the particular interests of Maori people.

23:46-23:51

It can delegate authority and allow the exercise of degrees of Maori autonomy.

23:51-23:55

What it cannot do is acknowledge the existence of a separate sovereignty.

23:56-23:59

As soon as it does that, it isn't a democracy.

23:59-24:03

We can have a democratic form of government or we can have indigenous sovereignty.

24:03-24:06

They can't coexist and we can't have them both.

24:07-24:12

And the second one is, here I come to the dangers posed by the increasing entrenchment of the treaty and statute.

24:13-24:17

The treaty itself contains no principles which can usefully guide government or courts.

24:18-24:21

It is a bold agreement anchored in its time and place,

24:21-24:27

and the public interest in it is the same as the public interest in enforcing any properly made agreement.

24:27-24:34

To go further than that is to acknowledge the existence of undemocratic forms of rights, entitlements or sovereignty.

24:35-24:37

Now, that doesn't mean we don't need to have a dialogue.

24:38-24:43

That doesn't mean that the treaty article should not be honoured.

24:44-24:48

That doesn't mean that wrong shouldn't be made right.

24:48-24:56

But it does mean that we need to proceed very carefully because the way this has been handled in New Zealand so far

24:56-25:00

has really generated a lot of negative publicity about our country,

25:01-25:02

and that's bad for everyone.

25:02-25:03

And I'll shut up.

25:05-25:06

Thank you, Kendall.

25:06-25:09

The time is yours to use UCF, so you don't need to shut up,

25:09-25:12

but we appreciate you providing your submission.

25:12-25:12

We've got questions.

25:13-25:16

The first one is going to be from Todd Stevenson.

25:16-25:18

Then we'll go Steve Abel and Tracy MacLeod.

25:18-25:20

Thank you, and thank you for your submission.

25:21-25:22

Just turning to the bill itself,

25:23-25:26

and Clause 6 obviously outlines the draft principles

25:26-25:27

that are contained in the bill.

25:28-25:31

Do you have any comment on those principles as they stand?

25:35-25:40

I think that I'm not, I don't want to go into the details

25:40-25:43

of what's actually in the bill per se.

25:44-25:47

I'm more concerned because I don't think this bill is going to proceed.

25:48-25:53

But what I want to use this opportunity for is to encourage people

25:53-25:55

to engage in good faith.

25:55-25:59

We need to sort of move back from the brink on this.

25:59-26:02

So we need a better way of approaching the problem

26:02-26:06

because I don't think we can continue down the path

26:07-26:09

that we've been on with the way that the principles

26:10-26:16

have just been not legislated,

26:16-26:20

but developed through a judicial process.

26:21-26:22

Thank you, Kendall.

26:22-26:24

go to Steve and then

26:25-26:25

Trace.

26:26-26:28

Kia ora, thank you, Kendall. I actually attended

26:28-26:30

that David Lange speech

26:30-26:32

in 2000. It was very

26:32-26:33

disappointing at the time, I can say.

26:35-26:36

The

26:36-26:37

thing I wanted to say was

26:38-26:40

you recognise that

26:40-26:41

in the process of colonisation

26:43-26:44

that the atrocities

26:44-26:46

committed, the loss of land,

26:46-26:48

the attempts at assimilation

26:48-26:50

and denial of Maori rights

26:50-26:52

and denial of sovereignty are all

26:52-27:00

part of a long history and tradition of colonization, which is founded in a principle of white supremacy,

27:01-27:10

really. So those kind of tropes of colonization are inherently racist. And so when we encounter

27:10-27:17

modern day expressions of those tropes, the desire to assimilate, to deny Maori their

27:17-27:24

self-determination or their sovereignty, is it not reasonable and correct that we should

27:24-27:31

point out what underpins a desire to do that to an Indigenous group of people, that it is

27:32-27:36

founded in ideas of white supremacy or racism?

27:39-27:40

No, I don't.

27:41-27:42

I don't agree with that.

27:42-27:44

I mean, are you suggesting that David Lange was a racist?

27:45-28:03

No, I'm not. But I'm suggesting that there's a difference between the individual being a racist, and it's not very useful to focus on that, and understanding that the structural concepts that underpin certain things that have been done are coming from a place of racism as a kind of a framework for seeing the world.

28:05-28:11

I don't see how that is a helpful framework for solving the problems we have in New Zealand at the moment.

28:11-28:19

If you just want to focus on grievance, I appreciate that wrongs were done to Maori.

28:20-28:21

I fully acknowledge that.

28:21-28:26

I'm trying to clarify whether you acknowledge that those wrongs were done from a place of racism.

28:27-28:32

Do you acknowledge that there was racism in the colonial actions, if not today, in the past?

28:34-28:37

I think all sorts of things were going on, some of which were racism,

28:38-28:41

some of which are probably just stupidity or greed.

28:42-28:44

But I don't know how that helps us now.

28:46-28:49

And forcing everything through this lens, I think, is counterproductive.

28:50-28:51

Thank you, Kendall. Let's move to the next question.

28:51-28:54

We've got a question from Tracy, and then we can finish with Takatan.

28:56-28:57

Thank you, and thank you, Kendall.

28:58-29:03

You may have already answered this in your response to Todd Stevenson's question,

29:03-29:07

but you did mention a couple of times during your submission

29:08-29:11

about the need to find solutions to real problems that we're facing.

29:12-29:17

So what problem do you think, in your eyes,

29:17-29:21

what problem is this bill attempting to address?

29:22-29:28

And if you can articulate that, how do you think the process,

29:29-29:32

which is another concept that you've highlighted as being important,

29:32-29:40

How do you think that this particular process is done as a means by which to effectively address that problem?

29:41-30:06

There's a lot in there. I think that this bill was an attempt to address the ongoing issue of open-ended interpretation of Teteriti.

30:08-30:14

As I said, I don't agree with the black and white version of what the law is proposing.

30:15-30:20

I do have sympathies for what the bill was trying to achieve.

30:21-30:28

So my question is, if we don't do something along these lines, what's the solution?

30:29-30:45

Just an endless sort of, at what point would we get to a stage where, as I said in my submission, where all New Zealanders have equal democratic rights and equal before the law?

30:45-30:50

I'm saying I don't think we're at that point now, but we need a mechanism to get there.

30:50-30:55

I don't think this is the perfect mechanism, but I think it's pointing at some of the problems

30:56-31:00

that some of the other submitters have mentioned, particularly in terms of the way that Jeffrey

31:00-31:03

Palmer framed this originally, which I thought were inherently problematic.

31:04-31:05

But it's not the matter.

31:05-31:05

Thank you, Kendall.

31:05-31:06

Sorry to interrupt it.

31:06-31:09

That's the time we have for the session today.

31:09-31:13

So I just want to acknowledge your submission and for spending the time with us this afternoon.

31:13-31:13

We do appreciate it.

31:14-31:19

Thanks, folks. We're going to invite now Natalie Coates up to the table. Natalie, thank

31:19-31:24

you for your submission. We've got you for 10 minutes this afternoon, so I'll hand over

31:24-31:25

to you.

31:28-31:37

Tēnā koutou, e te komuti. Ko Natalie Coates ahau. I am currently Kautumuaki of Te Hingoroe

31:37-31:41

Māori, but my learned colleague will be making a submission on behalf of Te Hingoroe Māori

31:41-31:48

on Thursday, I am here to talk to my personal submission that I made as a descendant of Ngātiawa,

31:49-31:55

of Mātātua Waka Whānui, of Ngāti Hine, of those at Angatira that sign Te Tiriti o Waitangi,

31:56-32:02

and as a lawyer, a barrister, who happens to have some knowledge of how Te Tiriti intersects with law.

32:03-32:09

So there are a couple of points in my submission that I wanted to emphasise. I apologise for any

32:09-32:13

repetition. I've been unable to watch all of the submissions this morning, so not sure what's

32:14-32:19

already been covered. So the Waitangi Tribunal has said that if the bill were enacted, it would be the

32:20-32:26

worst, most comprehensive breach of Tete Titi in modern times. That's not an exaggeration.

32:27-32:33

This bill violently strikes at the heart and soul of Tete Titi, our foundational constitutional

32:33-32:41

document. It's one party to the treaty, the Crown, reimagining in a completely novel way,

32:42-32:48

reimagining it, te tete ti, in a completely novel way that strips out the primary guarantees and the

32:48-32:54

promises to Māori, the other party, te tete ti. You cannot get any more bad faith than that.

32:56-33:01

I think one of the worst parts of this bill is that it's akin to a tanifa telling you that it's

33:01-33:04

wearing the kōraway of te tiriti on its back.

33:05-33:08

It draws on certain elements and words of te tiriti,

33:08-33:12

but twists and recasts them in a manner that ultimately

33:12-33:14

bears little resemblance to the original promises

33:15-33:17

and the guarantees that were made to Māori.

33:18-33:21

The use of the structure of te tiriti and fragments of its language

33:22-33:24

is a cunning way to masquerade te tiriti

33:25-33:28

and attempt to legitimate a redefinition endeavour.

33:29-33:33

However, those proposed principles are but a warped shadow of Te Tiriti itself.

33:35-33:39

The rangatiratanga of rangatira and hapu are gone.

33:40-33:46

The full exclusive and undisturbed proprietary rights that Māori were guaranteed as long as they wished to retain them are gone.

33:47-33:54

Beyond general citizenship rights, the only remnant Māori rights that survive these principles are those confined to treaty settlements.

33:56-34:01

Treaty settlements were not designed to codify the Crown's treaty obligations going forward.

34:02-34:05

If iwi had known that, they would never have signed up to them.

34:06-34:11

Treaty settlements, where Māori settle for often less than 1% of the value that was taken from them,

34:11-34:15

are an expression of aroha and grace by Māori to Aotearoa,

34:16-34:19

with a view to moving forward from an ugly past into the future,

34:20-34:24

with a more treaty-consistent Crown, as usually promised in those treaty settlements.

34:25-34:30

They do not and were never intended to embody the full treaty relationship going forward.

34:30-34:35

This bill flies in the face of them whilst purporting to try and recognise them,

34:35-34:39

and in doing so will create a legal conundrum and confusion.

34:40-34:45

It also breaches the very intent of what underlies treaty settlements.

34:46-34:50

One of the examples of the trickery or sleight of hand being played in this bill

34:50-34:54

is the clause that says the proposed principles do not alter or amend the treaty itself.

34:55-34:56

That provides no comfort.

34:57-35:00

Sure, we do not have anyone going down to the archives

35:00-35:02

and doing a tracked change version to our original document,

35:03-35:06

but whenever titiriti is legally relevant in the law,

35:07-35:10

those incorrect principles that are amputated from titiriti itself

35:11-35:13

will replace titiriti.

35:13-35:15

So whilst it says it's a non-altering clause,

35:16-35:20

it amounts to a full legally sanctioned rewrite of the Treaty of Waitangi.

35:21-35:22

A few final points.

35:23-35:27

This bill would also shake the foundations of legal certainty in our country.

35:28-35:30

It would result in obliterating 40 years of jurisprudence

35:31-35:35

and require re-litigation across all areas of law where te tiriti is relevant.

35:36-35:38

What is proposed here strays into territory

35:38-35:43

beyond what is constitutionally appropriate behaviour by the executive and by Parliament.

35:44-35:47

It's seeking to turn a fiction into legal fact.

35:49-35:52

The bill does not contain a legitimate interpretation of te tiriti,

35:53-35:59

nor reflect what an honourable crown, particularly one that is a party, should be doing.

36:00-36:05

What I would encourage people to think about, given some of the rhetoric surrounding this particular debate,

36:05-36:10

is how our democracy can be read consistently with the recognition of Indigenous rights

36:10-36:12

and our founding constitutional document.

36:13-36:15

This is not about special rights for Māori.

36:16-36:20

It's about the recognition of pre-existing rights and the arrival of a new people in power,

36:21-36:24

in town, and how we can co-exist.

36:25-36:28

Democracy can be about us choosing to be a country that honours our history,

36:29-36:32

our foundations, whilst also acknowledging the importance of equality,

36:33-36:36

like we already do through the Bill of Rights Act.

36:37-36:38

There are many countries that do this.

36:39-36:42

Canada, for one, has treaty rights being upheld in their written constitution.

36:44-36:47

Titiditi is a beautiful and inclusive document that has a place for us all,

36:48-36:51

and we deserve a healthy constitutional debate around these matters.

36:51-36:54

not one that casts shadows, creates confusion

36:55-36:58

and embeds misunderstanding and mistrust within the general public and Māori

36:59-37:01

or that stokes dissent and division.

37:02-37:04

That is what this process has done.

37:05-37:07

I urge the Select Committee to recommend that the bill be abandoned

37:08-37:12

and that the Government continue to work with Māori to honour te tiriti o Waitangi.

37:12-37:13

Kia ora.

37:13-37:14

Kia ora, Natalie. Thank you.

37:14-37:15

We've got a number of questions.

37:16-37:20

I'll take them in order as Ginny, then Debbie, then Tamitha

37:20-37:21

and then I'll circle back to Duncan.

37:22-37:22

Sorry, Duncan.

37:23-37:25

Keldin, thank you for coming along.

37:25-37:27

I appreciate having your expertise here today.

37:28-37:32

One of the things we've heard today is that an argument

37:32-37:37

that judges shouldn't be part of making these decisions

37:37-37:39

or the courts don't have a role in democracy,

37:40-37:42

that democracy should sit with parliament and politicians.

37:44-37:47

And there's a common misperception in the general public

37:47-37:50

that that's not part of our democracy.

37:50-37:52

that's quite a big thing to try and explain

37:52-37:55

and have a good debate about publicly

37:55-37:56

do you have any insights

37:57-37:58

how we get around that difficulty?

38:00-38:01

I think one of the dangers

38:01-38:03

that we've seen arising over the past

38:04-38:05

year or two

38:05-38:07

has been the undermining

38:07-38:07

of the judiciary

38:08-38:10

the judiciary is one of the key prongs

38:11-38:12

in the separation of powers

38:13-38:14

and actually you need

38:14-38:16

a public that trusts the judiciary

38:17-38:18

for power to work

38:18-38:20

in Aotearoa in general

38:20-38:35

And so undercutting what it's doing, which is legitimately interpreting the case before it and the law before it, which refers to the principles of the Treaty of Waitangi, is a really unhelpful thing for our democracy in general.

38:35-38:37

It undermines our democracy and it's very functioning.

38:38-38:47

And actually a healthy judiciary that does its job separate from parliament and the executive is key.

38:48-38:50

Thanks, Natalie. We've got Debbie and then Tam.

38:50-38:54

Thank you, T'Chia. A tēnā, Pēnēle. It's great to hear your submission.

38:54-38:57

In your submission, you spoke about this Bill of Step Backwards,

38:57-39:00

locking the treaty into a static, outdated framework,

39:01-39:04

and mentioned Iwi settlements in the Aroha to the nation,

39:04-39:06

and their desire for peace.

39:06-39:10

In your experience, re-litigating and the risk that this does,

39:11-39:14

and re-litigating not only current settlements,

39:15-39:16

but historical settlements,

39:16-39:20

and having a government that ignores Indigenous rights in Aotearoa,

39:20-39:21

what does that look like?

39:22-39:24

What does that look like, particularly for you

39:24-39:27

in your sphere of industry and influence?

39:27-39:31

What this bill would do would obliterate 40 years of jurisprudence

39:31-39:33

that's built up around this particular subject matter.

39:35-39:37

And so Te Tiriti or Waitangi, as you know,

39:37-39:41

is paper-potted across a whole range of different pieces of legislation

39:41-39:45

and is relevant across all areas of law that are relevant to Māori,

39:45-39:46

which is most areas of law.

39:46-39:50

what this do would require re-litigation of what this all means.

39:50-39:52

Because on the one hand, it's saying let's uphold treaty settlements

39:53-39:57

that recognise an ongoing relationship in accordance with te tiriti,

39:57-39:59

whilst also saying here's how you define them.

39:59-40:04

It would just create this extremely uncertain legal landscape

40:04-40:06

that would need to navigate for a long time.

40:07-40:07

Thanks, Ali.

40:07-40:09

This is Tamika Paul and then Duncan if we have time.

40:10-40:10

Kia ora.

40:11-40:14

What do you think about the way that Sir Apirana Ngata's interpretation

40:14-40:20

of the treaty has been used throughout this whole debate

40:20-40:22

over the last year at least.

40:22-40:26

So to be careful at that, Tāapiranga Ngata was of course a great man

40:27-40:31

and a great rangatira and a great statesman in Aotearoa,

40:32-40:34

but that doesn't mean his views on the treaty are correct.

40:35-40:37

And I think what needs to happen is that,

40:38-40:40

or I think what's happened is that his words have been taken

40:41-40:44

out of context and weaponised in a way that I think

40:44-40:49

is terrible actually, and that doesn't honour him as a person either.

40:50-40:51

So it needs to be seen in context, right?

40:51-40:55

So he was writing and made those comments at a particular time in our history

40:55-40:58

where Te Tiriti o Waitangi had been right roundly dishonoured.

40:59-41:04

It needs to be taken in light of how he saw te ara mo Māori,

41:04-41:05

e haere ana ki mua,

41:06-41:11

tōringa ki ngā rākau a te Pākehā,

41:11-41:13

ko tongā kau ki o taonga a o típuna.

41:14-41:16

He had a particular vision for Aotearoa,

41:17-41:21

but also it needs to be taken in light of the overwhelming amount of work

41:21-41:24

that has been done since that time by historians, by academics,

41:24-41:29

by an independent commission of inquiry, by lawyers, by interpreters, etc.

41:29-41:32

Thanks, Natalie. Sorry to interrupt, but we're at the end of the time for the session.

41:32-41:35

So just on behalf of the committee, acknowledge you being with us to present

41:35-41:37

and for spending your time with us this afternoon.

41:38-41:38

Kia ora.

41:39-41:40

We're going to now move to a submission.

41:40-41:42

I'd like to invite Ngawi Otaranaki to the table.

41:43-41:46

we've got Jackie King and Emma Gardner to come with us.

41:47-41:49

The team are going to speak in teo Māori,

41:49-41:52

so there is live translation for MPs at the table.

41:52-41:55

There is no live translation for the room.

41:55-41:56

If you'd like to listen to translation,

41:57-41:59

you can go to committee room four and it'll be streamed.

42:04-42:05

Kia ora kōroa.

42:05-42:06

Thank you for being with us.

42:07-42:08

Nice to see you in person.

42:08-42:09

We've met several times.

42:10-42:12

I'll put 10 minutes on the clock

42:12-42:13

and we'll hand over to you to start your presentation.

42:14-42:15

Kia ora.

42:17-42:22

Katohe au, katohe au, katohe au ki Taranaki,

42:23-42:28

ki taku karaka, waka uroi te ai te motu,

42:28-42:31

e tu nei, e tu nei.

42:33-42:36

He whakahi ana mātou te piri, he kia nei,

42:37-42:39

ko te principles of the Treaty of Waitangi Bill.

42:40-42:43

Ko tenei te tauaki nga iwi o Taranaki,

42:44-42:48

Āra nga iwi o ngā rauru ki tahi,

42:48-42:54

Ngā rohine, ngāti maru wharanui, ngāti mutunga, ngāti ruanui,

42:54-42:59

ngāti tama ki Taranaki, te atiawa Taranaki iwi.

43:01-43:06

Kai tena iwi, tena iwi, to rātauaki rangatiratanga,

43:06-43:15

Koo te manako a tona waa, kā tu motuhake o tātou iwi ki mua i te aroaro o te komiti nei.

43:17-43:22

Kia whakahua i o rātou ake wakaro mō te pirina.

43:24-43:31

He kōrero, wakarako poto, noa tēnei i ngā tini raru mō te pirina.

43:32-43:37

Kwa Jackie King toku ingoa, kuariro ngā maua o Emma Gardner,

43:39-43:45

hei whakamoyo atu ki a koutou ngā awangawanga o ngā iwi o Taranaki.

43:46-43:54

Aue e tangi tonuana te piukara, e rua ngā wakaro mātua o te tauaki nei,

43:55-43:58

Kaatai, kaore he kiko ki te pire nei.

43:59-44:06

Ka rua, he korero o ka tūpato tēnei ki te kāwana, ki ngā kāwana ka tuai waeake nei.

44:07-44:11

I te tuatai, kaore he kiko ki te pire nei.

44:12-44:15

Ko te tiriti e wakaitanga o ngā ropuerua.

44:16-44:20

Ko ngā rangatira o ngā hapu o niutirini, ko te kārounā.

44:21-44:28

Te tāia te rā wekeweke i tēnei tiriti i nga pota ia nae te rōpū kua o kaitia.

44:29-44:40

I mua tonu mai o ngā Iwi Settlements Act, ka aina tia e ngā rōpuerua a rā ko aua iwi ko te kāwana i te puka tuku.

44:41-44:47

He tika me pēnei ho ki te tūkanga kia wakare rekeai ngā āhuatanga o te tiriti.

44:48-44:51

Kore he kiko ki te pire neu?

44:52-44:58

Kota i mano e waru rau māono ana e ngā kupu o te pire neu.

45:00-45:04

Roa ake ngā tuingarua i roto i ngā kura tuarua.

45:05-45:09

Ko te aurua o te matū ka i ngā explanatory notes.

45:10-45:14

E wakaiti nei te pire i ngā tūkanga ó te whare mata.

45:14-45:17

Wai hoki ko mātau ngā iwi o taranaki.

45:17-45:26

Ko te waka taunga o te traipiwnara o Waihtangi, kaore rawa te pire e eke ki te taumata e tikana.

45:27-45:34

Ko te waka taungа o te tau o te ture, kaore rawaa te pire e eke ki te taumata e tikana.

45:36-45:44

E ai ki ngā ture o te au anui, kaore rawa te pire e eka ki te taumato e tikaana.

45:44-45:54

Ko tēta i o ngā rupau e paupau tonu ana ki ngā karere o te motu, ko tēnei mea te ōritetanga.

45:55-46:06

Kaoreau mo te waka e i te wakaro mātua o te ōritetanga, e rangi e hara te tiriti i te wā itika e kawe i taua mātapono.

46:07-46:13

Me aro kē atu koutou ki te ture kā wanatanga, a rā ko te Constitution me te Bill of Rights.

46:13-46:23

E no o mātā muana ko te rangatirakanga o ngā uri, o ngā anau, o ngā apu, a rā ko ngā iwi o Taranaki.

46:24-46:27

Kāti te rā weke weke i te tiriti.

46:29-46:33

He korero waka tūpat o tēnei ki te kawanga.

46:34-46:36

Ki ngā kawana katouai waiake nei.

46:36-46:44

Te paupau noa te pire, ei waka āraihia ngātini pire o te kāwanga.

46:45-46:48

Ko tātau o Aotearoa e no o pōraruanga.

46:50-46:55

Te maa kēmai nei o ngā pire e tūkino nei a mātau ngā iwi o Taranake.

46:56-46:59

Mātau ngai Māori, tātau katua o Aotearoa.

47:00-47:08

E aiki eta i pāti, kaore rawa rātue o kai ki te pire mō ngā pānuitanga ka i te aere.

47:09-47:13

Nō reira, kaore he take ki te hamahama haere.

47:14-47:18

Tēnai mātau, e hamahama tonu ana.

47:19-47:21

E hamahama tonu ana.

47:22-47:31

Kia mātua mō i o te kāwana me ngā kāwana e waeake nei, kaua e rāwekeweke i te tiriti.

47:32-47:37

I mua i tā maua wakakapi i te korero nei.

47:37-47:40

He tika me wakautuki e te i o ngā korero i puta i te ata nei.

47:42-47:46

Ngā korero nā tete i tangata ki tua o te taiapa e ki.

47:46-47:57

I wakatau rite ia i ngā hara o te pakangatuarua o te ao ki tērā o ngā matapono o te tiriti.

47:59-48:08

Ngā wai kāhua, ngā wai kāhua, kaore rātau ngā morehu e huaanga mai era kōrero wakaiti.

48:11-48:13

Ngā na'a nake kāhua.

48:15-48:17

Hei waka kape

48:18-48:19

Hei te wiki nei

48:20-48:24

Ka waka takotongi a te pire o Taranaki Maunga

48:24-48:27

Kia waka mana ia e te ware paremata

48:28-48:30

Aue te mamai

48:31-48:32

Aha ko a tona hoki ngā mai

48:33-48:36

E murua tonu ti a mātau e te kawana

48:36-48:39

Nga e nei mai tini anga o te pene

48:40-48:43

O ngā pire, o ngā ture

48:43-48:52

Ko tēnei pire, kano o ei kaupapatami i a mātau, e waka ngū nei i a mātau ngā iwi o Taranaki.

48:54-49:05

He ma i tūkino tēnei, e takataka ia nei ei tā mātau rangatiratanga, me aukati te pire e tēnei kio miti nei, e te whare pare mata.

49:05-49:06

Kamutsu.

49:35-49:43

He tike te tae pai na tupuri

49:44-49:50

E tae papi ko anoa

49:51-49:54

Kwana te maunawa

49:56-50:03

Tui up to tui mai o

50:33-50:44

Kōtō e kāpū, tōnō nā e, te tui ni, gaimonga wa.

50:46-50:50

Kōtō kōtō, we've got a question from Todd, and then if we have time, from Debbie.

50:52-50:54

Thank you for coming and presenting today.

50:54-50:59

Just want to go to page three of your submission, and you actually outlined the treaty principles

50:59-51:02

that the Labor Government did in 1989

51:03-51:04

against the principles in this bill.

51:05-51:07

Do you think there are some similarities

51:07-51:08

between some of those principles?

51:10-51:12

Ko re rawa he o re te tanga.

51:15-51:17

I te tuatai,

51:17-51:19

ko ngā māta upono e kia nei,

51:19-51:21

ko ngā principles of te tiriti,

51:22-51:24

ko a wāngai hea e te karuna

51:24-51:25

i ngā rautau ko paure.

51:26-51:34

e pāna tērā ki te wanaungatanga o te kāwana me te rangatiratanga o ngā iwi.

51:35-51:38

Engare, ko ngā matapono i rutui tēnei pire,

51:39-51:42

e hāngai tonu ana ki tēnei pō e e tāngā,

51:42-51:46

he wakaitanga i wainga i ngā e Māori me ngā e Pāke'a,

51:46-51:48

engare e hara tērā i te tika.

51:48-51:52

No reira, e kao, kaore he hono ngā i wainga i ngā mea erua.

51:53-51:54

Thanks, Imai. Thanks, Jackie.

51:54-51:56

Look, that's the time for the session today.

51:56-51:57

So just want to acknowledge your submission

51:57-51:59

for the last person today.

52:00-52:02

- We're going to go to a submission now online

52:02-52:05

from Elizabeth Rata, who's going to join us.

52:05-52:06

Who should we?

52:11-52:11

- No.

52:12-52:13

Oh my God.

52:21-52:22

- Got Elizabeth there?

52:24-52:28

Let's just bring the next submitters in about 30 seconds before we do the finish.

52:28-52:29

Thank you.

52:30-52:30

Good afternoon, Elizabeth.

52:31-52:32

Thank you for being with us today.

52:32-52:33

Welcome to the committee.

52:33-52:37

We've got you for 10 minutes this afternoon, so I'd invite you to present your submission.

52:39-52:39

Oh, good afternoon.

52:40-52:42

Thank you for the opportunity to present.

52:42-52:44

I'll speak for five minutes and then I'll take questions.

52:46-52:50

What is the best title given to any New Zealand legislation?

52:51-52:55

My money is on the 1877 Education Act.

52:56-53:00

It's an act to make further provision for the education of the people of New Zealand.

53:01-53:09

So as early as the 1870s, there's a commitment to a united people belonging to and benefiting

53:10-53:12

from the nation New Zealand.

53:13-53:20

Nearly 150 years later, that commitment is under serious threat from those who would replace

53:20-53:28

liberal democracy with tribal sovereignty and by doing so will create a racialized society,

53:29-53:38

apartheid. Consider the two words, liberal, democracy and their connection. Both give us

53:39-53:48

something that none of our ancestors living in tribal kinship groups had. Democracy gives us a

53:48-53:57

system of parliamentary sovereignty, of law, of regulation. It recognises that our common

53:57-54:05

humanity justifies equal rights. Those rights belong to the individual citizen, not to the group.

54:06-54:14

The word liberal gives us the freedom to be different, either as individuals and in voluntary

54:14-54:21

associations based on shared interests, which could include heritage, culture, language,

54:22-54:31

sport, politics, religion, music, and so on. That is what makes liberal democracy remarkable.

54:33-54:41

As citizens, we have the same political and legal rights. As members of civil society,

54:42-54:44

We are free to be different.

54:45-54:48

This is an enormously important point.

54:49-54:55

It's the combination of rights, responsibilities, and freedom

54:56-54:58

within democracy's governance and laws

54:59-55:02

that makes the modern world vibrant and prosperous.

55:04-55:07

That's why I support the Treaty Principles Bill,

55:08-55:16

because it provides a coherent and succinct statement capturing what liberal democracy is.

55:17-55:26

Something we should all know, especially members of Parliament, who represent us, the people of New Zealand.

55:27-55:33

First world nations need liberal democracy's creative tension.

55:34-55:39

It's an invigorating tension between rights, responsibilities,

55:40-55:46

and between having the same rights and having the freedom to be different.

55:48-55:56

The Bill is the symbolic link to the hope found in both the 1840 Treaty of Waitangi

55:56-55:59

and in the 1852 Constitution Act.

56:00-56:10

19th century New Zealanders, especially those who had been slaves, decimated by war, of low

56:10-56:19

genealogical birth status, or from impoverished backgrounds, they put their faith in a peaceful

56:20-56:29

and prosperous future for their descendants. In the 21st century, we can strengthen this faith

56:29-56:35

for our descendants by agreeing to the principles in this bill.

56:36-56:39

New Zealand's future may be that of a prosperous

56:40-56:47

first world liberal democracy or a third world retribalised state.

56:47-56:53

A first world tribal nation is a contradiction in terms.

56:54-56:55

It is not possible.

56:56-57:02

There can be no prosperity without individual equality and freedom.

57:03-57:07

There can be no social equality without prosperity.

57:08-57:11

We are at a very serious crossroads.

57:12-57:18

The value of the bill is that it not only forces us to confront this fact,

57:19-57:25

but allows us to do so within the parliamentary select committee process,

57:25-57:30

rather than through cultural posturing, intimidation,

57:31-57:32

or perhaps even violence.

57:34-57:39

The very existence of the bill is liberal democracy in action.

57:42-57:42

Thank you.

57:43-57:43

Thank you, Elizabeth.

57:44-57:46

We've got a few questions lined up.

57:46-57:50

The first one's from Dr Webb and then Takata and then Sampley.

57:50-57:52

Well, thank you, Mr Chair.

57:53-57:57

I was fascinated that you used the Education Act of the 1870s

57:57-58:02

as an example of liberal democracy.

58:04-58:08

I'm assuming you've read it and you know that free and compulsory education

58:09-58:12

wasn't available to Māori children until the 1890s,

58:12-58:15

and that Act only applied to Pākehā children.

58:16-58:20

In light of that, I'm perplexed with your stance

58:20-58:25

that there shouldn't be any kind of distinction

58:26-58:28

or special duty to Māori,

58:29-58:31

given the fact that the full rights

58:31-58:33

of participating in a democracy

58:34-58:37

were only just given, you know, 100 years ago.

58:39-58:41

Is there a question in there, Dr Webb?

58:41-58:42

Yeah, yeah, there was.

58:43-58:44

My question was quite clearly stated,

58:44-59:00

Can you explain, given that Māori weren't given the rights of full citizenship in our liberal democracy, why it is that you seem to say there should be no differentiation in treatment between Māori and Pākehā?

59:01-59:10

Māori had government-provided education from the 1867 Native Education Act.

59:11-59:27

The 1877 Act included everyone, except there was a provision for those who did not want to be compelled to attend government schools not to go.

59:27-59:36

So you had the tribes of the north, the east coast, south and so on, very keen to establish schools.

59:37-59:46

But that exemption recognised that there were some groups, particularly, of course, Waikato and Taranaki,

59:47-59:52

who were opposed to the government, given what had occurred during the land wars.

59:53-01:00:06

That exemption enabled them not to have to send their children to school until the exemption was removed in 1903.

01:00:06-01:00:13

Now, you will be aware, surely, that the 1877 Bill had a number of exemptions.

01:00:14-01:00:22

There were exemptions for children based on geographical locations who couldn't get to school in some cases.

01:00:22-01:00:25

There were exemptions for children with disabilities.

01:00:26-01:00:28

There were a number of exemptions.

01:00:28-01:00:34

And what I think that shows is something we see in the New Zealand character,

01:00:34-01:00:39

which is an interesting combination of idealism and pragmatism.

01:00:40-01:00:45

So throughout the 1877 Act, you will see a number of exemptions.

01:00:47-01:00:50

Secularism, for example, there are other exemptions.

01:00:50-01:00:58

And I think that is very much part of the tolerance required in a liberal society.

01:00:59-01:01:05

There will always be some people who will simply refuse to do what the law says.

01:01:05-01:01:12

And the pragmatic part of being a New Zealander is that our laws often have exemptions.

01:01:12-01:01:16

Thank you, Elizabeth. I think that's well addressed.

01:01:16-01:01:18

We'll go to a question now from Dr Ferris.

01:01:18-01:01:19

Kia ora, Elizabeth.

01:01:19-01:01:25

I'm sure you'll recognise and agree with me that Māori had pre-existing rights before anyone else showed up.

01:01:25-01:01:31

So my question to you is, where did those rights fit into the liberal democracy idea?

01:01:32-01:01:38

And just secondly, can you identify for us all one modern day colonial society

01:01:39-01:01:43

where the indigenous people have thrived under the liberal democratic idea?

01:01:44-01:01:47

Oh, thank you. Yes, quick answer to your two questions.

01:01:48-01:01:53

The first one is that in pre-colonial New Zealand,

01:01:54-01:01:59

slaves did not have rights, nor did low-caste tribal members.

01:02:00-01:02:02

Now, in response to your second question,

01:02:02-01:02:04

my answer would be New Zealand.

01:02:04-01:02:08

Have a look at the burgeoning Maori middle class.

01:02:10-01:02:11

Have a look at the numbers.

01:02:12-01:02:16

Right from the 1960s, there has been a steady increase

01:02:16-01:02:20

in the numbers of Maori moving into the middle class

01:02:20-01:02:24

who are doing very well, which is excellent.

01:02:25-01:02:26

Thank you, folks.

01:02:27-01:02:29

That's the time we've got for the session today.

01:02:29-01:02:31

I just want to extend the committee's thank you, Elizabeth,

01:02:31-01:02:33

for joining us and providing your submission.

01:02:35-01:02:37

We're going to move to submission now from Paul Crystal.

01:02:38-01:02:39

Paul is going to join us online as well.

01:02:39-01:02:51

Paul, good afternoon. Thank you for being with us today. We've got you for 10 minutes

01:02:51-01:02:53

this afternoon, so I'll just invite you to begin your presentation.

01:02:56-01:03:00

Indeed, and thank you very much for the opportunity. And it's been interesting watching other

01:03:02-01:03:06

people present on both for and against, obviously. And it's wonderful to be part

01:03:06-01:03:09

of a democratic process

01:03:09-01:03:11

where we can discuss the laws that are made

01:03:12-01:03:13

and affect our lives.

01:03:14-01:03:21

I'm not going to go through my presentation

01:03:21-01:03:24

because I understand that you've all read it.

01:03:24-01:03:28

But I just wanted to briefly introduce this time before questions.

01:03:29-01:03:32

In reading through some of the other submissions,

01:03:32-01:03:34

in particular the Maori Council submission,

01:03:35-01:03:37

they asked the question, what is the problem?

01:03:38-01:03:41

So I thought I should start just briefly there.

01:03:42-01:03:43

And it's really a set of questions.

01:03:44-01:03:48

And the question is, how did we arrive from 1975,

01:03:49-01:03:54

Treaty of Waitangi Act with its idealism and its constructive nature

01:03:54-01:03:59

and the success it brought and end up now being a country

01:03:59-01:04:02

where we find that we spend millions of dollars

01:04:02-01:04:06

playing whale songs to kauri trees

01:04:07-01:04:11

to check whether that will in any way cure kauri die back.

01:04:11-01:04:15

How did we go from the brilliant settlement

01:04:16-01:04:18

that Ngāti Thātua achieved

01:04:19-01:04:20

and then their extraordinary success,

01:04:21-01:04:22

their investment success,

01:04:23-01:04:25

and then end up being a country

01:04:27-01:04:30

where professional bodies such as land agents

01:04:30-01:04:37

have to go through obsequious trite causes on the to be a te-tiriti partner.

01:04:39-01:04:42

How did we go from the settlements of mid-North Island tribes

01:04:43-01:04:51

and find that the port of Tauranga was unable to be developed for several years

01:04:51-01:04:56

as it was stonewalled by parties who were seeking larger monuments of money?

01:04:57-01:05:00

And I guess, above all, how did we go from that idealism

01:05:01-01:05:04

and the practical, constructive nature of the settlement legislation

01:05:06-01:05:11

to a place now where we are dealing with the utterly impractical issues

01:05:11-01:05:13

and proposals of sei he puapu.

01:05:14-01:05:19

So the proposition that I put in my submission was simply,

01:05:19-01:05:23

we did this, we got to this position because we made a mistake,

01:05:23-01:05:24

Parliament made a mistake.

01:05:24-01:05:27

It did not define the principles of the treaty.

01:05:28-01:05:37

And the subsequent mistake was the mistake that started with the perhaps inadvertent use of the term partnership in the lands case.

01:05:37-01:05:43

But it's nevertheless now being concreted into our modern understanding of the treaty.

01:05:44-01:05:56

And partnership, in my view, is the doorway to the questions around sovereignty and the issues of differential voting rights.

01:05:56-01:06:00

And so it's sovereignty and partnership that we got wrong.

01:06:02-01:06:10

And I'm not going to go through the clause by clause analysis that I put forward in the paper.

01:06:10-01:06:13

It's not, in my view, that controversial.

01:06:14-01:06:26

It's there are left and right wing people that accept or believe that the courts have simply misunderstood the treaty and partnership is a contradiction of the clause of the treaty.

01:06:26-01:06:36

But I do want to just before I stop reflect on that fantastic debate between Aperama, Tānui, Frederick Manning and Hobson.

01:06:37-01:06:47

When they asked Hobson and suggested instead of sovereignty being offered to the Queen,

01:06:48-01:06:55

that instead it would only be offered over Pākehā and sovereignty would be retained by Māori over Māori.

01:06:55-01:07:05

And Hobson rejected, absolutely rejected that proposition and said sovereignty is universal and indivisible.

01:07:06-01:07:09

And so these negotiations were had at the time.

01:07:10-01:07:12

And if people have the time to,

01:07:12-01:07:15

and I believe everyone should read the transcripts later

01:07:18-01:07:19

of the Kohimeramara conferences

01:07:20-01:07:21

where these things were reconfirmed,

01:07:22-01:07:26

I think we come to a position where we can no longer leave

01:07:27-01:07:31

the evolution and the endless evolution of what it means

01:07:31-01:07:34

and what the treaty means inside of our legislation.

01:07:34-01:07:37

we need to be able to see it addressed by Parliament.

01:07:37-01:07:38

That's all I have to say.

01:07:39-01:07:40

I'm just open to questions.

01:07:41-01:07:41

Thank you, Paul.

01:07:41-01:07:42

We do have time for questions.

01:07:42-01:07:44

The first one is from Takata Paris.

01:07:46-01:07:46

Kia ora, Paul.

01:07:46-01:07:47

Thanks for your submission.

01:07:48-01:07:50

Hey, I'm just wondering if, you know,

01:07:50-01:07:52

there's been a lot of talk about sovereignty cessation.

01:07:52-01:07:53

Yes, no, the other thing.

01:07:54-01:07:56

But internationally, if we really get down to it,

01:07:56-01:07:58

if there's indifference in interpretation

01:07:58-01:08:00

of the two treaties that our country deals with,

01:08:01-01:08:08

Then through an active international treaty law called Contra Preferendum, the indigenous language version wins out.

01:08:09-01:08:17

So I'm just wondering if you can point out for me in the Māori text of Te Tiriti o Waitangi where Māori cede their sovereignty.

01:08:19-01:08:27

I think the easier way to do it is just to simply say, could you point out to me at what point Tamati Wakanene did not understand the ceding of sovereignty?

01:08:28-01:08:31

The text is the text.

01:08:32-01:08:32

It's what we have to deal with.

01:08:33-01:08:34

Sorry, the text is the text.

01:08:35-01:08:36

So it's what we have to deal with.

01:08:36-01:08:37

He signed the text.

01:08:37-01:08:40

He said a lot of things, but I'm just asking you if it's in there in the Māori text somewhere.

01:08:43-01:08:46

I would have thought clause one's clear enough for you using the Kawhirao translation.

01:08:49-01:08:52

Or just again in the Māori text, if you can point it out, that'd be great.

01:08:55-01:08:58

I've just pointed it out with the Kawhi Rao translation.

01:09:01-01:09:02

Is that the Maori team?

01:09:02-01:09:04

You don't want to hear my...

01:09:05-01:09:07

I don't intend to speak to you in Maori.

01:09:09-01:09:12

It's a wonderful language, but it's not something that I'm...

01:09:13-01:09:16

Okay, folks, is there any further questions for Paul?

01:09:17-01:09:17

No.

01:09:18-01:09:19

Paul, there's no further questions from the Kari.

01:09:19-01:09:22

Thank you for your time this afternoon and for providing your submission.

01:09:22-01:09:25

We do appreciate you being with us and speaking to it.

01:09:25-01:09:27

Thank you.

01:09:27-01:09:30

I'm just going to move on now to from Paul Goldstone.

01:09:31-01:09:32

So if Paul's in the room, he can come up to the table.

01:09:37-01:09:38

Thank you, Paul.

01:09:38-01:09:39

Welcome to the committee.

01:09:39-01:09:43

We have you with us for 10 minutes this afternoon, so I'll hand over to you to begin your presentation.

01:09:44-01:09:47

It's strangely sitting here instead of over there.

01:09:48-01:09:52

Thank you, Mr. Chair, members of the committee and particularly the committee staff who have

01:09:52-01:09:59

been working very hard on this bill. I'm Paul Goldstone. I support this bill and recommend

01:10:00-01:10:06

that it be passed. I will summarise my submission and then take questions. I was a specialist

01:10:06-01:10:12

in 19th century New Zealand history. I've worked on treaty issues in various roles,

01:10:13-01:10:19

including here at Parliament. I currently work in the private industry. Obviously, my statements

01:10:19-01:10:21

are my own personal views.

01:10:22-01:10:24

I wish to make three high-level points.

01:10:25-01:10:28

First is that the definition of treaty principles

01:10:29-01:10:30

should be determined by Parliament.

01:10:32-01:10:35

Treaty principles should not be some sacred mystery.

01:10:36-01:10:39

Parliament should be able to clearly state what they are,

01:10:40-01:10:42

given that Parliament created them.

01:10:43-01:10:48

The concept of treaty principles was created by Parliament in 1975,

01:10:49-01:10:55

but did not have any real effect until principles of the treaty were put into the SOE Bill in 1985.

01:10:57-01:11:02

This was done by SOP at third reading without debate.

01:11:03-01:11:08

As politicians, as MPs, I'm sure you have an understanding of what that really means.

01:11:09-01:11:18

To the surprise of many MPs, in 1987, the Court of Appeal effectively interpreted this vague treaty principles

01:11:18-01:11:21

to have an almost constitutional effect.

01:11:22-01:11:24

Since then, Parliament has remained silent

01:11:25-01:11:27

in defining the treaty principles

01:11:28-01:11:31

it has somewhat haphazardly put into law,

01:11:31-01:11:34

while the courts, the Waitangi Tribunal,

01:11:34-01:11:36

public agencies and officials

01:11:37-01:11:41

have somewhat enthusiastically sprouted various principles.

01:11:42-01:11:45

What we have at the moment is that treaty principles are vague

01:11:45-01:11:48

and are determined on an ad hoc basis

01:11:48-01:11:50

by often unaccountable bodies.

01:11:51-01:11:56

Leaving important political questions up to judges and the bureaucracy

01:11:57-01:12:02

is Parliament abrogating its core duty and is not tenable.

01:12:03-01:12:07

Principles of the treaty should be determined democratically

01:12:07-01:12:08

through Parliament.

01:12:10-01:12:13

Second, defining treaty principles in law.

01:12:15-01:12:29

There are currently anywhere from between three to eight various inconsistent and ever-changing principles developed by various bodies, government officials, courts and Waitangi Tribunal.

01:12:30-01:12:43

It was notable that when two MPs from the same party spoke out against this bill, they confidently espoused principles that were completely different from each other.

01:12:44-01:12:50

This buffet of principles is nonetheless used by government officials to determine policy.

01:12:51-01:12:58

Employees or professionals in various bodies are expected to have a commitment to the principles of the treaty

01:12:59-01:13:04

or must take into account the principles of the treaty in their work or various applications.

01:13:07-01:13:11

The treaty principles, I believe, should be founded on a reasonable interpretation

01:13:11-01:13:15

of the three clauses in the two texts of the treaty itself.

01:13:17-01:13:19

Broadly, these are sovereignty slash kawana-tanga,

01:13:20-01:13:24

protection of Māori rights slash tinauranga-teretanga,

01:13:24-01:13:27

and that all New Zealanders have the same rights.

01:13:29-01:13:33

I have some reservations about the exact wording in Clause 6,

01:13:34-01:13:35

especially the second principle.

01:13:36-01:13:41

I prefer the 1989 Labour government's articulation of principles

01:13:41-01:13:47

the principle of kawana-tanga, the principle of rangatirutanga, and the principle of equality under the law.

01:13:48-01:13:57

If the committee does not agree to these three principles, then what are the principles of the Treaty of Waitangi?

01:13:58-01:14:07

I challenge members of the committee to put forward what they think are the principles based on a good faith interpretation of the two texts,

01:14:08-01:14:09

and put those into legislation.

01:14:10-01:14:19

Third, I argue that defining treaty principles is inevitable when New Zealand becomes a republic.

01:14:22-01:14:26

I appreciate that this committee will spike this bill.

01:14:27-01:14:33

But when New Zealand becomes a republic, it will almost certainly be on the basis of, one,

01:14:34-01:14:37

that New Zealand is a sovereign republic by the will of the people,

01:14:38-01:14:43

and that all New Zealanders as citizens have the same rights and are equal before the law.

01:14:44-01:14:47

And of course, I expect there's a process that will be ratified by a referendum.

01:14:48-01:14:49

That is all. Thank you.

01:14:50-01:14:52

Thank you, Paul. We've got a number of questions in line.

01:14:52-01:14:55

I'm going to go to Ginny Anderson, then Todd Stephenson, then Tammy Paul.

01:14:56-01:14:59

Thank you, Paul. I think I remember you from around this place when I worked here too, a while ago.

01:14:59-01:15:11

Can you unpack for me what's, where this argument, from your view, about judges not having a role in our democracy?

01:15:12-01:15:13

They do that every day.

01:15:13-01:15:14

We make the laws.

01:15:14-01:15:17

They interpret the laws on a multitude of cases on a day-to-day basis.

01:15:18-01:15:29

Where does the ACT Party or your use, where does that arrive from, that in this particular space, that courts don't have a role?

01:15:29-01:15:32

courts have a role in interpreting law

01:15:33-01:15:34

but we're on fundamental

01:15:34-01:15:35

political issues

01:15:36-01:15:38

that should be dealt with by Parliament

01:15:38-01:15:40

who after all are responsible

01:15:40-01:15:42

for making those laws

01:15:42-01:15:44

the role of the judiciary is to simply

01:15:44-01:15:45

interpret those laws

01:15:45-01:15:48

what we've seen though is that because of

01:15:48-01:15:49

the vagueness of this term

01:15:50-01:15:52

you've seen judges and other

01:15:52-01:15:54

bodies in particular in the public sector

01:15:54-01:15:56

just simply stretch out what

01:15:56-01:15:58

this means that are

01:15:58-01:16:04

unaccountable. So your point is that they still are a part of our democracy, but they are restricted

01:16:05-01:16:11

to simply interpretation. Interpretation of the law. But law comes from Parliament. Thank you, Jenny.

01:16:11-01:16:17

Todd and then Tim. Thanks. Thanks for your presentation. You said that the current principles,

01:16:18-01:16:22

so not the ones in the bill, but the current principles are vague. Some other submitters have

01:16:22-01:16:28

said they're conservative or benign. And then you've said there's three to eight principles. I

01:16:28-01:16:34

What is the consequence of actually not getting some definition around these principles for the country going forward?

01:16:35-01:16:37

Well, you end up with just complete confusion ultimately.

01:16:39-01:16:42

I mean, there are simply no set principles.

01:16:43-01:16:48

This idea that there is an established body of law around treaty principles,

01:16:48-01:16:53

you simply have to go online and see for yourself that it's continually changing.

01:16:54-01:16:59

And in fact, the fact that two ex-Sender Ministers couldn't even articulate what treaty principles

01:16:59-01:17:03

were consistently with each other is an indication of fact it's just confusion.

01:17:04-01:17:08

Now, when government bodies are being asked to make decisions, when people applying for

01:17:08-01:17:13

positions are expected to explain a commitment to the principles of the treaty and so on,

01:17:13-01:17:17

when actually it's a moving feast, that's just not good.

01:17:19-01:17:19

Thank you.

01:17:19-01:17:19

Tim.

01:17:20-01:17:25

So, my question is, in your submission you've written,

01:17:26-01:17:31

to claim that anyone by accident of ancestry can enjoy special rights

01:17:31-01:17:34

as repugnant in any democracy, you know the rest.

01:17:35-01:17:37

What makes it so repugnant?

01:17:38-01:17:41

Because there are heaps of democracies that have special rights,

01:17:41-01:17:43

whether it's language, race, religion.

01:17:44-01:17:47

So what's so repugnant about New Zealand doing what is actually quite normal

01:17:47-01:17:48

in other democracies?

01:17:48-01:17:49

I don't think it is normal.

01:17:49-01:17:55

I think most democracies, it's pretty clear that you shouldn't have specific rights based on your ancestry.

01:17:56-01:18:06

But do you understand that other countries do have special rights based on things, not just race, also language and religion and a whole lot of other factors, that that's normal?

01:18:07-01:18:09

I don't agree with that.

01:18:09-01:18:11

I think in most Western democracies,

01:18:11-01:18:15

it's a standard principle that your political rights,

01:18:15-01:18:17

particularly political rights,

01:18:19-01:18:22

are completely not related to your ancestry.

01:18:23-01:18:24

Okay, I'll send you some links.

01:18:26-01:18:27

Thank you.

01:18:27-01:18:28

Any further questions?

01:18:28-01:18:29

Talk to first.

01:18:30-01:18:31

Kia ora ho.

01:18:31-01:18:32

I just got a simple question.

01:18:33-01:18:35

Do you think that Te Tiriti o Waitangi

01:18:35-01:18:38

gives every person in this country

01:18:39-01:18:41

the constitutional right to be here.

01:18:46-01:18:47

Yes, it creates the document

01:18:48-01:18:49

that creates the government of New Zealand.

01:18:50-01:18:53

But does the constitutional right come from the treaty?

01:18:55-01:18:57

No, the treaty is the foundational document

01:18:57-01:18:59

for creating the government of New Zealand.

01:19:00-01:19:03

But the constitutional right comes from the treaty?

01:19:03-01:19:05

Well, actually, the constitutional right for me

01:19:05-01:19:07

a New Zealanders that I was born here.

01:19:07-01:19:08

I didn't say New Zealander.

01:19:09-01:19:10

I said in the country.

01:19:12-01:19:14

Well, yes, if it's.

01:19:14-01:19:15

Thank you.

01:19:16-01:19:17

Thank you, folks.

01:19:17-01:19:19

That's the time for today.

01:19:19-01:19:21

So, Paul, just thank you for your submission.

01:19:21-01:19:22

Welcome back.

01:19:22-01:19:23

We'll be at Temporary League, maybe.

01:19:24-01:19:25

And we appreciated your time here this afternoon.

01:19:25-01:19:26

Thank you very much.

01:19:27-01:19:29

We're going to move now to submission from Hobson's Pledge.

01:19:29-01:19:33

And I understand we have E.K. with us.

01:19:33-01:19:39

Good Elliot, thank you for joining us.

01:19:40-01:19:44

Welcome to the committee, you've got ten minutes with us this afternoon so I invite you to start

01:19:45-01:19:45

your presentation.

01:19:48-01:19:50

Tēnā koe, tēnā koutou whātoa.

01:19:50-01:19:54

My name is Elliot Hewin Pasione Iki Legg and this is my colleague Thomas Newman.

01:19:55-01:20:00

Hobbs's pledge is a civil rights group driven by 140,000 supporters who believe that all

01:20:00-01:20:02

all New Zealanders should be equal before the law,

01:20:03-01:20:03

no matter their skin colour,

01:20:04-01:20:06

no matter when they arrived in the country.

01:20:06-01:20:09

We draw inspiration from the words of Governor Hobson

01:20:09-01:20:10

during the treaty signing, which is,

01:20:10-01:20:14

which is, of course, we are one people.

01:20:15-01:20:17

We educate on treaty and related legal issues.

01:20:18-01:20:19

We expose Tata-style policies

01:20:20-01:20:22

being quietly spread throughout the New Zealand system.

01:20:22-01:20:24

We fight through various mediums,

01:20:25-01:20:26

such as front pages of the New Zealand Herald

01:20:27-01:20:29

to stand up for equal rights and have fun in poking,

01:20:29-01:20:35

often taxpayer-funded beers of racism that we have seen expand and exponentiate,

01:20:35-01:20:36

especially over the last decade.

01:20:39-01:20:42

We receive requests from help up and down the country

01:20:43-01:20:45

from many, many people in different industries,

01:20:45-01:20:49

and this is even outside of the 140,000 people on our lists.

01:20:51-01:20:53

Now, before moving into our commentary,

01:20:53-01:20:55

we also want to bring up a public point here,

01:20:55-01:20:58

which is we learned this morning that Hobbs' pledge

01:20:58-01:20:59

had not been given a time to present.

01:21:00-01:21:02

This is outrageous when you consider our leading voice

01:21:03-01:21:05

and the tens of thousands who support us.

01:21:05-01:21:10

We want to thank Democracy Action for giving us their spot

01:21:10-01:21:12

that was done pre-hand, which was done beforehand.

01:21:14-01:21:16

We were expecting to be given a voice on Thursday.

01:21:17-01:21:17

That didn't happen.

01:21:18-01:21:20

We also want to thank those staff members and the clerk

01:21:20-01:21:22

for being able to confirm that we were indeed here

01:21:23-01:21:25

as per Democracy Action's brave sacrifice.

01:21:26-01:21:31

Again, Mr Chair, it is incomprehensible that we would not have a voice to speak at.

01:21:32-01:21:34

There are serious questions that need to be asked on that.

01:21:34-01:21:39

Now, I'll pass over to my colleague in order to start that commentary process.

01:21:40-01:21:43

Thank you, Elliot. Mr Chair, committee members, my name is Thomas Newman.

01:21:43-01:21:49

I'm a practising civil litigator in law based in Auckland.

01:21:50-01:21:53

I'm a recent appointee trustee of Hobson's Pledge.

01:21:53-01:21:59

I will be addressing you today on Principles 1 and 3 of the Treaty Principles Bill.

01:22:01-01:22:03

Elliot will be addressing you on Principle 2.

01:22:05-01:22:08

Hobson's Pledge supports Principle 1 of the Treaty Principles Bill.

01:22:09-01:22:12

Laws must be made by a sovereign entity.

01:22:13-01:22:19

Sovereignty must be unified and laws applied equally to every person within a jurisdiction.

01:22:20-01:22:21

Otherwise, they are not laws.

01:22:22-01:22:27

The fact is that this parliament is the sole sovereign of these lands.

01:22:28-01:22:31

There is no other serious contender for sovereignty in New Zealand.

01:22:32-01:22:35

It has this authority as a matter of political fact,

01:22:36-01:22:40

but it continues to have sovereignty because it is a representative institution

01:22:41-01:22:44

with members elected through free and fair elections.

01:22:45-01:22:48

Sovereignty is derived from the people who are governed.

01:22:49-01:22:53

Now, these facts are reflected in principle one of the Treaty Principles Bill.

01:22:54-01:22:57

Principle one acknowledges the right of the government of the day to govern

01:22:59-01:23:01

and parliament's authority to make laws.

01:23:02-01:23:07

Now, these empowering elements are balanced by explicitly stated limits.

01:23:09-01:23:12

Governance and lawmaking must be done in accordance with the rule of law

01:23:13-01:23:16

and to maintain a free and democratic society.

01:23:18-01:23:24

Principle 1 therefore complements the New Zealand Bill of Rights Act 1990, which similarly

01:23:24-01:23:29

acknowledges Parliament's sovereignty, but permits only such limits on protected rights,

01:23:30-01:23:33

as can be justified in a free and democratic society.

01:23:35-01:23:42

Principle 1 is simple, elegant, and reflects constitutional orthodoxy and political reality.

01:23:43-01:23:48

Some argue that it does not, which is one of the reasons why the Treaty Principles Bill is necessary.

01:23:50-01:23:57

Principle 1 is not, or at least shouldn't be, controversial, so it should not stop the Bill progressing to a referendum.

01:23:59-01:24:01

Principle 2 is critically flawed.

01:24:01-01:24:07

It states, the Crown recognises the rights that hapo and iwi had when they signed the treaty, te tiriti.

01:24:07-01:24:09

The Crown will respect and protect those rights.

01:24:10-01:24:16

Those rights differ from the rights everyone has a reasonable expectation of to enjoy only

01:24:16-01:24:17

when they are specified in treaty settlements.

01:24:18-01:24:24

Now, that's effectively saying that New Zealand will treat all people equally, but not really.

01:24:25-01:24:26

That is not equality.

01:24:27-01:24:31

While we generally support the treaty settlement process, the Committee must consider the following

01:24:32-01:24:33

issues that will become present.

01:24:34-01:24:39

One, the exact agreed rights of 1840 are unclear and likely will remain so.

01:24:40-01:24:45

This ambiguity will perpetuate conflict and litigation, and it will be taxpayer funded.

01:24:45-01:24:46

I don't think there's a doubt about that.

01:24:47-01:24:48

Existing treaty settlements contradict principle one.

01:24:50-01:24:56

And number three, many settlements are yet to be concluded, like this is likely to create

01:24:56-01:24:59

rights superior to those of other New Zealanders.

01:25:00-01:25:05

And perhaps this is why we see in our culture, our workplaces, even today in many, not all,

01:25:05-01:25:11

but many of our submissions today are an articulation of white guilt on one side and victimhood on the other side.

01:25:11-01:25:16

These do not help our people. They do not help our nation. We need to get rid of them.

01:25:17-01:25:22

As currently worded, Principle 2 invites the creation of laws based on differences by bloodline,

01:25:22-01:25:27

making a mockery of Principles 1 and 3, indeed Articles 1 and 3 also of the Tiriti o Waitangi.

01:25:28-01:25:31

Hobbes' pledge recommends that Principle 2 return to its original intention,

01:25:31-01:25:37

simply guarantee the property rights of all akin to Article 2 of the treaty itself.

01:25:40-01:25:42

We are happy to now take your questions.

01:25:42-01:25:44

Might need to address Principle 3.

01:25:45-01:25:46

Turning now to Principle 3.

01:25:46-01:25:48

So Hobson's pledge supports Principle 3.

01:25:49-01:25:51

There's a qualification there which I'll turn to a little bit later on.

01:25:52-01:25:55

But this principle states that everyone is equal before the law,

01:25:56-01:25:58

entitled to equal protection and benefit of the law,

01:25:59-01:26:01

and has the same fundamental human rights.

01:26:01-01:26:08

things like affirmative action in health and education co-governance in central and local

01:26:08-01:26:15

governments or privileged access to power through consultation obligations are said to be justified

01:26:15-01:26:21

by the treaty this violates the principle of equality now i'd just like to make a note here

01:26:21-01:26:27

on consultation many submitters have complained that maori have not been consulted on this bill

01:26:27-01:26:43

This is demonstrably false. Many of the submitted submitters today and presumably in future hearings are Maori or Maori groups and being Maori did not disqualify any of them from participating in this process. This is a consultative process.

01:26:44-01:26:52

Many submitters have made historical and legal arguments based on the treaty why we should have all of the things that I referred to earlier.

01:26:53-01:27:03

They pay lip service to principle three, to equality, saying that it is already a part of our law in one breath, while attempting to justify different treatment in the other.

01:27:04-01:27:08

Not only are these arguments incoherent, they are distractions.

01:27:09-01:27:28

No technical knowledge of any sort is required to understand that different rights for different people, especially on the basis of race, ancestry, or belonging to some imagined separate polity, is a recipe for disharmony and resentment.

01:27:28-01:27:30

It is also simply wrong.

01:27:32-01:27:35

Equality is essential to a harmonious and just society.

01:27:36-01:27:41

it does not require that people be the same, value the same things, or frankly even like each other.

01:27:42-01:27:51

Free and equal people in a democratic society are allowed to be different, to value different things, and to lead different lives.

01:27:53-01:27:58

Understanding this should deal with much of the fear that people have about what the passage of this bill would mean.

01:27:59-01:28:04

I'd like to now turn to the one qualification we have to our support for principle three.

01:28:05-01:28:06

The use of the phrase equal benefit.

01:28:08-01:28:14

We're concerned that the inclusion of this phrase in principle three, as currently articulated,

01:28:14-01:28:19

would introduce the concept of equity or substantive equality.

01:28:20-01:28:23

We would remove this phrase from principle three.

01:28:24-01:28:28

Sovereign Parliament can and does legislate to address material inequality,

01:28:29-01:28:32

but it should not be a constitutional guarantee or principle.

01:28:33-01:28:46

Now, just very quickly, in closing, and I realise there's probably not going to be much time for questions, but I'd like to just say, you know, there's some phrases and words, ways that people get identified in conversations of this sort.

01:28:47-01:28:49

One of them is Pākehā, another is European.

01:28:50-01:28:51

Well, I'm neither of those things.

01:28:53-01:28:54

You know, I'm not my ancestors.

01:28:55-01:28:56

I was born here.

01:28:56-01:28:57

I'm an individual.

01:28:58-01:28:59

I'm a New Zealander.

01:28:59-01:29:04

And I don't think it helps to talk really in any other way than that.

01:29:04-01:29:08

My rights in this place, to address Mr Fieras' question earlier,

01:29:09-01:29:12

don't depend on a document signed in 1840.

01:29:13-01:29:15

And frankly, the suggestion that they do is wrong.

01:29:16-01:29:16

Thank you.

01:29:17-01:29:18

Thank you, Elliot. Thank you, Thomas.

01:29:18-01:29:22

I just want to clarify, clear up a perceived misunderstanding.

01:29:23-01:29:27

Hobson's Pledge was invited in the first emails that went out to make a submission.

01:29:27-01:29:30

And unfortunately, they weren't able to respond by the deadline.

01:29:31-01:29:34

And so those slots were filled up by those submitters who did respond.

01:29:34-01:29:36

It's possible we have a severe miscommunication.

01:29:36-01:29:38

It is very good to have you guys here.

01:29:38-01:29:41

We've been very much awkwardly appreciate the time that you're expecting us at that point.

01:29:41-01:29:42

So thank you.

01:29:43-01:29:44

Folks, we're going to move on now.

01:29:44-01:29:45

Thank you, Mr Chair.

01:29:47-01:29:50

We're going to move to a submission now from Rangatane or Wairo.

01:29:50-01:29:53

And with us is Corey Hebbin, who's the general manager.

01:29:53-01:30:03

Thank you for being with us.

01:30:03-01:30:06

We've got 10 minutes on the clock today, so I'll hand over to you to present your submission.

01:30:07-01:30:12

Tani whetu ki te rangi, ko rangi tāne ki te whenua, tēnā koutoui ngā mema o Te Komitiparimata.

01:30:13-01:30:16

Ko kōri hewet tōku ingoa, heuri ahau no rangi tāne o wairau.

01:30:17-01:30:21

I'm here today on behalf of Rangi tāne o wairau to oppose the Treaty Principles Bill in its entirety.

01:30:22-01:30:27

I'm joined by the co-chair of our Rangitāne Wa Waidau Settlement Trust, Janice Deferi.

01:30:27-01:30:31

We're grateful for the opportunity to present orally to the select committee,

01:30:31-01:30:34

especially given that there will be thousands who will not have that opportunity

01:30:35-01:30:36

despite asking for it.

01:30:38-01:30:39

Before I begin, I want to acknowledge you, Mr Chair,

01:30:40-01:30:42

and your recent appointment as Minister for Te Waipaunamu.

01:30:43-01:30:46

You have already outlined a strong focus on advocating for Te Waipaunamu

01:30:46-01:30:48

and driving economic outcomes for the mainland.

01:30:49-01:30:50

Rangitāne is one of the 90.

01:30:50-01:30:54

of Te Waipaunamu looks forward to supporting you and seeing you succeed in your role.

01:30:55-01:30:59

When whānau Māori and Te Waipaunamu thrive, all of Te Waipaunamu thrives, and when Te Waipaunamu

01:30:59-01:31:00

thrives, Aotearoa thrives.

01:31:01-01:31:07

I also want to acknowledge our local MPs, Takuta, Rachel and Jamie, tēnā koutou.

01:31:08-01:31:12

But to the matter before us, the Treaty Principles Bill, let me state our position very clearly.

01:31:13-01:31:14

We oppose this bill.

01:31:14-01:31:17

This bill is a step backwards for Aotearoa.

01:31:18-01:31:24

It undermines decades of progress and threatens the very foundation of our nation's identity and constitutional framework.

01:31:25-01:31:28

Te Tiriti o Waitangi is a living covenant between Tangata Whenua and the Crown,

01:31:29-01:31:32

a promise to work together for the benefit of all people in Aotearoa.

01:31:33-01:31:37

For decades, iwi like rangitani have worked tirelessly to uphold that promise

01:31:38-01:31:42

and to rebuild what was lost through raupatu, treaty breaches and dishonourable Crown practices.

01:31:43-01:31:49

Our 2014 settlement was a significant milestone for us, but it was not the conclusion of our journey.

01:31:50-01:31:53

Settlements are not the full expression of Māori rights.

01:31:53-01:31:55

They are simply a step towards restoring some balance.

01:31:58-01:32:02

Through our settlement, the Crown committed to re-establishing a relationship with us,

01:32:03-01:32:09

to quote, be one that was based on mutual trust, cooperation and respect for the Treaty of Waitangi and its principles.

01:32:10-01:32:15

Yet here we are addressing a government bill that seeks to redefine those very principles.

01:32:16-01:32:23

This bill violates Article 2 of Te Tiriti, which guarantees Tēnoranga Tēratanga over our lands, taonga and resources.

01:32:24-01:32:30

And the attempt to restrict treaty principles merely to historical settlements disregards the spirit and intent of Te Tiriti.

01:32:31-01:32:39

It is an affront to Mai Tupuna Ihai a Kaikoura who signed Te Tiriti o Waitangi at Horohora Kākahu in the Port Underwood on 17th of June 1840.

01:32:39-01:32:43

The exclusion of tangata whenua from meaningful consultation

01:32:44-01:32:45

During the drafting of this bill

01:32:46-01:32:49

Is frankly an egregious breach of good faith on the part of the Crown

01:32:50-01:32:53

How can a bill that profoundly impacts Māori

01:32:54-01:32:57

Be introduced without the input of those who it most affects?

01:32:58-01:33:02

This legislation has been made about us, but without us

01:33:02-01:33:05

Where is the mutual trust and cooperation in that?

01:33:06-01:33:10

Te Tiriti o Waitangi is Aotearoa's foundational document.

01:33:12-01:33:13

Its principles are woven into legislation,

01:33:14-01:33:17

and they serve as a cornerstone of our constitutional framework.

01:33:18-01:33:21

Attempting to narrow and redefine those principles

01:33:22-01:33:24

undermines that foundation, leaving it cracked and unstable.

01:33:26-01:33:29

By removing the judiciary's ability to interpret treaty principles,

01:33:30-01:33:34

this Bill attempts to consolidate power within Parliament and the Executive,

01:33:34-01:33:40

and it weakens the checks and balances that have upheld the Crown-Māori relationship for decades.

01:33:41-01:33:45

If passed, this Bill will have profound and long-lasting consequences for Māori.

01:33:46-01:33:49

It perpetuates inequity, it undermines trust,

01:33:50-01:33:54

and it risks further alienation of Tangata Whenua on the Whenua.

01:33:55-01:33:57

As the Waitangi Tribunal has stated,

01:33:58-01:34:02

this Bill represents one of the most significant breaches of te tiriti in modern history.

01:34:03-01:34:08

Rangitāne urges this committee to recommend the withdrawal of this Bill in its entirety.

01:34:10-01:34:14

We are not opposed to a meaningful kōrero about the place and the role of Te Tiriti in

01:34:14-01:34:17

Aotearoa's future, but this is not that process.

01:34:19-01:34:23

Te Tiriti is a document, yes, but it is more than that.

01:34:23-01:34:28

It is a promise and a commitment to work together, and it is one that has been reaffirmed through

01:34:28-01:34:34

decades of legal precedents, grassroots advocacy and Crown Māori partnership.

01:34:36-01:34:41

So to this government and to this committee, Rangitāne asks you this:

01:34:42-01:34:47

History will judge you. Will you be remembered as those who honoured the promise of Te Tiriti,

01:34:47-01:34:53

or as those who tore it apart? And with those remarks, I'll leave the remaining time available

01:34:53-01:34:56

for any questions that you may have. Kia ora, Corey. It's very good to see you before the

01:34:56-01:35:00

the committee again. You've got two of your local MPs that would like to ask you a question and rather

01:35:00-01:35:04

than have a scrap, I'll go to the first in time and ask Rachel Boyack to ask your question.

01:35:05-01:35:11

Thank you Mr Chair. Kia ora Corey and Janice, lovely to see you here today. My question is around your

01:35:11-01:35:18

Settlement Act from 2014, I believe it was. You mentioned in your kōrero that the agreement

01:35:19-01:35:24

actually references the principles of the Treaty of Waitangi, so I'm really interested in your views

01:35:24-01:35:27

on how this bill, if it were to proceed,

01:35:29-01:35:31

would potentially undermine your settlement.

01:35:32-01:35:36

Maybe some practical examples of how that would undermine things

01:35:36-01:35:39

or potentially be in conflict with your settlement

01:35:40-01:35:42

because it specifically references the principles.

01:35:42-01:35:44

So if those principles get amended,

01:35:45-01:35:46

what's going to be the impact for your settlement

01:35:47-01:35:48

and how it plays out going forward?

01:35:48-01:35:49

Yeah, that's right.

01:35:49-01:35:52

So the deed of settlement that we signed with the Crown

01:35:52-01:35:55

in December 2010 included the apology from the Crown.

01:35:56-01:35:59

And that apology is lengthy,

01:36:00-01:36:03

and it was hard-earned to get that settlement,

01:36:03-01:36:05

but also to get that apology from the Crown.

01:36:06-01:36:11

What I would say is that it does mention principles,

01:36:11-01:36:14

but more particularly it references respect

01:36:14-01:36:18

and mutual trust, cooperation.

01:36:20-01:36:24

This bill is about more than just undermining the principles,

01:36:24-01:36:26

but it undermines te tiriti itself.

01:36:26-01:36:27

It undermines the relationship.

01:36:28-01:36:30

It undermines the value of that settlement

01:36:31-01:36:36

because it directly goes against what we have entered into in good faith.

01:36:38-01:36:43

What I would say in terms of the second part of your question,

01:36:43-01:36:46

some practical examples of where this might come into play,

01:36:47-01:36:51

is simple processes like working on legislation like this,

01:36:51-01:36:53

having the opportunity to kōrero,

01:36:53-01:36:55

to have mutual trust and respect with one another,

01:36:55-01:36:57

with those who represent the Crown at the time.

01:36:59-01:36:59

Yeah.

01:37:00-01:37:01

Good, Kori. Thank you.

01:37:02-01:37:02

Talk to Fiers.

01:37:03-01:37:06

Kia kū whanaunga tēnā kōrua, Janice.

01:37:06-01:37:08

Tēnā rawa tūkia koe, Kori.

01:37:08-01:37:08

Kōrua tahi.

01:37:10-01:37:13

My question is more around te ohanga.

01:37:14-01:37:16

Oh, and to the Chair,

01:37:16-01:37:20

Mr Meagher, welcome to looking after the whole of Te Waipaunamu.

01:37:23-01:37:31

Like it or not, Tiwi Māori throughout Te Waipaunamu are a significant player today in its economy

01:37:32-01:37:34

and one of the biggest and fastest growing into the future.

01:37:36-01:37:39

It doesn't matter where you stand politically or whatever, that's the reality.

01:37:40-01:37:44

And Iwi have been very patient and gracious in dealing with the Crown

01:37:44-01:37:47

over the last 10 to 15 years as they moved through settlements,

01:37:48-01:37:50

but they now have in their hands significant resources,

01:37:51-01:37:52

significant cash assets,

01:37:53-01:37:56

and it's really dependent on a good relationship

01:37:57-01:37:59

with the Tiriti partner and its government.

01:38:01-01:38:02

So my question for you is,

01:38:02-01:38:05

how does this current action and direction of this government,

01:38:05-01:38:08

given they have such a firm focus, a laser focus,

01:38:09-01:38:11

ruthless focus on getting the economy back on track,

01:38:12-01:38:15

How does that make you feel working with them into the future?

01:38:17-01:38:18

Tēnā kūti whananga, nā mihi.

01:38:19-01:38:23

So what I would say, firstly, around the economic value of the settlement,

01:38:24-01:38:26

I fondly remember working closely with Tā Mark Solomon

01:38:27-01:38:29

through our asset holding company several years ago.

01:38:30-01:38:34

Tā Mark spoke of the value of treaty settlements relative to the loss

01:38:34-01:38:35

that had been quantified.

01:38:35-01:38:41

So we're talking about a 1% settlement value against what was lost.

01:38:41-01:38:43

anyway

01:38:43-01:38:45

we're moving forward and we

01:38:45-01:38:47

are working hard now to re-establish

01:38:47-01:38:49

ourselves and that has provided

01:38:49-01:38:51

us with that basis to do that

01:38:51-01:38:53

how does it make us feel in terms of

01:38:53-01:38:55

working with the Crown? Well in

01:38:55-01:38:56

many respects the Treaty

01:38:57-01:38:58

forces us to work with the Crown

01:38:59-01:39:01

that is the nature of the relationship that we are

01:39:01-01:39:03

in and Rangitani will work

01:39:03-01:39:05

with whoever it needs to work with at the time

01:39:06-01:39:07

but we will also

01:39:07-01:39:09

stand on our own two feet, we will be

01:39:09-01:39:11

providing opportunities for our people

01:39:11-01:39:17

And we'll be using the settlement base that we have to start with for now to build a better future for them,

01:39:17-01:39:22

and certainly one that is better than the likes of my grandparents and those before them inherited.

01:39:23-01:39:26

Kia ora, Corey. There's not time to squeeze one quick question.

01:39:26-01:39:32

A very quick question, which we'll just need a quick answer, which is the previous submitter noted their views around equal rights.

01:39:32-01:39:40

One of the things we know in Aotearoa is that Māori have significantly lower life expectancy of around seven years for both male and female.

01:39:40-01:39:42

In your view, does that represent equality?

01:39:42-01:39:44

Absolutely not, and that's just the start.

01:39:44-01:39:48

You could go to poorer cancer outcomes, hospitalisations at higher rates,

01:39:48-01:39:51

especially for respiratory diseases, higher rates of homelessness,

01:39:51-01:39:52

higher rates of unemployment.

01:39:54-01:39:55

Where to start?

01:39:56-01:39:57

Thank you.

01:39:57-01:40:00

Thanks for being with us today and for spending the time here this afternoon.

01:40:00-01:40:01

We appreciate it.

01:40:02-01:40:05

We're going to go to submission now from Marilyn Waring,

01:40:06-01:40:07

and Marilyn's going to join us online.

01:40:07-01:40:28

Can I go to Katoa?

01:40:29-01:40:30

We can.

01:40:30-01:40:34

If you can turn your video on, if it's possible, we'd appreciate that.

01:40:34-01:40:42

Thank you and welcome to the committee. You're relatively familiar with how this process works,

01:40:42-01:40:44

so I'll hand straight over to you for your 10-minute submission.

01:40:45-01:40:51

Thank you, Mr Chairman. Tēnā koutou katoa. I'm going to take just a couple of moments to expand

01:40:51-01:40:57

on the opening comments in my submission on equality and rights. So in the general policy

01:40:57-01:41:05

statement, we're advised that the Bill wishes to create a conception of each person's rights

01:41:05-01:41:10

within our constitutional arrangements. Well, fundamental to our undergraduate studies in

01:41:10-01:41:15

our university is to learn that different cultures have different concepts of ideas.

01:41:16-01:41:23

So I don't really know, I've no idea what create a conception for all people might mean,

01:41:23-01:41:27

But it's clear in Clause 6, Principle 3 of the Bill,

01:41:27-01:41:30

that formal equality means everybody gets treated

01:41:31-01:41:34

according to the values of the dominant group in society,

01:41:35-01:41:39

because that's always what formal equality has meant and does mean.

01:41:40-01:41:43

But the meaning of equality is so highly contested

01:41:44-01:41:46

that there's no universal agreement as to what it means.

01:41:47-01:41:49

And this Bill is based on the old approach,

01:41:49-01:41:52

the pretense that everybody's born equal

01:41:52-01:41:55

and that people can have the same treatment regardless of differences,

01:41:56-01:41:57

and that's equality.

01:41:58-01:42:03

Well, you might meet this approach in a history of ideas course

01:42:04-01:42:06

and an undergraduate philosophy course.

01:42:06-01:42:08

That's where you find Aristotle and Plato.

01:42:09-01:42:14

But thankfully, we've moved on from the formal equality conceit.

01:42:15-01:42:17

Then there's this issue of concepts.

01:42:18-01:42:21

Concepts are hugely varied in their meaning and interpretation.

01:42:21-01:42:25

and they're subject to paradigm shifts.

01:42:26-01:42:30

I kind of had my breath taken away this morning and this afternoon

01:42:30-01:42:34

listening to people as if codifying something into law

01:42:34-01:42:36

means that time stands still.

01:42:37-01:42:40

One of the reasons we have the judiciary is to take account

01:42:41-01:42:43

of the fact that Parliament never keeps up

01:42:44-01:42:48

and Parliament especially never keeps up when it's about people's rights.

01:42:49-01:42:53

And the minister this morning reiterated that the bill is his belief.

01:42:54-01:42:59

Well, beliefs and concepts are what we call ontological and epistemological.

01:43:00-01:43:02

Like, how do we know what we know?

01:43:03-01:43:04

So they're constantly in motion.

01:43:05-01:43:08

And what one man's ontology and epistemology mean to him

01:43:09-01:43:11

is not a basis for constitutional change.

01:43:13-01:43:15

In clause four of the bill,

01:43:15-01:43:19

There's no definition of the key terms equality and rights.

01:43:20-01:43:28

So the bill appears to take for granted that equality and rights is the same old, we are all born equal rubbish.

01:43:29-01:43:31

So there are two key points to be made.

01:43:32-01:43:43

Key features of the treaty are the rights of haapu and iwi Māori, that is collective rights, referred to in principle two, but in principle three is entirely singular.

01:43:43-01:43:47

There is no space for class actions or collective rights.

01:43:48-01:43:50

And the bill reiterates a singularity.

01:43:51-01:43:55

Everyone is entitled to the equal protection, equal benefit of the law,

01:43:56-01:44:01

equal enjoyment for individuals of the same fundamental rights.

01:44:02-01:44:08

Well, protections and benefits and enjoyments are static words on a page.

01:44:08-01:44:15

If you're interested in equality and rights, the foci are outcomes and results.

01:44:17-01:44:20

So what should equal protection benefit enjoyment mean?

01:44:22-01:44:29

Well, whatever Hobson's choice say, fortunately, Western democracies have embraced and recognised the practice of substantive equality.

01:44:31-01:44:33

And substantive equality is not a concept.

01:44:34-01:44:36

It's an analytical framework.

01:44:37-01:44:44

Now, where a person or peoples have been subject to socially constructed,

01:44:45-01:44:52

historic, systemic and systematic, a cumulative disadvantage,

01:44:53-01:44:56

equality cannot be achieved through equal treatment.

01:44:57-01:45:02

And there can be no question but that iwi and hapu and Aotearoa

01:45:02-01:45:10

have been subject to socially constructed, historic, systemic and accumulative disadvantage.

01:45:11-01:45:17

You address this through substantive equality, through equality of outcomes and equality of results.

01:45:18-01:45:23

And for an earlier person this morning who wanted to know, will substantive equality work?

01:45:24-01:45:28

Well, it aims to change and transform discriminatory practices.

01:45:28-01:45:34

There are plenty of examples of abuse in the European Union, the European Court of Justice,

01:45:34-01:45:40

the Supreme Court of Canada acting on their Bill of Rights, the South African Constitutional Court.

01:45:41-01:45:45

Substantive equality is about redressing disadvantage.

01:45:45-01:45:50

It's about addressing stigma, stereotyping, prejudice.

01:45:50-01:45:56

It's about enhancing voice and participation and about accommodating difference

01:45:57-01:45:59

and achieving structural change.

01:46:00-01:46:04

Substantive equality aims to change and transform

01:46:05-01:46:07

systemic discriminatory practices.

01:46:09-01:46:13

Equality is never achieved through equal treatment.

01:46:14-01:46:18

Thank you, Mr Chairman, for the opportunity to expand on my submission.

01:46:18-01:46:19

There may be questions.

01:46:20-01:46:20

Thank you, Marilyn.

01:46:20-01:46:22

We've got two questions to start with.

01:46:22-01:46:24

First from Duncan Webb and then Ginny Anderson.

01:46:25-01:46:26

Kia ora, Professor Waring.

01:46:26-01:46:29

Can I just say how much I enjoyed reading your submission?

01:46:31-01:46:35

And you draw a direct line from your own family story,

01:46:36-01:46:40

from the Tainui Wars to the present day,

01:46:40-01:46:41

and then close by saying,

01:46:42-01:46:46

if we don't learn from history, we're doomed to repeat it.

01:46:46-01:46:48

One of my concerns in this discussion we're having

01:46:49-01:46:52

is that people are looking at things in a very short time span.

01:46:53-01:46:56

They think of, you know, the 1980s and beyond.

01:46:56-01:47:01

and I guess I'm just inviting you to talk to that part of your submission

01:47:01-01:47:06

and how where we are today is affected by where your family was 150 years ago.

01:47:07-01:47:13

Yeah, well, one set of my great-grandparents was married by Reverend Ashby,

01:47:14-01:47:20

who set up the mission station at Kotatehi, where Te Wheruweru's pa was.

01:47:21-01:47:30

So in four generations of my family have farmed and owned lands in Taupiri and Komakarau

01:47:30-01:47:32

and then other parts of the Waikato.

01:47:32-01:47:40

But the principal family farms were established because Waikato Tainui had to desert their

01:47:40-01:47:45

lands and run south of the Punui River.

01:47:46-01:47:48

And I've never forgotten that.

01:47:48-01:47:52

And I had a message from my brother the other day,

01:47:52-01:47:54

just saying, go, sis.

01:47:55-01:48:00

And he was saying, you know, we've watched our family,

01:48:01-01:48:11

our families bear the fruits of decades of subsidies in farming

01:48:12-01:48:17

and then the decades of profit from there not being

01:48:17-01:48:19

a property speculation tax.

01:48:20-01:48:26

And we watch how those generations have talked about that

01:48:26-01:48:28

and they never want to remember.

01:48:29-01:48:31

They never want to remember.

01:48:32-01:48:38

Many people were murdered, exploited, disenfranchised

01:48:39-01:48:41

so that those families could be successful.

01:48:43-01:48:44

Thank you, Dr. Weave.

01:48:44-01:48:45

Dr. Wearing will go.

01:48:45-01:48:45

Ginny Anderson.

01:48:46-01:48:46

Thank you very much.

01:48:47-01:48:50

for submitting and thank you again for your submission.

01:48:51-01:48:54

We've heard today a lot about equality and the importance

01:48:55-01:48:56

of equality and everyone having equal rights.

01:48:57-01:49:04

I'm interested on your view of what happens when that version

01:49:04-01:49:07

of equality negates someone's identity.

01:49:08-01:49:11

What happens to New Zealand when that plays out?

01:49:15-01:49:21

Well, I think we go backwards in terms of, you know,

01:49:22-01:49:27

the decades of some forms of progress that have been made in my lifetime.

01:49:29-01:49:33

While I think one of the very best examples of the reasons

01:49:33-01:49:37

for substantive equality are te iwi Māori,

01:49:39-01:49:43

they're obviously the same for women, you know.

01:49:44-01:49:50

For those with disabilities, for children who still substantially don't have a voice.

01:49:51-01:49:59

If it wasn't for substantive equality, there are a whole range of legislation in New Zealand

01:49:59-01:50:02

that simply would not have proceeded.

01:50:04-01:50:10

I know it's only sort of one class of people, but matrimonial property, for example,

01:50:11-01:50:18

the kinds of different health policies that must be made for women,

01:50:19-01:50:25

whether it's around pregnancy, maternity, menstruation,

01:50:25-01:50:30

a lifetime of submitting to superannuation schemes

01:50:30-01:50:35

to then find you're still tens of thousands of dollars behind men

01:50:35-01:50:36

because there was pay inequities.

01:50:37-01:50:45

So we're surrounded by substantive equality and the challenges of it all the time.

01:50:46-01:50:47

For those who are...

01:50:47-01:50:52

Sorry, Dr Waring, I'm very sorry to interrupt, but that is the time for us allocated today.

01:50:53-01:50:58

So can I just acknowledge your submission and thank you on behalf of the committee for being with us today.

01:50:58-01:50:59

We do appreciate you being here.

01:50:59-01:51:00

Thank you.

01:51:00-01:51:01

Kia ora. Thank you.

01:51:02-01:51:05

We're now going to invite Professor Jane Kelsey up to the table.

01:51:06-01:51:13

Thank you Jane, thank you for being with us. I think you two are also familiar with

01:51:13-01:51:17

the process so I will invite you to present your submission for the next 10 minutes.

01:51:17-01:51:27

Kia ora, thank you. Can I speak to you in two capacities? One is someone who spent over

01:51:27-01:51:39

for decades as a legal academic and researcher on tūhi waaitangi policy, focusing in particular

01:51:39-01:51:48

on areas of treaty principles, which included my PhD thesis, a number of books, and evidence

01:51:48-01:51:54

to a significant number of Waitangi tribunal hearings, including most recently the treaty

01:51:54-01:51:55

principles.

01:51:55-01:52:01

But my second capacity, and this kind of follows from what Marilyn Waring was saying,

01:52:01-01:52:08

is as a Pākehā who in Aotearoa believes that we cannot cut ourselves adrift

01:52:08-01:52:13

from the foundations on which we and our tūpuna were here.

01:52:13-01:52:22

And in my case, like Marilyn, my mother's whānau come from a place called Century Hill in Taranaki.

01:52:22-01:52:29

And I always used to teach my students what Century Hill actually was about and for.

01:52:29-01:52:39

And so I think those personal stories are very important in us understanding the implications of what this bill tries to do.

01:52:41-01:53:10

Secondly, I have also been asked to make a point to the tribunal that there are many, many people, especially many, many Maori, who have put together submissions on this bill, some of whom took flights down to Wellington with sheaths of submissions to get them in here when the website fell over, and who are expecting that their voices will be heard.

01:53:10-01:53:13

And so I was asked to bring that before the committee.

01:53:15-01:53:18

The committee itself, sorry, the bill itself

01:53:19-01:53:22

and the explanatory note identify four objectives

01:53:23-01:53:25

and I have no particular problem with the objectives.

01:53:26-01:53:30

One is greater certainty and clarity.

01:53:30-01:53:34

A second is a more robust and widely understood conception

01:53:34-01:53:35

of constitutional arrangements.

01:53:36-01:53:39

The third is to build consensus around te tete

01:53:39-01:53:44

and constitutional arrangements to promote greater legitimacy

01:53:44-01:53:49

and social cohesion, and fourthly, to promote a national conversation.

01:53:50-01:53:54

What I do have a problem with is the provocative way

01:53:54-01:53:57

in which that has been proceeded with through this bill

01:53:58-01:54:00

that has caused very considerable harm,

01:54:01-01:54:05

and I heard that especially during the Waitangi Tribunal hearings

01:54:06-01:54:08

and subsequently to that.

01:54:08-01:54:16

The proper place for that conversation is in the constitutional kaupapa inquiry that is now underway in the Waitangi Tribunal,

01:54:17-01:54:27

and I would invite the parliament to endorse and the committee to endorse that as the appropriate forum in which to work out how we move forward.

01:54:29-01:54:34

I have a different approach from a number of those who have made submissions,

01:54:35-01:54:38

and it comes out of my many years of research,

01:54:40-01:54:43

which is that I have a problem with the notion of treaty principles themselves.

01:54:44-01:54:47

And I remember in 1990 at Waitangi,

01:54:48-01:54:52

when Bishop Whakahuhi Virko said to Labour,

01:54:52-01:54:54

we do not need your principles.

01:54:55-01:54:56

We have te tereti.

01:54:57-01:55:06

And my own research, especially in my very lengthy PhD thesis, looked at and traced through

01:55:06-01:55:15

the construction of the notion of principles of the treaty in the 1980s, and which brought

01:55:16-01:55:23

into the light what Ngā Tamatoa in their 1974 submission on the Treaty of Waitangi Bill

01:55:23-01:55:32

said. You talk in this bill about treaty principles, but whose principles and who is going to define

01:55:32-01:55:42

them? And so the research I did in the 1980s in particular showed how quite cynically the

01:55:42-01:55:48

concept of the principles had been constructed. And there was reference earlier to the principles

01:55:48-01:55:51

for Crown action on the treaty in 1989,

01:55:52-01:55:54

I got leaked a whole series of documents

01:55:55-01:55:56

whilst they were being constructed

01:55:57-01:56:01

by those who were uncomfortable in doing it

01:56:01-01:56:04

because they were basically asked to rewrite

01:56:05-01:56:08

Te Tiriti o Waitangi through Crown principles.

01:56:10-01:56:14

So to me, this Act Bill is a logical extension

01:56:14-01:56:21

of those attempts to bypass the realities of what are in Te Tiriti o Waitangi

01:56:22-01:56:27

and substitute them with something that the Crown can be comfortable with.

01:56:28-01:56:34

And in my submission, I quote, for example, Sir Robin Cook before the lands case,

01:56:34-01:56:39

saying the Treaty of Waitangi can't really pass muster as a document to take seriously today.

01:56:40-01:56:48

And then describing his principles in the lands case as being a subtle constitutional repositioning,

01:56:49-01:56:54

which David Lange repeated in 1990 at the Commonwealth Law Conference in Auckland.

01:56:54-01:57:08

And so we need to actually put aside this principles as a vehicle through which we have been avoiding having the constitutional conversation around Te Tiriti o Waitangi.

01:57:09-01:57:11

Let me just make two further points.

01:57:13-01:57:15

The issue about the referendum.

01:57:17-01:57:21

It was extremely concerning in the Waitangi Tribunal

01:57:21-01:57:25

to hear that the officials have been asked in parallel to this process

01:57:26-01:57:32

to be working on implementation of a referendum approach on this bill.

01:57:33-01:57:35

Now, we hear this bill is not going to proceed,

01:57:35-01:57:38

but that doesn't mean a citizens-initiated referendum

01:57:38-01:57:42

cannot be instituted and an attempt to have that

01:57:42-01:57:43

at the time of the next election.

01:57:44-01:57:49

And already the cogs are moving in that direction.

01:57:49-01:57:50

That is a major problem.

01:57:51-01:57:53

The second is that even if this bill fails,

01:57:54-01:57:55

as we've been told at will,

01:57:55-01:57:59

the Regulatory Standards Bill, promoted by the same minister,

01:58:00-01:58:05

in a manner that has been completely antithetical

01:58:05-01:58:10

antithetical to what are supposedly best practice regulatory approaches,

01:58:11-01:58:16

would effectively write Te Titi or Waitangi out of the priorities

01:58:17-01:58:18

in the lawmaking processes.

01:58:19-01:58:25

And so I think you will expect to find there is an equivalent move on that

01:58:26-01:58:29

that occurs irrespective of what happens with this bill.

01:58:29-01:58:34

And the coalition agreement, unlike this which says taking this bill

01:58:34-01:58:38

to select committee, although David Seymour's remit is

01:58:39-01:58:46

and passing it, the regulatory standards bill is to be legislated.

01:58:47-01:58:52

And so I invite the select committee to seriously consider

01:58:52-01:58:55

the implications of that for Te Tiriti o Waitangi.

01:58:56-01:58:56

Kia ora.

01:58:57-01:58:58

Thank you, Professor Kelsey.

01:58:58-01:58:59

We've got two questions lined up.

01:59:00-01:59:02

First from Duncan Webb, then Mariamino Kapukini.

01:59:03-01:59:07

Kia ora, Professor, and thank you very much for that submission

01:59:08-01:59:09

and all the work you've done.

01:59:09-01:59:14

I'm interested in the discussion you had around your lack of enthusiasm

01:59:15-01:59:16

for principles, full stop.

01:59:17-01:59:22

And I guess how we approach what the treaty means today

01:59:23-01:59:27

and how we apply it to real-world situations needs some tools, right?

01:59:27-01:59:31

And I guess the principles might be a useful shorthand for those tools.

01:59:31-01:59:36

But I'm interested in your thoughts on how we actually approach

01:59:37-01:59:40

the kind of changing obligations under the treaty today

01:59:40-01:59:44

due to changing social and wider circumstances

01:59:45-01:59:45

if we don't have principles.

01:59:48-01:59:51

I don't understand why you need to have principles.

01:59:52-01:59:56

You have very clear concepts from my understanding

01:59:57-01:59:59

of Te Tiriti o Waitangi, and I've had the privilege

01:59:59-02:00:03

of being tutored by people like Rob Cooper from Ngāti Hine

02:00:04-02:00:06

and what that actually means.

02:00:07-02:00:10

And if we look at the core value structures that underpin that,

02:00:11-02:00:15

if we look at manaakitanga, if we look at whanauungatanga,

02:00:15-02:00:16

if we look at kaikiakitanga,

02:00:16-02:00:20

we can actually see in practice how that plays out.

02:00:20-02:00:24

And so I don't see why we need principles to get us to that point.

02:00:25-02:00:26

Thank you, Jane.

02:00:27-02:00:28

We'll finish with Mariminu.

02:00:28-02:00:28

Thank you.

02:00:29-02:00:31

So why do you think?

02:00:31-02:00:35

So, because I can hear all your expertise mentioning Rob,

02:00:35-02:00:36

that's a neat thing straight away.

02:00:38-02:00:43

So what do you think is behind this noise and this distraction,

02:00:43-02:00:44

if I can say that?

02:00:45-02:00:53

I think it is actually a political stunt that is about political opportunism

02:00:53-02:01:03

And the fact that there is this disingenuous approach of the same minister to regulatory

02:01:03-02:01:10

responsibility and to treaty principles suggests that he himself doesn't actually have principles.

02:01:11-02:01:16

And we have in the academic other hat I wear about principles-based regulation.

02:01:17-02:01:21

We say it only works if those who are involved in regulation have principles.

02:01:22-02:01:22

Thank you, folks.

02:01:23-02:01:24

That's the time we've got for this afternoon.

02:01:24-02:01:26

So can I just acknowledge your submission today, Professor,

02:01:26-02:01:29

and thank you for spending the time on us.

02:01:29-02:01:29

Tia ora.

02:01:30-02:01:32

We've got our next submission coming to us online.

02:01:32-02:01:35

We have Ngā Wai Kua Ōpāi Rangi, Ngāti Rangi,

02:01:35-02:01:37

and Helen Leahy will be joining us.

02:01:38-02:01:40

Helen, good afternoon.

02:01:40-02:01:42

Thank you for being with us.

02:01:43-02:01:45

Just doing a little bit of clock resetting.

02:01:48-02:01:48

Stand by.

02:01:50-02:01:54

Thank you for joining us.

02:01:54-02:01:56

We've got you for 10 minutes this afternoon,

02:01:56-02:01:58

so if you present your speech now, we'd appreciate that.

02:01:59-02:02:01

Tēnā koutou katoa.

02:02:01-02:02:02

Ko Helen Leitaka ingoa.

02:02:03-02:02:03

I'm Tangata Tiriti.

02:02:04-02:02:07

This is a term coined by Sir Edward Tauhākurei

02:02:08-02:02:12

during 1989 when he was chair of the Waitangi Tribunal.

02:02:12-02:02:15

He referred to non-Māori as Tangata Tiriti,

02:02:15-02:02:19

those who belong to the land by right of Te Tiritua Waitangi.

02:02:19-02:02:26

And he noted that without the treaty, they wouldn't have a lawful presence in such numbers, nor any legitimate political role.

02:02:27-02:02:34

My partner is of Ngāti Rangi, Tangata Unua, people of the land, and together we have four children, all of Ngāti Rangi, Wakapapa.

02:02:34-02:02:46

While my ancestors come from France, Germany, Scotland, Orkney Isles, our children know that culture, know that history, but we choose to live in this land.

02:02:46-02:02:49

And that choice brings with it responsibilities and obligations.

02:02:49-02:02:59

This land is based on a covenant by which the first people, the people of the land, Tangata Unua, negotiated with the Crown, the model for a unified nation

02:03:00-02:03:07

I give that background firstly because I believe that like a relationship, a personal relationship

02:03:07-02:03:16

that Te Tangata Turiti is a living document that is fundamental to the way that we live our lives,

02:03:17-02:03:20

both personally, professionally, politically and publicly.

02:03:21-02:03:26

And so, speaking on behalf of Ngā Waihuo Paerangi, you will have seen in the submission

02:03:26-02:03:30

our four principles that guided our settlement to uphold the spirit of the Treaty,

02:03:31-02:03:33

where the Crown goes, so too does Ngāti Rangi,

02:03:34-02:03:42

Acknowledging the mana motuhaki of Ngāti Rangi and the restoration of a cultural, economic, familial, environmental, social base.

02:03:43-02:03:46

So why are we so concerned to oppose this Bill?

02:03:47-02:03:56

We believe that the Treaty Settlement followed decades of advocacy and action by our wānau, many not here to enjoy the fruits of their work.

02:03:56-02:03:59

And we are doing all we can to meet those obligations.

02:03:59-02:04:10

But as part of that, the principles of their participation were that Ngāti Rangi would live longer, healthier, more independent lives, a thousand year plan if you like.

02:04:11-02:04:17

Te Tiriti o Waitangi obligations and principles underpin our approach to Wānau Ora.

02:04:17-02:04:21

They underpin the way in which we do our work every day.

02:04:21-02:04:34

And so the principles by which our organisation bases our contribution to the community, the economy and the wider nation is about mana waka haere.

02:04:35-02:04:40

So we are stewards as tangata teaki over health and well-being of our people.

02:04:40-02:04:45

Mana motuhaki, Māori self-determination, exercising authority.

02:04:45-02:04:54

Mana Tangata, the principle of equity, that the Crown has to commit to achieving health outcomes for Māori and contributing to Māori wellness.

02:04:55-02:05:02

And Mana Māori, the principle of active participation, active protection, ensuring that Māori can live as Māori.

02:05:03-02:05:10

As well as the principle of options, requiring the Crown to provide for and properly resource kaupapa Māori.

02:05:10-02:05:17

Over the last 25 years since the introduction by the late Dame Tariana Turia of He Korowai Oranga,

02:05:18-02:05:28

my work, the work of thousands of hauara providers, iwi entities, Māori organisations, has been guided by these principles.

02:05:29-02:05:39

They acknowledge the engagement, the design, the delivery of Māori as being co-designers with the Crown, not consulted after the event.

02:05:39-02:05:42

Those principles dictate our terms of engagement

02:05:42-02:05:49

Just as the principles by which my partner and I negotiate our relationship based on living in this land

02:05:49-02:05:52

So too is every aspect of our work

02:05:53-02:05:55

And yet what the Tribunal found with this Bill

02:05:55-02:05:59

And in particular the approval of Principle 2 under the Seymour Bill

02:05:59-02:06:07

Was that it was an outright breach of the principles of rangatirutanga, kawana-tanga, partnership and active protection

02:06:07-02:06:10

I know that you want some time for questions.

02:06:11-02:06:18

I wanted to bring Wānau Ora into this debate in respect of the late Dame Tariana,

02:06:18-02:06:26

but also that her life was about ensuring that we could thrive through the protection of Māori wellbeing,

02:06:27-02:06:30

of the right to equity for Māori in health outcomes,

02:06:30-02:06:33

and that Māori participation is absolutely critical

02:06:34-02:06:38

into ensuring long-living, thriving wānau.

02:06:39-02:06:42

Political manipulation of our base covenant

02:06:42-02:06:45

shouldn't be misused as a party political manifesto

02:06:45-02:06:47

designed to capture votes.

02:06:48-02:06:49

The exorbitant cost of this exercise,

02:06:50-02:06:51

the disruption of goodwill,

02:06:52-02:06:54

the ridiculous sham of exposing the nation

02:06:54-02:06:56

to a bill that was pronounced dead months

02:06:56-02:07:00

before the call for public submissions is inexplicable.

02:07:00-02:07:11

We have to move forward as a nation, honour the promises made by all our ancestors, correct injustices of the past if we are to lay the groundwork for an equitable future.

02:07:11-02:07:12

Kia ora.

02:07:12-02:07:14

Kia ora Helen, thank you for your submission.

02:07:14-02:07:19

I hope for the sake of your relationship you don't need the court to interpret the terms of your partnership.

02:07:20-02:07:22

We'll go to some questions now.

02:07:23-02:07:26

We'll start with Debbie Ngarewapaka, then Todd and then Steve.

02:07:26-02:07:27

Tēnā koe te te mana.

02:07:27-02:07:40

My question to you is, and acknowledge all the mahi and the moemoea of Ngāti Rangi,

02:07:41-02:07:48

why do you think this bill, the Treaty Principles Bill, has been kept alive for six months?

02:07:50-02:07:56

My view is that it distracts us from the other 28 pieces of legislation

02:07:56-02:07:59

where the treaty principles are going to be deleted.

02:08:00-02:08:03

My view is that this has been a costly exercise

02:08:03-02:08:09

which spearheads and galvanises the action of Māori against this Bill.

02:08:10-02:08:12

But in the meantime, there are so many other Bills

02:08:13-02:08:14

that require close scrutiny.

02:08:15-02:08:19

Orang tamariki, the work around the resource management,

02:08:19-02:08:21

the conservation estate.

02:08:21-02:08:25

And so that's my particular perspective.

02:08:25-02:08:31

that the bill has been kept alive in an effort

02:08:31-02:08:35

to reduce the spotlight on some of the other legislation.

02:08:36-02:08:37

Thank you, Helen.

02:08:37-02:08:38

A question from Todd next to you.

02:08:38-02:08:40

Yeah, and thank you for your presentation this afternoon.

02:08:41-02:08:43

I just want to go to pages six and seven of your submission.

02:08:43-02:08:46

I want to thank you for actually going through the clauses

02:08:46-02:08:48

of the bill and actually having a response.

02:08:48-02:08:51

Just in regards to principle three,

02:08:51-02:08:55

or might be regarded as clause or article three of the treaty,

02:08:55-02:08:59

what do you think that principle should be

02:08:59-02:09:01

or how do you think that article should be reflected?

02:09:01-02:09:03

Because you say it has no resemblance

02:09:03-02:09:07

but you don't actually go on to say what you think it should say.

02:09:08-02:09:13

Because my basic tenant is that we don't need to redefine

02:09:13-02:09:17

what already is determined by the way in which we do our work.

02:09:18-02:09:21

That the current principles as defined by the Waitangi Tribunal

02:09:21-02:09:24

defined by the court and the articles of the treaty

02:09:24-02:09:32

embody the spirit of partnership that we believe is enmeshed in that notion of active participation,

02:09:32-02:09:38

protection and partnership. So I didn't want to provide a contrary verse because I already

02:09:38-02:09:43

believe that we have it. Thank you, Todd and Steve.

02:09:44-02:09:48

Thank you for your submission. Your quotes in your Ngāti Rangi deed of settlement, the

02:09:48-02:09:53

Crown apology that it is sincerely remorseful that it is not treating Ngāti Rangi as the

02:09:53-02:09:59

friend and ally you have always been. For all of the harm this has done to your sacred connection

02:09:59-02:10:05

with Matua Te Mana and the waterways of your rohi, the Crown unreservedly apologises. Above all,

02:10:05-02:10:09

there is with profound remorse that the Crown admits that it has not honoured Ngāti Rangi's

02:10:09-02:10:15

partnership with the Crown under Te Tiriti o Waitangi. And with respect and integrity that

02:10:15-02:10:22

you deserve, the Crown humbly apologises. How do you feel that the acts of this Parliament and this

02:10:22-02:10:28

government presently are consistent with the authenticity supposedly of that apology.

02:10:29-02:10:38

It is not consistent with a meaningful and effective apology. I believe the courts have

02:10:38-02:10:45

referred to the treaty as an embryo. It's rather than a fixed set of ideas that we continue to

02:10:46-02:10:50

develop it, to discuss it in relation to the changing circumstances of our life.

02:10:50-02:10:53

And that withstands the vagaries of time.

02:10:53-02:10:55

It withstands political opportunism.

02:10:56-02:11:00

But we can't do that if we don't keep to a full and final settlement,

02:11:01-02:11:02

which is the words of the settlement.

02:11:02-02:11:04

The apology had to mean something.

02:11:05-02:11:08

We believed it meant everything that you have said, you know,

02:11:08-02:11:12

that you repeated to us, that direct apology for the past failings

02:11:13-02:11:17

shouldn't open our government up to another episode.

02:11:19-02:11:19

Thank you.

02:11:19-02:11:25

Thank you Steve, thank you Helen. That's the end of the time for the submission this afternoon.

02:11:25-02:11:28

Thank you for being with us and speaking to your staff. We do appreciate you spending the time.

02:11:29-02:11:30

Thank you. Kia ora.

02:11:30-02:11:34

Folks, we're going to go now to submission from the Honourable Andrew Little. So I'll invite Mr Little

02:11:35-02:11:38

up to the room. I didn't recognise him, he looked like a young man. I don't know what this is about

02:11:40-02:11:43

Mr Little, thank you for joining us. You're very familiar with the process,

02:11:43-02:11:45

I'll hand over to you for the next 10 minutes.

02:11:45-02:11:48

Yeah, kia ora tei to kato. Good afternoon everybody. Thank you.

02:11:48-02:11:51

for the opportunity to submit.

02:11:51-02:11:54

I do acknowledge that it is a great honour

02:11:54-02:11:56

given the 300,000 submissions

02:11:56-02:11:58

that you will be no doubt diligently considering

02:11:58-02:11:59

over the next few months

02:12:00-02:12:02

to have the opportunity to speak to my submission.

02:12:03-02:12:05

Can I also say just an acknowledgement

02:12:05-02:12:07

of some of the more recent discourse

02:12:08-02:12:10

that this exercise is unimportant.

02:12:11-02:12:13

I just reflect on some of the words

02:12:13-02:12:14

that were spoken out on Friday

02:12:15-02:12:17

that too much is being made of this.

02:12:17-02:12:18

I don't agree with that.

02:12:18-02:12:23

the political judgment has been made to bring this legislation to the House

02:12:24-02:12:28

and notwithstanding the so far majority commitments

02:12:28-02:12:29

that it won't survive a second reading.

02:12:30-02:12:33

Nevertheless, you have several months of work ahead of you

02:12:33-02:12:35

as committee members to consider submissions

02:12:36-02:12:37

and to hear from no doubt hundreds of people

02:12:38-02:12:41

and you have a second reading debate to go through as well.

02:12:42-02:12:43

So this is an important debate.

02:12:44-02:12:48

What people say and the sort of collective understanding

02:12:49-02:12:54

amongst the nation about the treaty is, I think,

02:12:55-02:12:55

going to be very important.

02:12:56-02:12:59

I think this time will end up being an important touchstone

02:13:00-02:13:02

in our nation-building journey.

02:13:02-02:13:05

So I acknowledge the work ahead of each of you

02:13:06-02:13:07

and ahead of you collectively as a committee

02:13:08-02:13:12

and indeed of this parliament and say that your task

02:13:12-02:13:13

is an important one.

02:13:13-02:13:18

I've kept my written submission as brief as I could

02:13:19-02:13:20

there's only one other point I'd really like to make

02:13:21-02:13:23

somewhat draws on the points made in my submission

02:13:24-02:13:27

and that again is a response to some of the public commentary

02:13:27-02:13:31

that has been around for a while but it's been elevated more recently

02:13:32-02:13:34

by sponsors and supporters of the bill

02:13:35-02:13:40

that somehow this bill acts to rectify or correct

02:13:40-02:13:46

the fact that there are not equal rights for all New Zealanders

02:13:46-02:13:47

in particular New Zealand.

02:13:48-02:13:50

In fact, if you look at the ACT Party website

02:13:51-02:13:53

and the special website they've set up on treaty issues,

02:13:54-02:13:57

they use that language that not everybody is treated equally.

02:13:59-02:14:01

The point I want to make is that those comments imply

02:14:01-02:14:06

or assume that rights are not presently equal

02:14:07-02:14:08

or not equally enforced or upheld,

02:14:09-02:14:11

and that the treaty represents a source of inequality.

02:14:12-02:14:16

And I just want to say that that must be totally rejected.

02:14:16-02:14:18

The treaty, if it represents anything,

02:14:19-02:14:21

is a recognition of pre-existing rights,

02:14:22-02:14:25

the pre-existing rights and interests of Māori

02:14:26-02:14:27

and the promised protection of them.

02:14:28-02:14:33

And the journey we've been on is not only to see a wholesale

02:14:33-02:14:36

and egregious breach of those rights over decades and decades,

02:14:37-02:14:41

But in the last 50 or so years, the journey of reconciliation and restoration,

02:14:42-02:14:45

as we come to understand the treaty, its importance,

02:14:45-02:14:48

the fact that it was breached and that there must be some redress.

02:14:52-02:14:55

Correcting wrongs does not create inequality.

02:14:56-02:14:59

It restores the situation to what it was or should have been.

02:15:00-02:15:05

To deny the ability to uphold the terms of the treaty would itself be an act of inequality

02:15:05-02:15:09

and it would make treaty rights secondary or inferior

02:15:09-02:15:10

to any other legal rights

02:15:11-02:15:14

and would therefore make Māori unequal before the law.

02:15:15-02:15:20

And to the extent that this bill claims to address that,

02:15:21-02:15:24

it is not addressing anything at all.

02:15:24-02:15:29

And it's for that reason that my preference would be

02:15:29-02:15:31

to see the bill not continue.

02:15:31-02:15:34

So those are the remarks I want to make.

02:15:34-02:15:35

I have to take your questions now.

02:15:35-02:15:41

Thank you, Andrew. We'll start with questions. We'll go first from Dr Webb, then Debbie Ngarewapaka, then Glenn.

02:15:43-02:15:47

Kia ora, and good to see you, Andrew. Thanks for your suggestion.

02:15:48-02:15:56

You've got a headline with your role as Treaty Negotiations Minister, but you're also Minister of Health, amongst other things.

02:15:56-02:16:17

I'm really actually quite interested for a perspective from you as a minister as to how the treaty assisted you in managing the kind of conflicting demands on government and making sure that essentially you did a good job for all New Zealanders.

02:16:18-02:16:21

against the kind of background of the claim that you've just talked about,

02:16:21-02:16:27

that giving recognition of treaty rights is in some way unequal

02:16:27-02:16:29

and how you don't agree with that.

02:16:32-02:16:35

Yeah, I think any minister, I think in this day and age,

02:16:35-02:16:38

knows that the treaty plays a fundamental role,

02:16:38-02:16:40

even in their day-to-day work.

02:16:41-02:16:50

The right of kawana or kawana-tanga is exercised alongside the rights of Māori under the treaty.

02:16:50-02:16:52

Both are rights reflected in the treaty.

02:16:53-02:17:02

So a minister must conduct themselves in a way that is consistent with the treaty and the Crown's obligations under the treaty.

02:17:03-02:17:07

And I think that's, I don't think I'm different to any minister.

02:17:07-02:17:14

Indeed, a lot of ministers from a range of governments over the last 30-odd years that have sought to do that.

02:17:15-02:17:22

We know when we look at public services, the services the Crown takes responsibility for and health is foremost amongst them,

02:17:23-02:17:34

that the achievements of those public services for the people of New Zealand is different depending on who you are, sometimes where you live.

02:17:35-02:17:39

And we know that for Māori, health outcomes have been abominable.

02:17:40-02:17:44

Certainly, on average, considerably less than for the rest of the population.

02:17:44-02:17:48

So a minister, considering their obligations under the treaty,

02:17:48-02:17:51

will be thinking about Māori and their health as a ta'a.

02:17:51-02:17:55

That has to be, the Crown has a responsibility to protect.

02:17:56-02:17:57

And we'll be thinking about Te Nauranga Te Te Tana

02:17:58-02:18:01

and how Māori can provide leadership for better health outcomes.

02:18:01-02:18:05

And that was what we sought to achieve amongst many other things.

02:18:05-02:18:06

in our health reforms.

02:18:07-02:18:07

Thank you.

02:18:08-02:18:08

Thank you, Matt.

02:18:09-02:18:11

We'll go to a question now from Debbie Ngaura-Pake.

02:18:11-02:18:12

Thank you, Timina.

02:18:13-02:18:14

Kia ora, and good to see you here.

02:18:15-02:18:19

I want to draw on, and we've had a lot of submitters,

02:18:19-02:18:21

really great kōrero about the legality,

02:18:22-02:18:23

the framework of te te riti.

02:18:24-02:18:30

I'd like to delve into your experience on reconciling

02:18:31-02:18:34

with iwi, whose natural development was interfered with.

02:18:34-02:18:35

Quite horrifically.

02:18:36-02:18:40

And in that experience, for the rest of Aotearoa,

02:18:40-02:18:50

if you could share with us, did you sense any violence,

02:18:50-02:18:55

any hatred, any non-love for their whole nationhood?

02:18:55-02:18:59

And in that reconciliation, as you were trying to restore

02:19:00-02:19:02

interrupted rights and obligations,

02:19:02-02:19:04

what was your sense of the future

02:19:05-02:19:06

and the sense of the spirit

02:19:07-02:19:08

and the thinking of any of those

02:19:08-02:19:10

kapu and iwi and looking forward

02:19:10-02:19:12

I think the reflection I had was

02:19:14-02:19:14

often

02:19:15-02:19:17

given the harm

02:19:17-02:19:17

done to Māori

02:19:18-02:19:19

and not just

02:19:20-02:19:23

land confiscation is pretty serious

02:19:24-02:19:27

shooting and killing people is pretty serious too

02:19:28-02:19:30

failing to provide protection

02:19:30-02:19:34

causing Māori have to leave their rohi,

02:19:34-02:19:36

their areas that they whakapapa to,

02:19:37-02:19:38

in order to survive economically.

02:19:39-02:19:40

Those are huge intrusions.

02:19:41-02:19:44

I think what I reflected on was the extraordinary patience

02:19:45-02:19:46

that Māori have shown.

02:19:47-02:19:51

I think largely because of faith in the treaty,

02:19:51-02:19:52

but also faith in the Crown.

02:19:53-02:19:56

And if you think about the Māori's early relationship

02:19:56-02:19:57

with the Crown, the pre-treaty relationship

02:19:58-02:19:58

between Māori and the Crown,

02:19:59-02:20:03

and Hongiheke visiting the UK, meeting King William IV.

02:20:04-02:20:07

Māori's relationship with the British Crown

02:20:08-02:20:12

well predates any New Zealand representation of the Crown.

02:20:12-02:20:17

And my sense was that it's Māori's faith ultimately in the Crown

02:20:18-02:20:22

to deliver on the promise that it made in the treaty

02:20:23-02:20:25

that held Māori together,

02:20:26-02:20:28

focus on the objective of having a living,

02:20:29-02:20:31

treaty that was truly on it.

02:20:32-02:20:34

And so there was no sense of, you know,

02:20:35-02:20:37

splitting New Zealand asunder, far from it.

02:20:38-02:20:40

It was recognising everybody's place in it.

02:20:41-02:20:44

The place for Māori as reflected in the treaty

02:20:44-02:20:48

and the place for all newcomers to Aotearoa New Zealand as well.

02:20:49-02:20:52

The treaty, in my view, is a unifying document.

02:20:54-02:20:56

When understood, when its historical context is understood

02:20:56-02:20:58

and we should embrace it on those terms.

02:20:59-02:21:01

Thank you, Andrew. We probably have time for one quick question from Glenn.

02:21:01-02:21:02

Kia ora. Hi, Andrew.

02:21:04-02:21:05

Ngāti Rangi called this a distraction.

02:21:06-02:21:08

Jane Kelsey called this a political stunt.

02:21:08-02:21:10

We're here because of a coalition agreement

02:21:11-02:21:12

between Act and National Party.

02:21:13-02:21:15

What do you see the politics of this bill?

02:21:16-02:21:19

I prefer to not engage in...

02:21:19-02:21:23

I've done my time in politics, thoroughly enjoyed every second of it.

02:21:25-02:21:27

The political judgments of the day get made.

02:21:27-02:21:28

It is what it is.

02:21:28-02:21:33

I think what I hope I get to bring from the benefit of my knowledge and experience, particularly

02:21:34-02:21:38

experience as a minister and as a minister of Treaty of Waitangi negotiations, are some

02:21:39-02:21:45

insights that help to understand the treaty and its place and the future of Aotearoa and

02:21:45-02:21:45

New Zealand under it.

02:21:46-02:21:46

Thank you, Andrew.

02:21:46-02:21:46

Thank you for your time.

02:21:47-02:21:50

Apologies, Seed, we can get to that question, but thank you for the time this afternoon.

02:21:50-02:21:51

We do appreciate your discussion.

02:21:52-02:21:56

We're going to now invite to the table, Tano Tanoa Social Workers Association.

02:22:28-02:22:45

I'm so grateful to the people who have been here for the people who have been here.

02:22:58-02:23:05

Ngā mate, tariana, tō tātou kingi, kore rā weimutu ngā tangi mō rāwatahi, mō rātua katoa o fetu rangitia.

02:23:05-02:23:09

Tāianu rā nei rā mātou ko taimairā ki moi te aroa ro o koutou.

02:23:11-02:23:16

I unu atu nei ki o koutou tarenga ki te whakarunga i ngā wairua o tēnei.

02:23:16-02:23:17

Kōrero kōrere hā reatuana.

02:23:18-02:23:24

Jōrera nei rā mātou e mihi atuana ki o koutou hurinu o tēnā putau, tēnā koutou, tēnā tātou patua.

02:23:25-02:23:32

Nā koka moaimete, whaka pitae ue.

02:23:34-02:23:43

Mō au mana ki tānga, ki te wī e tau nei.

02:23:44-02:24:02

Ko koe te piringa, ka puta ki te oranga, e te ariki, hai Māori e.

02:24:03-02:24:08

Hoi anora, kore rawe wishu ngā kupu po puta mai rā tō tatu kingi.

02:24:09-02:24:11

Tia Māori tatu i ake rā, i ake rā.

02:24:41-02:24:47

of contention that the association would like to add to what has already been presented

02:24:48-02:24:53

as follows. The sovereignty of knowledge is often at the expense of the rangatiratanga

02:24:54-02:25:02

of the whānau, tamariki, haupuri, hapu and iwi. The power of recognised qualification,

02:25:03-02:25:11

predominantly tertiary, tends to marginalise the kotahitanga of collaboration and experience.

02:25:11-02:25:19

Brisk aversion, both as organisations and in practice, dominates the imperative nature

02:25:20-02:25:23

of tiakitanga or custodianship.

02:25:25-02:25:32

The determinant of perception undermines the sustainability of connection in uritanga.

02:25:34-02:25:40

The association contends that the principles of the Treaty of Waitangi will exacerbate the

02:25:40-02:25:48

points raised above and for the profession and practice of social work impede an effective

02:25:49-02:25:56

delivery of service by the non-recognition of distinction, which then influences the

02:25:57-02:26:06

potentiality of engagement of people and structures to address life challenges and enhance well-being.

02:26:06-02:26:21

To diminish accountability both of organisational systems and competence in social work practice to navigate the uniqueness of difference and respect for diversities.

02:26:21-02:26:43

The focus on averting risk marginalises the centrality of tiakitanga and oranga, therefore need to not meet either in longevity or in sustainability, thereby jeopardising the potential for social change and development.

02:26:43-02:27:10

The paramountcy of perception will subjugate the uritanga of whānau, tamariki, hapuri, hapū and iwi, and in this, the empowerment and liberation of people will be severely impacted upon and the promotion of social cohesion decimated.

02:27:10-02:27:15

The association would like to leave the anacronym as follows.

02:27:17-02:27:28

Perception, the dominance of, accountability, the limitations of and connection, the constraint of.

02:27:29-02:27:31

And therein lies your anacronym of PEC.

02:27:32-02:27:36

Nō reira, tēnā koutou, tēnā koutou, tī rā mauri ora tātou.

02:27:37-02:27:38

Thank you for your submission.

02:27:38-02:27:40

I'll take questions.

02:27:40-02:27:41

The first is from Māori Menor Kapakini,

02:27:42-02:27:43

and then we'll go to Duncan Webb.

02:27:43-02:27:43

Okay.

02:27:44-02:27:45

Tēnā kauru and rau mai.

02:27:45-02:27:46

Ki tōwhare.

02:27:48-02:27:50

Ko te pātai tuatahi.

02:27:51-02:27:53

And so it's...

02:27:54-02:27:55

You know, I'll just go straight in.

02:27:55-02:27:56

What...

02:27:56-02:28:00

How does this bill harm Māori social services

02:28:01-02:28:02

and community development?

02:28:03-02:28:06

You make quite a few points inside your submission,

02:28:07-02:28:08

but that's probably the...

02:28:38-02:28:42

of language in that we're not talking about culture,

02:28:42-02:28:43

we're talking about identity.

02:28:45-02:28:50

So I think this is where, as has been referred by previous speakers,

02:28:50-02:28:57

the limitation of culture already sets a tone which then inhibits

02:28:57-02:29:01

the potentiality of practices tangata punga social workers.

02:29:02-02:29:06

The second point that the association would add to that

02:29:06-02:29:10

is the power of connection.

02:29:11-02:29:13

So as tangata whenua social workers,

02:29:15-02:29:18

we have the opportunity and indeed,

02:29:18-02:29:20

I would say, the potentiality to connect.

02:29:22-02:29:26

And that's both with whānau, tamariki, hapun, haakuri, etc.

02:29:27-02:29:32

And I think that connection is often minimised

02:29:32-02:29:35

by the perception of what is social work.

02:29:36-02:29:42

And because social work comes from largely a tradition

02:29:43-02:29:49

that is perhaps in some respects separated from us

02:29:49-02:29:57

as Taka de Whenua, it in many ways limits what for us

02:29:58-02:30:02

is the beauty and power of pao-hae, I can say.

02:30:03-02:30:14

So, languaging and applicability of language can constrain practice and the perception of our discipline, in our opinion.

02:30:15-02:30:16

Thank you.

02:30:16-02:30:17

Question from Duncan Webb.

02:30:20-02:30:21

Kia ora, kārawa.

02:30:21-02:30:22

Thank you for your submission.

02:30:22-02:30:27

Look, I'm really interested in your expertise in the social work field.

02:30:28-02:30:32

This bill seeks to reduce the treaty down to a kind of bundle of individual rights.

02:30:32-02:30:48

Can you talk about your work as social workers and the importance of communities, context, belonging, family and histories and how the treaty assists you in your work in helping people through the situations they face?

02:30:50-02:31:01

If I may respectfully respond to your pātai in that our workers, tangata whenua social workers, is not limited to the individual.

02:31:01-02:31:04

that the individual has connections

02:31:04-02:31:10

and that's where the potency of uritanga becomes so pertinent

02:31:10-02:31:13

is that once you start as social workers

02:31:14-02:31:19

unpacking what might be a referral to your service

02:31:19-02:31:24

you then start drawing connections to the trauma

02:31:25-02:31:28

to the mamaitanga, to the hurt, to the pain

02:31:28-02:31:32

that has been threaded right throughout that whānau,

02:31:32-02:31:37

and I would suggest, and we would suggest, generations before.

02:31:38-02:31:42

I think this is where the limitation of connection

02:31:42-02:31:49

and often diagnosis to that individual situation prohibits

02:31:49-02:31:52

or indeed constrains the power of that connection.

02:31:52-02:31:58

And if I may just briefly diverge for a while.

02:31:59-02:32:04

We talk about Titiriti or Waitangi, but actually we go back as far as Whakaputanga.

02:32:06-02:32:17

So the historical connection is what leads to the turbulence of today, which then generates what is to come.

02:32:17-02:32:21

And I think it's that connection generationally

02:32:21-02:32:23

that becomes really important for us

02:32:24-02:32:26

as tangata, pinawa, social workers.

02:32:26-02:32:27

Thank you.

02:32:27-02:32:30

Sorry to interrupt, but that's the end of the time allocated.

02:32:30-02:32:32

Steve, I'll prioritise your next question.

02:32:33-02:32:36

Thank you both for being with us and spending time this afternoon.

02:32:36-02:32:37

He mihi, kia koutou.

02:32:38-02:32:38

Kia ora.

02:32:39-02:32:42

We're now going to move to a submission from Brian Eston.

02:32:42-02:32:43

Brian's in the room.

02:32:43-02:32:45

I'd like to invite him to the table.

02:32:46-02:32:47

Thank you, Brian.

02:32:47-02:33:06

Brian, thank you for being with us. We've got you for 10 minutes this afternoon, so

02:33:06-02:33:08

I'll hand over to you to start your presentation.

02:33:10-02:33:15

Tēnā koe lō. Katoa. Apologies for the limitations of my voice.

02:33:16-02:33:19

as a consequence of surgery on the larynx.

02:33:21-02:33:24

My written submission focuses on two elements

02:33:24-02:33:26

of the treaty principles bill,

02:33:27-02:33:29

which insufficiently covered in the public.

02:33:31-02:33:31

Submission.

02:33:33-02:33:36

The first is, it is bad history.

02:33:38-02:33:39

I'm reminded of Donald Trump,

02:33:41-02:33:46

who there are deals done by very willing

02:33:46-02:33:55

parties, but he rewrites the history and then insists that his view is to be imposed

02:33:55-02:33:59

on the deal, irrespective of without consulting the party.

02:34:00-02:34:01

So it's bad history.

02:34:03-02:34:07

Our understanding of titility has evolved and is evolving.

02:34:09-02:34:16

Any statute such as this bill will fossilise that understanding, restricting its ongoing

02:34:17-02:34:18

organic development.

02:34:19-02:34:20

So it would be better for the bill to proceed.

02:34:22-02:34:23

Bills should not make history.

02:34:25-02:34:35

My submission second point is the Court of Appeal stated a set of treaty principles in

02:34:35-02:34:36

1987.

02:34:38-02:34:45

Those principles are foundational to social democracy, such as we are.

02:34:45-02:34:53

It is critical that any statute of Parliament does not override nor downgrade those principles.

02:34:56-02:35:03

And it would be good if Parliament was to separately acknowledge the Court of Appeals principles.

02:35:04-02:35:09

I'm happy to elaborate any aspect of my submission.

02:35:10-02:35:13

And in case you've forgotten it, I have the...

02:35:16-02:35:22

Submission.

02:35:22-02:35:25

Thank you, Brian. We do have copies of the submission.

02:35:25-02:35:29

I know, but I thought you might want to have the principles.

02:35:31-02:35:38

Okay, thank you for your opening submission and thank you for being with us given your recovery surgery.

02:35:39-02:35:41

I'll hand over to the committee to ask some questions.

02:35:42-02:35:42

Does anyone have any questions?

02:35:43-02:35:44

We'll start with Todd Stevenson.

02:35:45-02:35:45

Thank you.

02:35:46-02:35:46

Thank you for being here.

02:35:47-02:35:50

Just looking at your submission, I want to make sure I understand this.

02:35:52-02:35:56

So do you think that we should be legislating the Court of Appeals principles?

02:35:56-02:36:02

No, I don't think it would be appropriate for Parliament to legislate the principles.

02:36:03-02:36:06

It would be appropriate for Parliament to acknowledge them.

02:36:07-02:36:07

Right.

02:36:07-02:36:08

You've got other instruments.

02:36:09-02:36:11

You've got other ways than just legislating.

02:36:11-02:36:13

Okay, and what do you think they would look like?

02:36:13-02:36:16

Well, I'm not an expert on parliamentary procedures.

02:36:17-02:36:17

You are.

02:36:19-02:36:24

It would be appropriate for members to mention in their speech.

02:36:24-02:36:27

be appropriate in the report back to mention it.

02:36:28-02:36:32

And it's not impossible that there's a procedure in Parliament

02:36:32-02:36:36

which there would be a general acknowledgement of those principles.

02:36:38-02:36:40

Thank you, Tom. Thank you, Brian. I'll go to Steve.

02:36:40-02:36:41

Yeah, thank you for your submission.

02:36:42-02:36:45

You speak about the evolution of our understanding of Te Tiriti

02:36:46-02:36:47

and the value of that.

02:36:48-02:36:52

Do you think there's been some commentary on the fact

02:36:52-02:36:57

that part of our democracy is the judicial interpretation of law

02:36:58-02:37:03

and judicial assertions made about what various intentions are.

02:37:04-02:37:07

And do you agree with the assertion of the likes of lawyer Natalie Coates

02:37:08-02:37:10

that that is actually an important part of our democracy,

02:37:11-02:37:15

the judicial participation and understanding the meaning

02:37:16-02:37:21

of our constitutional foundation, but also interpreting laws?

02:37:22-02:37:26

Yes, I think the rule of law is a fundamental part of democracy.

02:37:27-02:37:32

And I think in my main submission, I comment that the courts themselves

02:37:33-02:37:37

have evolved their account of what those principles are.

02:37:37-02:37:39

And I'm not uncomfortable with that.

02:37:40-02:37:44

And if you don't particularly like a principle of the court,

02:37:45-02:37:47

you're entitled to pass the bill.

02:37:48-02:37:49

But on the whole, I wouldn't.

02:37:50-02:37:56

My follow-up, I guess, is that it's right for us to have a concern

02:37:56-02:37:59

that determinations on the facts of history

02:38:00-02:38:04

or the text of an actual document created in 1840

02:38:06-02:38:13

or even something such as rights should be put to a majority determination,

02:38:13-02:38:14

such as through referendum.

02:38:14-02:38:20

Surely, facts, history itself and rights cannot be decided by referendum.

02:38:22-02:38:28

To go back to my Donald Trump, for example, he got a majority of the votes.

02:38:29-02:38:31

That doesn't make his facts correct.

02:38:34-02:38:34

Thank you, Steve.

02:38:35-02:38:37

And Brian, I just misunderstood what you were tabing.

02:38:37-02:38:41

So we've received that copy of your statement that you made today.

02:38:41-02:38:43

So we'll table that as a supplementary submission.

02:38:44-02:38:48

I just had a supplementary question in your answer to Mr Abel.

02:38:48-02:38:53

You said that if we didn't agree with the principles of the Court of Appeal,

02:38:53-02:38:57

you do think it's within Parliament's prerogative to pass a law then to...

02:38:57-02:39:00

Well, you're doing that on the foreshore, aren't you?

02:39:00-02:39:02

Right. So I suppose what I'm asking...

02:39:02-02:39:04

I don't rule it out.

02:39:04-02:39:04

Yeah.

02:39:04-02:39:07

And certainly on this particular matter, I would be appalled

02:39:07-02:39:14

if you were to change the Court of Appeal ruling.

02:39:14-02:39:17

But you don't think it's out of the question?

02:39:17-02:39:19

No, and it does.

02:39:20-02:39:20

Thank you.

02:39:20-02:39:21

Thank you, Todd.

02:39:21-02:39:23

Any further questions for Brian Tuck?

02:39:25-02:39:25

Kia ora, Brian.

02:39:26-02:39:27

Tena kwe your kōrero.

02:39:27-02:39:28

Thank you for your submission.

02:39:28-02:39:29

I've got a fairly simple one.

02:39:30-02:39:32

You know, given we've got all these pieces in play,

02:39:33-02:39:34

we've got the government, the judiciary,

02:39:35-02:39:36

there's titititi o Waitangi,

02:39:36-02:39:39

There's the government and Māori and then the parliament and all of that.

02:39:40-02:39:44

But just simply, do you think it is an OK approach or a good approach

02:39:45-02:39:50

for parliament to be creating bills to move through the government system

02:39:51-02:39:57

about Te Tiriti or Waitangi without having first spoken to their Te Tiriti partner,

02:39:57-02:39:58

i.e. te iwi Māori?

02:40:00-02:40:03

Well, it depends on the circumstances.

02:40:04-02:40:11

But this particular bill completely reinterprets a treaty.

02:40:12-02:40:17

Certainly it's not what people on the treaty grounds thought.

02:40:18-02:40:21

It's not what generally people have thought over the time.

02:40:22-02:40:24

And so that one, no.

02:40:25-02:40:27

On the other hand, I don't mind.

02:40:28-02:40:30

It would depend on the circumstances.

02:40:31-02:40:32

Kāpā, Kia ora.

02:40:33-02:40:34

Thank you, Brian.

02:40:35-02:40:38

I appreciate your time with us this afternoon

02:40:39-02:40:40

and being with us today.

02:40:41-02:40:41

Thank you.

02:40:43-02:40:45

We will now move to

02:40:45-02:40:46

our next submission. This is from

02:40:47-02:40:49

Exu. And I think

02:40:49-02:40:51

we're having a hybrid submission in person

02:40:51-02:40:52

and online. So

02:40:53-02:40:55

the team in the room can come to

02:40:55-02:40:55

the table.

02:40:56-02:40:59

And if there are

02:40:59-02:40:59

people online,

02:41:01-02:41:02

just in the person? Okay.

02:41:32-02:41:35

Greetings, Ngāna Rangatira. My name is Nia Bartley.

02:41:37-02:41:41

Tangata Tiriti, Tangata Olimoana, Wellington, born and raised.

02:41:41-02:41:46

I'm the elected central regional representative of the Air 2 Union Executive Board.

02:41:46-02:41:52

I'm also on the Air 2 Women's Committee and an NZCTU Committee Pacifica Kau Convina.

02:41:53-02:41:57

Our members do not support this bill. It is the exact opposite of Kotahitanga.

02:41:58-02:42:03

This bill has conjured negative, toxic rhetoric, not in the best interests of Aotearoa.

02:42:04-02:42:08

This bill majorly undermines and tramples on the mana of tangata whenua.

02:42:09-02:42:10

It is an affront to their human rights.

02:42:12-02:42:12

Kill the bill.

02:42:13-02:42:18

This bill is disrespectful and undermines the Tēnō Ranga Tere, tanga status of tangata whenua.

02:42:19-02:42:20

Distracting division by design.

02:42:21-02:42:22

Kill the bill.

02:42:22-02:42:23

Toi tu te tiriti.

02:42:23-02:42:28

Now I introduce you to our co-president of the Air 2 Union, Nuri Otu Nho Ahau.

02:42:29-02:42:37

Kia ora ko, tainui tōku waka ko, tāki huku tōku hapu he uri ahau, wāraukawa ki uta, wāraukawa ki tai.

02:42:38-02:42:39

I'm Nuri Otu Nho Ahau.

02:42:40-02:42:42

I'm very proud of my Māori heritage.

02:42:43-02:42:47

I'm also a descendant of Hoka Whitu McGregor and Lydia Shasha.

02:42:47-02:42:52

So I'm also proud of my tūpuna and the Scottish and Italian whakapapa too.

02:42:53-02:42:58

I'm a mother of two sons and a nanny of six mokopuna, aged from four weeks to 18 years old.

02:42:58-02:43:02

My husband is a Pākehā, born to an Irish Catholic parents.

02:43:02-02:43:07

I personally oppose the bill because of the distrust and disinformation about te tiriti

02:43:07-02:43:12

or waitangi being used to create division, remove our Indigenous rights, and to diminish

02:43:13-02:43:15

the mana of our tūpuna and mokopuna.

02:43:16-02:43:22

But I am here today as the co-president and life member of E2 Union to speak to our union

02:43:22-02:43:25

submission to oppose this bill.

02:43:26-02:43:31

Just as some background and a reminder that E2 is the largest private sector union in

02:43:31-02:43:35

New Zealand and we make this submission on behalf of our 48,000 members.

02:43:36-02:43:40

15% of our members are Māori.

02:43:41-02:43:46

Our members also work across many diverse industries including aviation and communications,

02:43:46-02:43:51

community support, services, engineering, infrastructure and extraction,

02:43:51-02:43:55

manufacturing and food and public and commercial services.

02:43:57-02:44:00

Thank you for the opportunity for us to expand on our submission.

02:44:00-02:44:05

One of the big problems we do have with the bill is about the poor and damaging process

02:44:06-02:44:08

that has seen this bill ushered into Parliament.

02:44:09-02:44:14

As a union, we negotiate hundreds of collective employment agreements with employers every year.

02:44:15-02:44:32

These agreements are negotiated in good faith and cannot unilaterally be cancelled or amended by either party just because the party no longer agrees, in hindsight, about the existence or interpretation of clauses they had previously negotiated.

02:44:32-02:44:39

Discussion between the parties can take place at any time to reach agreement on any interpretation issues.

02:44:39-02:44:45

However, if no agreement is reached, either party has access to the existing judicial processes

02:44:45-02:44:51

to seek a legally binding judgment on what the clause means.

02:44:52-02:45:00

If an employer deliberately ignores this process and unilaterally changes our members' employment agreement conditions,

02:45:00-02:45:05

a revolt would immediately break out, similar to what you've already seen

02:45:05-02:45:09

with over 100,000 people taking action across the motu

02:45:09-02:45:12

in the lead-up to the arrival of the hikoi

02:45:12-02:45:14

that recently descended on this parliament.

02:45:14-02:45:17

We oppose the Treaty of Waitangi Principles Bill,

02:45:17-02:45:21

not just because it is a threat to te riti o Waitangi,

02:45:21-02:45:25

but because it threatens to destabilise the unity

02:45:26-02:45:29

that is already growing amongst the peoples of Aotearoa,

02:45:29-02:45:31

striving for a better and flourishing future

02:45:32-02:45:34

for Papatūnuku and all of her children.

02:45:34-02:45:40

So our members have asked us why this bill is even being considered, given the pressing

02:45:41-02:45:48

problems currently facing Aotearoa. Many of our members are currently struggling to survive on

02:45:48-02:45:54

minimum wages, with precarious conditions and constant fear of job losses. There are 70,000

02:45:54-02:46:00

care and support workers still fighting for pay equity. The care and support sector here needs to

02:46:00-02:46:06

be transformed to improve inadequate wages and safe staffing. Tens of thousands of cleaners,

02:46:06-02:46:12

caretakers, catering staff, school grounds people and security guards in our communities are battling

02:46:13-02:46:19

to earn a living wage just to live with dignity. The extravagant amount of cost and time wasted

02:46:20-02:46:26

to hear this bill has been prioritised over the bread and butter issues affecting all workers and

02:46:26-02:46:32

their whanau. He too is not afraid or opposed to having national conversations about te te riti

02:46:32-02:46:38

or waitangi and any proposed constitutional solutions, but that kōrero must start between

02:46:39-02:46:47

the Crown and iwi hapu Māori as a first priority because they represent the original signatories

02:46:47-02:46:54

to te te riti. We acknowledge the important mahi already set out in the Mātika Mai report

02:46:54-02:46:55

about some of these issues.

02:46:56-02:46:58

In summary, Itu opposes the bill

02:46:58-02:47:01

because it overstates the kawana-tanga of the Crown

02:47:02-02:47:04

and does not allow good-faith cooperation

02:47:05-02:47:06

between te te riti partners.

02:47:07-02:47:09

It deprives Māori of all rights

02:47:09-02:47:12

that they enjoyed prior to 1840

02:47:12-02:47:15

unless those rights have been specifically agreed

02:47:15-02:47:17

with the Crown in legislation.

02:47:18-02:47:20

The New Zealand public was not a party

02:47:20-02:47:22

to te riti or waitangi,

02:47:22-02:47:26

But under this bill, they determine through a referendum

02:47:26-02:47:30

the interpretation of an agreement signed by two other parties,

02:47:30-02:47:31

Iwi Hapu and the Crown.

02:47:32-02:47:36

It subordinates Tenoranga Tiritanga to Kawanatanga.

02:47:37-02:47:41

The bill undermines Aotearoa's only expert commission of inquiry

02:47:41-02:47:43

on Te Tiriti, the Waitangi Tribunal.

02:47:44-02:47:47

The tribunal has issued a scathing report

02:47:47-02:47:50

criticising the process and content of this bill.

02:47:51-02:47:54

Only one minor party in Parliament supports this bill,

02:47:54-02:47:59

while the government's own officials and overwhelming numbers of Te Tiriti experts,

02:48:00-02:48:02

academics, the country's most prominent lawyers,

02:48:02-02:48:06

and all Iwi-Hapu leaders oppose this bill too.

02:48:07-02:48:11

Itu calls on your select committee to reject the bill.

02:48:12-02:48:14

The Waitangi Tribunal Report stated, quote,

02:48:14-02:48:19

that the bill would be the worst and most comprehensive breach of Te Tiriti

02:48:19-02:48:21

or Waitangi in modern times.

02:48:24-02:48:27

We've also taken this opportunity for the committee

02:48:27-02:48:31

to also consider rejecting the proposal for a public referendum.

02:48:31-02:48:35

Public referendum is unfair because it will relate to an agreement

02:48:36-02:48:38

between the Crown and Māori representatives.

02:48:38-02:48:42

The New Zealand public is not a party to Te Riti or Waitangi.

02:48:44-02:48:46

That's all I have to say.

02:48:47-02:48:47

Thank you.

02:48:47-02:48:49

Thank you, Meryl and Nia.

02:48:49-02:48:50

We've got time for a couple of questions.

02:48:51-02:48:54

First from Taka Tafers and then Steve Able.

02:48:55-02:48:58

Tēnā kōrua. Tēnā koe Mirule, te whanaunga.

02:48:59-02:49:01

I te huhua o ngā kōru.

02:49:02-02:49:06

There's probably not been a more comprehensive quick summary than that.

02:49:06-02:49:11

And given that your guys' work spreads across a lot of the working whānaus

02:49:12-02:49:13

that are Māori across the country,

02:49:14-02:49:17

what do you think the impact of this bill on the mokopuna of those families

02:49:17-02:49:19

is or will be?

02:49:21-02:49:22

I think

02:49:23-02:49:25

I think that's what came up in the previous

02:49:25-02:49:27

speaker is that

02:49:27-02:49:29

these are important issues to discuss

02:49:29-02:49:31

but you have to go back to the parties

02:49:32-02:49:33

that were first

02:49:33-02:49:35

at the table and

02:49:35-02:49:37

signatories to Te Tiriti

02:49:37-02:49:39

or Waitangi and if we can't get that

02:49:40-02:49:40

right

02:49:40-02:49:43

I think we've already seen some of that

02:49:43-02:49:44

damage already done

02:49:45-02:49:47

across the motu

02:49:47-02:49:52

as well. And I think we're really just sort of flagging, there is a lot at stake here.

02:49:53-02:50:01

And there is a sense of harm. It's also a growing sense of support of more tangata tiriti

02:50:02-02:50:06

as well. It's really understanding the situation. So I don't know if that, does that address

02:50:06-02:50:13

your pātau? I suppose my pātau just goes a little bit further to the intergenerational

02:50:13-02:50:18

impact. You know, how are our kids getting impacted by this and how are our mokos likely

02:50:18-02:50:21

to be impacted, which is an intergenerational impact?

02:50:24-02:50:28

It's funny, isn't it, because we've got a three-year-old mokopona who's probably more

02:50:28-02:50:37

fluent in te reo than I am and more confident as well. And I think it's really important

02:50:37-02:50:41

for our existing mokopona and future mokopona that are unborn,

02:50:42-02:50:46

that they still see a place for them in Aotearoa.

02:50:47-02:50:51

They still recognise the promises that were promised by their tupuna

02:50:51-02:50:54

and signed with the Crown as well.

02:50:55-02:50:55

So, yeah.

02:50:56-02:50:56

Kia ora.

02:50:56-02:50:56

Kia ora.

02:50:57-02:50:57

Thank you.

02:50:57-02:50:58

Again, apologies.

02:50:58-02:51:00

We're out of time on this one.

02:51:00-02:51:02

But thank you both for presenting today on behalf of it too.

02:51:02-02:51:03

We appreciate your time.

02:51:03-02:51:04

Kia ora.

02:51:04-02:51:04

Thank you.

02:51:04-02:51:05

Tēnā koutou.

02:51:05-02:51:08

We're going to move to submission now from Ani Mikaire.

02:51:18-02:51:19

Is Ani here?

02:51:20-02:51:20

I am.

02:51:21-02:51:22

Online? Oh, kia ora, sorry, you're online.

02:51:23-02:51:26

Welcome, thank you for being present at the committee.

02:51:27-02:51:29

We've got you down for 10 minutes this afternoon,

02:51:29-02:51:31

so I'll hand over to you to give us your presentation.

02:51:33-02:51:34

Tēnā koutou.

02:51:34-02:51:53

I am strongly opposed to this bill

02:51:54-02:51:57

and I take heart from the quality of the many excellent submissions

02:51:58-02:51:59

that I've heard today opposing it.

02:52:01-02:52:02

I take my submission as read

02:52:02-02:52:04

but I would like to add the following comments.

02:52:06-02:52:08

For as long as the principles of the Treaty of Waitangi

02:52:09-02:52:10

have been enshrined in legislation,

02:52:11-02:52:13

the Crown has manipulated the concept

02:52:13-02:52:16

to serve its own implacable sense of entitlement.

02:52:17-02:52:20

The Crown has always sought to enforce

02:52:20-02:52:21

an interpretation of the principles

02:52:22-02:52:25

that gives effect to a watered-down version,

02:52:25-02:52:27

a watered-down interpretation

02:52:28-02:52:30

of the English language document, the Treaty,

02:52:30-02:52:35

and an interpretation that turns the Māori language document Te Triti o Waitangi on its head.

02:52:36-02:52:39

This bill continues that pattern of behaviour.

02:52:40-02:52:43

What sets it apart from earlier efforts, perhaps, is that this time,

02:52:44-02:52:47

the Crown can't even be bothered trying to mask its true intentions

02:52:48-02:52:51

by hiding behind protestations of good faith.

02:52:51-02:52:55

This time, the Crown is explicitly, indeed proudly,

02:52:55-02:52:57

pursuing an interpretation of the principles

02:52:57-02:53:02

that flies in the face of advice from anyone with relevant expertise,

02:53:03-02:53:04

including its own officials.

02:53:05-02:53:08

It's long been my view that an air of confusion

02:53:08-02:53:12

has been quite cynically fostered concerning the true meaning

02:53:12-02:53:17

of Te Triti o Waitangi, when in fact its meaning is very simple.

02:53:18-02:53:22

Te Triti, written in Te Reo Māori, was signed by over 500 rangatira

02:53:22-02:53:23

and by Governor Hobson.

02:53:24-02:53:26

It reaffirmed the supreme political authority

02:53:26-02:53:29

te tino rangatirutanga of the rangatira,

02:53:29-02:53:32

but delegated kawana tanga to the Crown

02:53:32-02:53:35

so that it could regulate the conduct of British citizens

02:53:35-02:53:37

who were living here in Aotearoa.

02:53:38-02:53:40

In effect, the rangatira were stipulating

02:53:40-02:53:43

that the Crown take responsibility for its own people

02:53:44-02:53:46

as a condition for being allowed to remain here.

02:53:48-02:53:51

The English-language treaty was signed by just 39 people,

02:53:52-02:53:54

I suspect by accident more than by design.

02:53:55-02:54:06

It's stated, of course, that the Rangatara ceded sovereignty to the Crown in return for a promise to uphold certain property rights, to accord them certain rights and privileges of British citizenships.

02:54:07-02:54:15

Now, there's never been any suggestion that the implications of the term sovereignty were mentioned, let alone explained, to these 39 people.

02:54:16-02:54:21

Now, it's plain that the Crown intended to acquire sovereignty in 1840.

02:54:21-02:54:26

However, that intention was never communicated to any of the Māori signatories.

02:54:27-02:54:34

The Waitanga Tribunal has rightly concluded that the meaning and effect of the 1840 Agreement

02:54:34-02:54:40

can only be found in what Britain's representatives clearly explained to the rangatira

02:54:40-02:54:42

and the rangatira then assented to.

02:54:43-02:54:50

The Agreement's meaning and effect is not to be found in Britain's unexpressed intention to acquire sovereignty.

02:54:51-02:54:57

So the truth of the matter is that the English language document, the treaty, is not actually worth the paper it is written on.

02:54:59-02:55:07

Now the Crown has long tried to fudge the fact that it never legitimately acquired sovereignty, utilising whatever tools have come to hand.

02:55:07-02:55:13

And over the past 50 years, the principles of the treaty have proven to be as useful a tool as any,

02:55:14-02:55:17

as is amply demonstrated by this latest attempt

02:55:18-02:55:22

to make te triti mean whatever the Crown says it means.

02:55:24-02:55:26

Principle 1, as described in the Bill,

02:55:27-02:55:29

represents a flagrant breach of te triti.

02:55:30-02:55:33

It unilaterally replaces the delegated authority

02:55:34-02:55:36

granted to the Crown by Rangatira in 1840

02:55:37-02:55:39

with a self-proclaimed supremacy.

02:55:40-02:55:43

The Crown is giving itself a free hand

02:55:43-02:55:47

to exercise sovereign authority unfettered by te triti obligations.

02:55:49-02:55:53

Principle two of the Bill strips the heart out of Tino-Rangatiratanga.

02:55:54-02:55:58

It transforms Tino-Rangatiratanga from the supreme political authority

02:55:59-02:56:02

that it was and that it still is, to a grudging acceptance

02:56:03-02:56:07

of the shamefully paltry entitlements conceded as part

02:56:07-02:56:10

of the so-called settlement of historical grievances.

02:56:12-02:56:29

Principle three, with its frankly facile promotion of equality as a concept, merely serves to lock in and accentuate the social, political and economic disparities brought about by 185 years of the Crown's abuse of kawana-tanga.

02:56:30-02:56:36

Now, the Crown has acquired the ability to behave with such reckless disregard for truth or decency,

02:56:37-02:56:42

not because it's stronger or clearer, or because it's in any way superior to the rest of us.

02:56:43-02:56:48

The Crown occupies its current position of privilege by virtue of the fact that it has lied,

02:56:49-02:56:55

cheated and infected its way to dominance during the decades immediately following Te Triti or Waitangi.

02:56:56-02:57:00

Now the precise detail of the process by which the Crown acquired dominance

02:57:01-02:57:04

may vary from iwi te iwi, from rohe te rohe,

02:57:05-02:57:07

but the general pattern remains depressingly constant.

02:57:09-02:57:13

Despite the fervour with which the Crown has sought to control

02:57:13-02:57:14

the national Te Tiriti narrative,

02:57:15-02:57:18

the principles of the treaty have played their part

02:57:18-02:57:22

in shifting that narrative over the past 50 years.

02:57:23-02:57:26

This is due in large part to the intellectual rigour

02:57:26-02:57:30

and the courage displayed by members of the Waitangi Tribunal.

02:57:31-02:57:34

Its report on this bill is a perfect example of this,

02:57:35-02:57:36

and I commend that report to you.

02:57:38-02:57:41

The Tribunal has worked hard to educate the nation,

02:57:41-02:57:46

reaching beyond the Crown obduracy to influence public opinion.

02:57:47-02:57:50

It's done this despite chronic under-resourcing

02:57:50-02:57:54

and an endless succession of governments intent on ignoring

02:57:54-02:57:58

or minimising its findings and recommendations wherever possible.

02:58:01-02:58:04

However, whatever progress has been achieved since 1975

02:58:05-02:58:08

would be erased with the passage of this bill.

02:58:09-02:58:15

This bill, to me, epitomises what I regard as lowest common denominator politics.

02:58:16-02:58:19

It panders to the basest of colonial instincts.

02:58:19-02:58:24

It incentivises those who have benefited from the immoral conduct of their forebears

02:58:24-02:58:27

to support an interpretation of Te Tiriti

02:58:27-02:58:31

that guarantees the preservation of their ill-gotten gains

02:58:31-02:58:32

at our expense.

02:58:33-02:58:36

The Treaty of Waitangi Principles Bill seeks to cultivate

02:58:37-02:58:41

greed, arrogance, ignorance and insecurity

02:58:42-02:58:43

in order to achieve its goals.

02:58:44-02:58:45

As I stated in my written submission,

02:58:46-02:58:49

no person with a shred of integrity or intellect

02:58:49-02:58:52

would wish to have any association with it.

02:58:52-02:59:01

So I urge this committee to demonstrate a measure of integrity and intellect by relegating this bill to the dustbin of history where it rightfully belongs.

02:59:02-02:59:22

And importantly, as others have said, by reminding the Crown that its energies would be far better spent coming to terms with the urgent need for constitutional transformation, as so ably foreshadowed by Matake Mai Aotearoa, by the Paparahi Otaraki Waitangi Tribunal, and by many others.

02:59:22-02:59:26

A kanoi tēnā mo tēnāi wa tēnã t

02:59:52-02:59:58

Absolutely. I listened with interest to Marilyn Waring's discussion of equality and I thought she was bang on.

02:59:59-03:00:12

Talking about equality when actually substantively what this Bill would be doing would be removing any small gains made towards achieving a greater measure of equality for Māori is disingenuous and extremely cynical.

03:00:13-03:00:14

Kia ora.

03:00:15-03:00:16

Thank you, Anne.

03:00:16-03:00:17

Thank you.

03:00:17-03:00:18

Thank you, Mr. Chair.

03:00:18-03:00:20

Tēnā koe ane, kā nui te mihi kā koe.

03:00:20-03:00:23

Te Paihuki o Te Rongo iwau

03:00:24-03:00:25

Whakaao Nui

03:00:25-03:00:26

Me te

03:00:27-03:00:29

Te Katoa o Tō Kōrero Tēnākui

03:00:30-03:00:31

You said

03:00:31-03:00:34

You made this statement cynically fostered

03:00:34-03:00:35

Which of course there was a smile on

03:00:36-03:00:36

Some of our faces

03:00:37-03:00:39

And then my question therefore is

03:00:39-03:00:41

To what end do you think

03:00:41-03:00:42

Because that's

03:00:43-03:00:46

The so-called confusion

03:00:46-03:00:48

Surrounding the meaning of Te Tiriti

03:00:49-03:00:49

It's been

03:00:49-03:00:54

deliberately fostered because even though the truth of what the treaty means is very simple,

03:00:54-03:01:02

it's a very inconvenient truth for any person who is wedded to the colonial obsession with power.

03:01:02-03:01:03

It's a very inconvenient truth.

03:01:03-03:01:07

And so therefore they have to try and spin this whole kind of myth about it.

03:01:07-03:01:07

Oh, it's so hard.

03:01:07-03:01:10

And we, you know, we have to take forever figuring out what it means.

03:01:10-03:01:11

We all know what it means.

03:01:11-03:01:12

It's clear as.

03:01:13-03:01:14

Thank you.

03:01:14-03:01:17

That's the 10 minutes allocated for your time today.

03:01:17-03:01:21

So I just want to say on behalf of the committee, thank you for taking the time to be with us this afternoon.

03:01:22-03:01:22

Kia ora.

03:01:23-03:01:28

Folks, we are now going to move to a submission from Tuwhare Tour.

03:01:29-03:01:33

But I just want to, just a couple of points of admin before we start.

03:01:34-03:01:37

We are approaching, I guess, about eight hours of submissions today.

03:01:38-03:01:43

So members might be getting a bit tired, but just remind members, you need to seek leave to take photos.

03:01:44-03:01:49

I know we're in public hearing, but just as a matter of courtesy, just please ask for permission to take photos,

03:01:49-03:01:53

in particular of submitters who may not have anticipated being photographed.

03:01:54-03:01:58

And that's same for the gallery too. Just please, no photos or filming in the gallery.

03:01:59-03:02:01

It is live streamed, so it is available for people to see.

03:02:02-03:02:07

The only ones that are available to take photos are the media and parties who have sought leave previously.

03:02:07-03:02:13

Just the second bit of admin is that earlier on today, we made a clarification about Hobson's Pledge,

03:02:13-03:02:15

not responding by the deadline.

03:02:16-03:02:20

I'm advised that the clerks team did receive an email before the deadline.

03:02:20-03:02:23

However, it was after all of the slots had been allocated.

03:02:23-03:02:27

So their invitation would have carried over to the next time we had some slots.

03:02:28-03:02:31

So just wanted to apologise for Hobson's speech for the, I guess,

03:02:31-03:02:32

misunderstanding of the misunderstanding.

03:02:33-03:02:36

But just to acknowledge that we appreciate them for providing the suggestion as well.

03:02:37-03:02:37

Thank you.

03:02:37-03:02:42

Okay, so let's move on now to our submission from Te Whore Toa.

03:02:42-03:02:46

And I think we've got Luke at the table and do we have Loisa online.

03:02:47-03:02:48

Thank you both for joining us.

03:02:49-03:02:51

We've got 10 minutes for you this afternoon,

03:02:51-03:02:52

so I'll hand over to you to start your presentation.

03:02:54-03:02:57

Me pewhia kenga kore rotu i whaia ani.

03:02:58-03:02:58

Whaia nora.

03:02:59-03:03:02

O nātate whare toa tēnei whakutiri aki te matāhoa tō tātēnei.

03:03:03-03:03:04

Ari ki te auheu.

03:03:05-03:03:08

Nā reira, tēnā koutou, tēnā koutou i te poari.

03:03:09-03:03:13

Tēnā koutou rotu i nei o ngā tini kaupapa o te wānei.

03:03:13-03:03:15

Kore nō ki re rea tu āmihi.

03:03:16-03:03:17

It's ti wairu o te wānei.

03:03:17-03:03:18

Tia nō.

03:03:19-03:03:21

Rātou ki rātou tātou ngā whatūra rātou mā.

03:03:24-03:03:26

Metu mia nō ki tāku upoko.

03:03:27-03:03:28

Loisa.

03:03:29-03:03:31

Ono rā ki a Watu te rākau.

03:03:32-03:03:32

Kia loisa.

03:03:35-03:03:36

Kia ora, Mr. Tia.

03:03:37-03:03:37

Ki māti members.

03:03:38-03:03:40

Tēnā koutou katoa.

03:03:40-03:03:43

As Chair of the Tūwharetoa Iwi Māori Partnership Board,

03:03:44-03:03:47

I join colleague Luke Rowe to express opposition

03:03:47-03:03:49

to the principles of the Treaty of Waitangi Bill

03:03:50-03:03:53

on behalf of Tūwharetoa IMPB.

03:03:54-03:03:57

I too acknowledge Te Ariki Nui Tatumuta Hiau Hiau,

03:03:57-03:03:59

Paramount Chief of Ngāti Tūwharetoa,

03:04:00-03:04:03

who has appointed us in the exercise of our roles

03:04:03-03:04:05

and responsibilities under the Pai Ora

03:04:06-03:04:08

Healthy Futures Act 2022.

03:04:38-03:04:44

fails to honour the intent of Te Tiriti. It diminishes the mana and tēnō rangatirutanga

03:04:44-03:04:50

of iwi and hapu and undermines the foundational relationship between Māori and the Crown.

03:04:51-03:04:57

While it purports to clarify, it results in confusion and risks damaging trust and eroding

03:04:57-03:05:04

the constitutional basis of Aotearoa New Zealand. The Cabinet Manual recognises Te Tiriti o

03:05:04-03:05:08

Waitangi is a founding document of New Zealand's government,

03:05:08-03:05:15

a principle articulated by the Right Honourable Sir Kenneth Keith in 1990 and upheld today.

03:05:17-03:05:22

Any legislation undermining te tiriti disregards this constitutional commitment.

03:05:24-03:05:29

The Bill claims legislatively undefined treaty principles create ambiguity,

03:05:29-03:05:36

but this ignores decades of careful articulation by the Waitangi Tribunal and the courts.

03:05:37-03:05:42

These reports and determinations on the interpretation of the principles of te tiriti

03:05:42-03:05:47

reflect the status of te tiriti as our constitutional foundation.

03:05:49-03:05:55

The regulatory impact statement itself identifies the status quo as the preferred approach.

03:05:56-03:06:02

It highlights how existing processes have recognised Māori-Crown relations, acknowledged

03:06:02-03:06:06

tenoranga tiretanga and maintained constitutional balance.

03:06:07-03:06:14

The rationale for the Bill provides no evidence that legislating treaty principles would enhance

03:06:14-03:06:15

these outcomes.

03:06:16-03:06:18

Highlighting flaws in the process.

03:06:19-03:06:21

Firstly, lack of consultation.

03:06:22-03:06:27

The bill was developed without meaningful engagement with Māori as the Te Tiriti partner.

03:06:28-03:06:32

This is a fundamental breach of articulated principles of Te Tiriti,

03:06:33-03:06:36

particularly principles of partnership and participation.

03:06:37-03:06:41

The Waitangi Tribunal has already found the bill discriminatory

03:06:41-03:06:44

and inconsistent with Article 2 of Te Tiriti,

03:06:45-03:06:47

citing significant prejudice to Māori rights.

03:06:49-03:06:52

Secondly, there's a narrow focus on political commitments.

03:06:53-03:06:58

The regulatory impact statement was driven by coalition commitments

03:06:59-03:07:02

rather than a genuine intent to honour te tiriti.

03:07:03-03:07:07

This narrow scope has resulted in misguided and limited analysis,

03:07:08-03:07:10

insufficient testing of assumptions,

03:07:10-03:07:14

and failure to explore broader constitutional impacts.

03:07:16-03:07:17

The key risks of this bill.

03:07:18-03:07:22

Firstly, undermining Maori Crown relations.

03:07:23-03:07:27

By defining treaty principles in a way that ignores the status of Maori

03:07:27-03:07:34

as indigenous First Nations people who entered a treaty that reflected that status

03:07:34-03:07:38

to enable the establishment of the governance of Aotearoa

03:07:39-03:07:42

is a distortion of the history of Aotearoa New Zealand.

03:07:43-03:07:48

It undermines the significance of Te Tiriti o Waitangi and the purported partnership.

03:07:48-03:07:52

Secondly, constitutional uncertainty

03:07:53-03:07:59

Rather than enhancing clarity, the bill undermines established jurisprudence and creates confusion

03:08:00-03:08:07

It threatens to destabilise Māori Crown relations by disregarding the interpretations that have evolved over time

03:08:08-03:08:11

And thirdly, ignoring Tino Ranga Tiritanga

03:08:11-03:08:29

The bill fails to recognise iwi and hapu as treaty partners and undermines existing mechanisms that provide Māori with a role in decision-making, such as the Paiora Act, which establishes iwi-Māori partnership boards as te tititi partners.

03:08:30-03:08:45

IMPBs play a critical role in this framework, with responsibilities that extend beyond advisory functions to include assessing, monitoring, planning and delivering health services within their rohe.

03:08:46-03:08:53

Their contributions are essential to achieving the objectives of the Act and fulfilling their role as Te Tiriti partners.

03:08:55-03:09:04

Fundamentally, this bill seeks to rewrite the basis of Te Tiriti o Waitangi, excluding any recognition of Māori and Tēnō Ranga Tiritanga.

03:09:05-03:09:09

In conclusion, this bill in its current form cannot proceed.

03:09:10-03:09:19

It fails to uphold Te Tiriti o Waitangi, undermines Māori Crown relations and risks destabilising our constitutional framework.

03:09:20-03:09:28

This bill must be rejected and a commitment made to processes that empower Māori to co-design legislative frameworks,

03:09:29-03:09:34

ensuring the mana and tenorangatiratanga of iwi and hapu are upheld.

03:09:35-03:09:40

Therefore, I urge the Select Committee to recommend that this bill not proceed,

03:09:41-03:09:47

as Standing Order 299 allows the committee to determine whether a bill should advance.

03:09:47-03:09:52

Ngā mihi nui kia koutou, and I'm very happy, as is Luke, to answer any questions.

03:09:53-03:09:53

Yeah, that's awesome.

03:09:53-03:09:54

Kia ora, Luke.

03:09:54-03:09:55

We've got time for questions.

03:09:55-03:09:58

We'll start with Todd Stevenson, then Māori Mino Kapki.

03:09:59-03:09:59

Hi, both.

03:09:59-03:10:01

Thank you for being here and your submission.

03:10:01-03:10:04

I just wanted to go to page two of your submission.

03:10:04-03:10:09

You talk about investment in iwi and hapu-led initiatives, and talking there about health and

03:10:09-03:10:10

education, for example.

03:10:11-03:10:15

We know that we spend about $6,000 per person in New Zealand on healthcare.

03:10:17-03:10:23

And you're saying, you know, there could be some clauses to kind of give this direct allocation and funding to these initiatives.

03:10:24-03:10:33

So if we could introduce a way where someone could opt in to a hapū or iwi-led healthcare system using that $6,000, would you be in support of that?

03:10:35-03:10:48

Opt in? Well, from an IMPB perspective, we have responsibilities under the Act, as I've talked about, that will eventually lead to us being strategic commissioners in our own right.

03:10:49-03:10:57

Our mandate and our purview is to ensure that our tribal members have access to best practice medical treatment and prevention.

03:10:58-03:11:03

So others opting into an iwi-led health service over time,

03:11:04-03:11:06

we would welcome anybody to use our health service.

03:11:06-03:11:11

And in fact, our ariki has been very clear that we serve all those

03:11:11-03:11:14

who live within the jurisdiction of Ngāti Tūwharetoa iwi.

03:11:15-03:11:19

So if you simply want to quantify it in monetary terms,

03:11:21-03:11:25

what we're looking for is to embed ourselves within the health system

03:11:25-03:11:28

to take our rightful place and have a role and responsibility

03:11:29-03:11:30

in maintaining the health and wellbeing,

03:11:31-03:11:33

not only of our tribal members,

03:11:33-03:11:36

but anybody who calls the tuwhare rohe their home.

03:11:37-03:11:38

Thanks, Todd. Thanks.

03:11:38-03:11:40

What's Marimeno last question?

03:11:41-03:11:43

It was a tēnā koe paura ko lū, kāne te mihi.

03:11:45-03:11:48

Amongst the rhetoric running at times,

03:11:48-03:11:55

the words such as ancestry mustn't matter in this instance,

03:11:55-03:11:58

like it's not a marker, whether it's in a political,

03:11:58-03:12:01

constitutional, political context.

03:12:02-03:12:03

So it can't matter.

03:12:04-03:12:09

In an IMPB reality on the ground, how do you hear that?

03:12:09-03:12:13

How do you relate to that kind of thinking?

03:12:14-03:12:17

Well, from a tribal perspective, we don't relate at all

03:12:17-03:12:19

because whakapapa is everything.

03:12:20-03:12:23

Whakapapa determines your identity

03:12:24-03:12:27

through obviously our connection to our maunga,

03:12:27-03:12:29

to our awa, to our rohe,

03:12:30-03:12:34

and not only to ourselves as human beings,

03:12:34-03:12:37

but obviously the health of our whenua.

03:12:39-03:12:41

And because we have roles and responsibilities

03:12:41-03:12:42

within that context,

03:12:42-03:12:46

then anybody who lives within the iwi or tuwhare toa,

03:12:46-03:12:51

we have a responsibility to ensure that their health and wellbeing is upheld.

03:12:52-03:12:56

So our fight for our health and wellbeing as Ngāti Tūwharetoa,

03:12:56-03:12:59

in fact, is a fight for the health and wellbeing of all those

03:12:59-03:13:00

who call Ngāti Tūwharetoa home.

03:13:01-03:13:03

Thank you, Luisa. Thanks, folks.

03:13:04-03:13:05

Luisa, Luke, thank you both for being here this afternoon.

03:13:06-03:13:06

We appreciate your time.

03:13:07-03:13:16

I'd like to invite now Garnish Nana to the table.

03:13:46-03:13:59

I'm a first generation New Zealander born in Aotearoa to parents who immigrated here as young newlyweds from India many decades ago.

03:14:00-03:14:02

I am proudly Tangata Triti.

03:14:03-03:14:09

I thank the committee for the opportunity to be heard, and I think it's appropriate I congratulate the chair on his recent promotion.

03:14:10-03:14:15

I also wish to acknowledge and mihi to the many tens and indeed hundreds of thousands

03:14:15-03:14:18

who will not get such an opportunity to be heard here.

03:14:19-03:14:24

I feel privileged in this opportunity and feel their weight on my shoulders,

03:14:24-03:14:28

but also their wairua in support of and lifting me in this kaupapa.

03:14:29-03:14:35

In addition to my written submission, I wish to emphasise that this bill is not

03:14:35-03:14:39

and should not be treated by this committee as any ordinary bill.

03:14:40-03:14:43

It requires more than standard processing.

03:14:43-03:14:46

Your task is so much more than that.

03:14:47-03:14:54

This thoroughly repulsive bill is yet another disingenuous act of total disregard and disrespect

03:14:55-03:14:58

for the status and manner of Te Triti o Waitangi.

03:14:59-03:15:03

And this has caused considerable hurt and harm to Māori.

03:15:03-03:15:17

It has magnified, emboldened, normalised and legitimised racist thinking, actions, attitudes and understandings that have hurt and harmed all in Aotearoa, Tangata Riti and Tangata Whenua.

03:15:18-03:15:23

I acknowledge that several leaders have said this bill will not proceed beyond this committee stage.

03:15:24-03:15:28

That may be so, but that is wholly and totally insufficient.

03:15:29-03:15:35

The hurt and harm has already occurred and is continuing to occur.

03:15:36-03:15:43

That hurt and harm and disregard and disrespect must be acknowledged, recognised and corrected.

03:15:44-03:15:53

As listed in my submission, there must be a formal apology from this House that this repulsive bill ever got introduced in the first place.

03:15:53-03:15:56

and there must be

03:15:57-03:15:58

concerted and genuine efforts

03:15:59-03:16:00

to repair the bridge between

03:16:00-03:16:01

Māori and the Crown

03:16:02-03:16:04

While there may be leaders in this

03:16:05-03:16:06

room who are comfortable with the

03:16:06-03:16:08

bill just being voted down

03:16:09-03:16:10

I am waiting for the adults

03:16:11-03:16:12

in the room to stand up and take

03:16:13-03:16:13

responsibility

03:16:14-03:16:16

Sadly I find myself

03:16:17-03:16:17

asking

03:16:18-03:16:20

if there are actually

03:16:20-03:16:22

any adults in the room

03:16:22-03:16:23

or in the house

03:16:23-03:16:31

I strongly urge this committee to see themselves as and act as the adults in the room.

03:16:32-03:16:34

Nō reira, tēnā koutou, tēnā koutou.

03:16:34-03:16:35

Kia ora koutou, kato.

03:16:35-03:16:36

Thank you, Dr Narno.

03:16:36-03:16:37

Plenty of time for questions.

03:16:38-03:16:40

I'll open that up to members for any questions.

03:16:41-03:16:42

We'll start with Tanguyo.

03:16:43-03:16:43

Thank you, Mr Chair.

03:16:44-03:16:45

Thank you for your submission.

03:16:46-03:16:51

I was interested in your contribution there that the committee should adopt approach that

03:16:51-03:16:54

is more than the standard processing of a bill,

03:16:54-03:16:56

given that there is a huge number of submissions

03:16:57-03:16:58

and, as you yourself pointed out,

03:16:58-03:17:00

the inability for the committee to hear from everyone,

03:17:01-03:17:04

how do you suggest the committee approaches that?

03:17:05-03:17:08

Separate to the apology that you've called for from the House

03:17:09-03:17:10

for the introduction of the bill,

03:17:10-03:17:12

but in terms of the standard processing,

03:17:13-03:17:18

what sort of advice or suggestion would you give for this committee

03:17:19-03:17:20

in terms of approaching it in that way?

03:17:21-03:17:37

Well, I think, firstly, that recognition that this bill, as other submitters have made the point, transgresses a whole lot of constitutional matters and foundational matters for this country that I am not at all expert in.

03:17:38-03:17:43

But at least at the very least, recognise that difference between sovereignty and governance.

03:17:44-03:17:47

and if we're serious about constitutional matters

03:17:47-03:17:49

and constitutional review,

03:17:49-03:17:52

recognise that this House is long behind

03:17:53-03:17:55

what has already been started within Māori.

03:17:56-03:17:59

If we talk about mātiki mai and other processes,

03:17:59-03:18:01

Māori have been talking about these things

03:18:02-03:18:05

for a lot longer than this current parliament

03:18:05-03:18:07

or indeed previous parliaments

03:18:07-03:18:09

and let's have that conversation

03:18:09-03:18:12

from a genuine perspective of partnership

03:18:12-03:18:16

as was part of Te Triti

03:18:16-03:18:22

and let's have that engagement in a genuine manner

03:18:22-03:18:24

and that's part of adults in the room

03:18:25-03:18:26

recognising their own weaknesses,

03:18:26-03:18:27

recognising their own status

03:18:28-03:18:30

and recognising their own positions of power.

03:18:32-03:18:32

Thank you.

03:18:33-03:18:34

Thank you.

03:18:34-03:18:36

Danis, tēnā kui.

03:18:36-03:18:38

Nau nāiaere mai ki tēnei tōwhare.

03:18:39-03:18:43

You talked about the emboldened, this whole Seymour bill.

03:18:43-03:18:47

It's emboldened the behaviour, the worst things.

03:18:48-03:18:52

And I'm interested in your community, your community, communities.

03:18:53-03:18:54

What have you witnessed?

03:18:54-03:18:55

What have you seen?

03:18:55-03:18:56

What have you heard?

03:18:56-03:18:58

What have you felt in that regard?

03:18:59-03:19:03

Well, I don't want to give them the standing that they don't deserve,

03:19:03-03:19:07

but you just need to, and I wouldn't because I've deleted most of it,

03:19:07-03:19:08

but you just need to see the inbox.

03:19:08-03:19:16

messages on my emails alongside many others that I communicate with. You see it in social media and

03:19:17-03:19:23

indeed in other media where the disinformation and or misinformation about the understandings of

03:19:24-03:19:30

Tātriti are being put forward as the balanced view. There's one side and there's another side.

03:19:31-03:19:37

We have made as a nation significant progress in my lifetime about understanding of Tātriti,

03:19:38-03:19:41

recognising the background that I put out in my written submission,

03:19:41-03:19:44

starting from literally zero when I was at primary school

03:19:44-03:19:48

and through high school, that progress is being harmed

03:19:48-03:19:53

and set back undoubtedly by the information that's out there

03:19:53-03:19:56

that the treaty was, in effect, a nullity and you don't have

03:19:56-03:19:59

to recognise it because Parliament is sovereign

03:19:59-03:20:02

and we're allowed to make whatever legal decisions we like

03:20:02-03:20:03

and those sorts of things.

03:20:03-03:20:09

It's just not an appropriate or conducive manner

03:20:09-03:20:13

to have a grown-up conversation about these important matters

03:20:14-03:20:16

if we're talking about Aotearoa in the 21st century.

03:20:17-03:20:19

We'll go Rima and then Glenn.

03:20:21-03:20:24

Doctor, thank you for highlighting how young I look.

03:20:25-03:20:27

So, Doctor, so what's your PhD in?

03:20:27-03:20:28

Economics.

03:20:28-03:20:29

Economics, okay.

03:20:30-03:20:34

So while you worked in 2021,

03:20:34-03:20:38

we went into one of our worst recessions in history.

03:20:38-03:20:39

But thank you for your comments.

03:20:41-03:20:41

Am I allowed?

03:20:43-03:20:44

There's no need to respond, don't they?

03:20:46-03:20:47

Thank you.

03:20:47-03:20:49

And in your opening submission,

03:20:49-03:20:51

you talked obviously about your titility

03:20:51-03:20:53

as the reason your parents were able to come here.

03:20:53-03:20:56

And in your written submission, I quote,

03:20:56-03:20:58

you say migrants who have come to this country

03:20:58-03:21:02

for many decades are the very embodiment of tangata te tiriti.

03:21:02-03:21:04

Can you just unpack that a little bit more for us, please?

03:21:05-03:21:09

Well, right from the very beginning, we've got to read Te Triti

03:21:09-03:21:12

and read indeed the preamble Te Triti, very much founded

03:21:12-03:21:17

on that immigration discussion argument, that fundamental,

03:21:18-03:21:22

were Maori going to allow the colonisers to come in

03:21:22-03:21:23

and settle this place?

03:21:24-03:21:26

And so from there, that really does enable,

03:21:26-03:21:33

that allows Pemits, my predecessors, my parents and others,

03:21:33-03:21:37

to come here and settle and indeed enable them to continue to be here.

03:21:38-03:21:45

We are here because our tūpana, our leaders, the Crown and Māori signed te tiriti.

03:21:46-03:21:49

That is what enables this nation to grow and develop

03:21:49-03:21:53

as a Pacific nation of many peoples, not just a nation of Māori,

03:21:54-03:22:01

not just a nation of English people, a nation of many peoples

03:22:01-03:22:02

based in the South Pacific.

03:22:03-03:22:06

And it's from there that we need to look forward.

03:22:06-03:22:10

How do we build on the strengths of all of our people coming together?

03:22:10-03:22:12

Final question from Tamika.

03:22:13-03:22:13

Hey, kia ora.

03:22:15-03:22:19

Just on the suggestion that you made around the formal apology to Māori,

03:22:20-03:22:22

which I think is a good suggestion,

03:22:22-03:22:26

and it's, I think, the first kind of suggestion like that today.

03:22:27-03:22:30

But, I mean, this Crown apologises for all sorts of stuff

03:22:30-03:22:32

and continues on with the same BS all the time.

03:22:32-03:22:36

So, like, what more can we do that would actually show

03:22:37-03:22:40

that the Crown was actually committed to being an honourable partner

03:22:40-03:22:42

to Te Tiriti rather than trampling on it all the time?

03:22:42-03:22:45

Well, I go to my other points in the recommendations.

03:22:46-03:22:48

And, yes, I acknowledge the Crown have apologised to Māori

03:22:48-03:22:49

for lots of things.

03:22:49-03:23:08

The key thing is genuine apology, which is backed up by a package of things around, in particular, I point out the initial steps, very much of the House concerns Te Tiriti Waitangi and He Whakaputanga as founding documents of Aotearoa and acknowledges that Māori never ceded sovereignty.

03:23:08-03:23:13

and that point that has been made and found by many legal scholars

03:23:13-03:23:16

and indeed backed up by Te Titi Waitangi, sorry, the Waitangi Tribunal

03:23:17-03:23:22

in its finding in whenever it was, and I'm sure you'll be aware of that.

03:23:23-03:23:30

Those are two concrete matters that would at least embed this house

03:23:31-03:23:34

recognises its position rather than it being all-powerful,

03:23:34-03:23:38

but its position as a partner to Māori.

03:23:38-03:23:39

Thank you, Dr Nga.

03:23:39-03:23:41

Thank you for your time this afternoon.

03:23:41-03:23:43

We appreciate you being with us for your submission.

03:23:43-03:23:44

I'd like to invite to the table

03:23:45-03:23:46

Colin Grace Aotearoa,

03:23:46-03:23:50

who are with us in person and in Zoom.

03:23:51-03:23:52

Sorry, folks.

03:24:00-03:24:00

Guys, come on.

03:24:02-03:24:03

Please don't interrupt on the floor.

03:24:03-03:24:05

It's not a time for participation.

03:24:07-03:24:08

Meeting is suspended.

03:24:08-03:24:09

Please clear the room.

03:24:12-03:24:14

Okay, thank you, folks.

03:24:14-03:24:15

The meeting's restarted.

03:24:15-03:24:17

I'll just explain what the ruling is there.

03:24:17-03:24:23

So the committee has allocated time to each submit it to users they see fit.

03:24:23-03:24:26

We are quite strict on time because we've got a number of submissions to get through.

03:24:27-03:24:29

And if we have interruptions or disorder from the gallery,

03:24:30-03:24:32

that eats into everyone else's submissions time

03:24:32-03:24:34

and eventually means we can hear fewer submissions.

03:24:34-03:24:37

So the ruling from the Chair on behalf of the committee

03:24:37-03:24:40

is that submitters have time to use as they see fit.

03:24:40-03:24:43

If they would like to have members of the gallery support them

03:24:43-03:24:45

during their allocated time, that is absolutely fine.

03:24:45-03:24:49

Once the time has expired and we move on to the next submitter,

03:24:49-03:24:50

we will be moving on to those submissions.

03:24:52-03:24:57

Feel entitled and welcome to have your supporters support you during your time.

03:24:57-03:24:59

But if we come to an end of the submission period,

03:25:00-03:25:01

we'll have to move on to the next submitter.

03:25:01-03:25:07

And members of the gallery or the public, you are observers in the submission process.

03:25:07-03:25:14

You aren't participants unless you are invited by the committee or by the senator to participate in the proceedings.

03:25:14-03:25:17

And even then, it is up to the chair and the committee as to whether that happens.

03:25:18-03:25:23

So in saying that, we will move now to our submission from Commonwealth Race Aotearoa.

03:25:23-03:25:26

We've got Alex joining us online and at the table.

03:25:26-03:25:30

I don't have your name, sorry, but if you can introduce yourself when we start, that'd be appreciated.

03:25:31-03:25:32

You won't lose any time from this.

03:25:32-03:25:35

Everyone will still get the full allocation from here.

03:25:35-03:25:36

So thank you.

03:25:36-03:25:37

We've got you for 10 minutes this afternoon.

03:25:37-03:25:39

I'd invite you to begin your presentation.

03:25:41-03:25:43

Tēnāi tamihi ki a koutou.

03:25:43-03:25:45

E mihi ana ki o koutou Mahihirahira.

03:25:45-03:25:46

He Taki Naua.

03:25:47-03:25:48

He Taki Nui Rau atu.

03:25:49-03:25:51

Ki Tautoko Tonu tātou i ngā tikanga o te Tiriti.

03:25:52-03:25:56

Ka tau te teka i ronga i te rangi Māori e me te kotahitanga.

03:25:56-03:25:58

E tamihi, e tamihi, e tamihi.

03:25:59-03:26:02

He karoria te atoa, e rungarawa, kia mau te rongo,

03:26:03-03:26:05

e runga ki te whenua, me te whakaaro pai,

03:26:05-03:26:06

ke ngā tangata katoa.

03:26:07-03:26:07

Amene.

03:26:09-03:26:11

Tēnā koutou, e rā Rangatira Mā,

03:26:11-03:26:12

ko Iron Hopana ahau,

03:26:13-03:26:15

nō tuwhare toa, me raukawa, me te aroa,

03:26:16-03:26:16

mōku iwi.

03:26:17-03:26:20

I'm a Treaty Justice team member with Common Grace Aotearoa.

03:26:20-03:26:20

Kia ora.

03:26:23-03:26:25

Tēnā koutou, ko Alex Johnston tō kia wangua.

03:26:25-03:26:28

I'm one of the co-directors of Common Grace Aotearoa.

03:26:29-03:26:34

Tēnā koutoua katoa, ko Kate Day toka ingoa, ko tangata tiriti ahau.

03:26:35-03:26:40

On behalf of Common Grace, we are speaking today to oppose the Bill.

03:26:41-03:26:47

Common Grace Aotearoa is a movement of 3,000 followers of Jesus from all denominations across Aotearoa

03:26:48-03:26:51

that speak up together for climate, economic and tiriti justice.

03:26:52-03:26:56

Our vision is to see a flourishing of all people and the earth

03:26:56-03:26:59

by transforming unjust structures in society.

03:27:00-03:27:02

We are an independent organisation

03:27:02-03:27:05

and so we don't speak on behalf of any church denomination.

03:27:06-03:27:10

However, with broad connections into multiple church communities,

03:27:10-03:27:14

we can give you a sense of the strength of feeling among the church

03:27:14-03:27:19

in support of Te Tiriti and against the Treaty Principles Bill.

03:27:20-03:27:23

We are the organisation that coordinated an open letter

03:27:23-03:27:27

from church leaders stating they oppose the intent of the bill

03:27:27-03:27:31

and appealing to all MPs not to let it get to select committee.

03:27:33-03:27:36

At the time, 440 church leaders signed,

03:27:37-03:27:40

including the most senior leaders of Catholic, Anglican, Methodist,

03:27:41-03:27:43

Salvation Army and Pentecostal denominations.

03:27:44-03:27:48

The number of signatories is now over 600 church leaders,

03:27:49-03:27:52

which to our knowledge is the largest collective action

03:27:52-03:27:55

or political statement by church leaders in recent history.

03:27:57-03:27:58

The letter stated,

03:27:59-03:28:00

We affirm that Te Tiriti o Waitangi

03:28:01-03:28:04

protects the tenoranga tiritanga of hapu and iwi.

03:28:04-03:28:08

The proposed bill is inconsistent with Te Tiriti o Waitangi

03:28:09-03:28:12

in that it does not recognise the collective rights of iwi Māori

03:28:12-03:28:14

or guarantee their relationship with the Crown.

03:28:15-03:28:17

It would undermine what Te Tiriti guarantees

03:28:17-03:28:22

and what decades of law, jurisprudence and policy have sought to recognise.

03:28:25-03:28:29

As Common Grace Aotearoa, last year we also ran an education programme

03:28:29-03:28:35

for church congregations about tete-tete that has been taken up by 280 churches.

03:28:37-03:28:42

This momentum and appetite for education are something that we would describe

03:28:42-03:28:43

as a movement of God's spirit.

03:28:46-03:28:51

So to follow on from what Kate said, why is there such a strong feeling from Christians on this issue?

03:28:53-03:28:59

Well, Christians are the inheritors of the legacy of the missionaries involved in the drafting, promotion and signing of Te Tiriti o Waitangi.

03:29:00-03:29:04

And so we acknowledge a duty of care for upholding the mana of Te Tiriti o Waitangi.

03:29:06-03:29:12

Like many other Christians, we see Te Tiriti o Waitangi as a covenant, a sacred promise of relationship.

03:29:13-03:29:17

It is not just a legal document between the crown and rangatira, although it certainly has

03:29:17-03:29:23

important legal obligations that flow from it. Covenants in the Bible, like those between Noah

03:29:23-03:29:29

and God or between Abraham and God, had characteristics of permanence, terms of mutual

03:29:29-03:29:36

benefit, mutual responsibilities, and faithfulness to the relationship over the long term. Titititi

03:29:36-03:29:41

and the intent of the parties at the time embodied all of those characteristics.

03:29:42-03:29:46

We believe God takes covenants seriously, and therefore as people seeking to follow God,

03:29:47-03:29:51

we take seriously our role in honouring te tititi and calling on the Crown to do so.

03:29:52-03:29:57

Jesus said, let our yes be yes and your no be no, and so our words and promises need to mean something.

03:29:59-03:30:01

We want the partnership to thrive.

03:30:01-03:30:04

The Treaty Principles Bill breaches that partnership.

03:30:05-03:30:09

Te tititi is an embodiment of the partnership between Tangata Whenua and Tangata Tititi,

03:30:10-03:30:13

where those people are committed to ensuring the best for each other

03:30:13-03:30:15

in respect, equality and kotahitanga.

03:30:16-03:30:19

This partnership model is the foundation for a flourishing,

03:30:19-03:30:21

peaceful life in New Zealand for all.

03:30:22-03:30:27

It is a Kiwi constitutional expression of loving your neighbour as Jesus commands.

03:30:28-03:30:32

We sense this is why we have seen so much support across the Church for Te Tiriti o Waitangi.

03:30:33-03:30:35

By contrast, this bill is being driven solely by the Crown,

03:30:36-03:30:41

without input, consultation, support, or agreement from te iwi Māori.

03:30:42-03:30:44

This is prejudicial and an abuse of power.

03:30:46-03:30:49

The content of the Bill further undermines the partnership between the Crown and Tangata Whenua,

03:30:50-03:30:56

and damages the social cohesion, peacefulness, and mutual respect that the existing partnership brings.

03:30:58-03:31:02

Our written submission details further how this Bill distorts the text of te tititi,

03:31:03-03:31:06

and we affirm the findings of the Waitangi Tribunal in this regard.

03:31:06-03:31:11

and we submit that this bill has caused real harm as many other submitters have noted.

03:31:12-03:31:17

Now shifting to our recommendations, Christian teaching gives us a very clear steer of what to do

03:31:17-03:31:23

in circumstances of a breach, a severe breach of a promise like this. We repent, we say sorry and we

03:31:24-03:31:29

turn our behaviour around. So we recommend that this committee recommends this bill be dropped in

03:31:29-03:31:36

its entirety. We recommend that the Crown apologise to Iwi Māori and take active steps to restore the

03:31:36-03:31:41

has been done to the treaty relationship. Thank you for your time and attention after this long

03:31:41-03:31:46

day of hearing submissions. There is a big task ahead of you and we pray that the love, the grace

03:31:46-03:31:50

and the peace of our Lord go with you through this process and we look forward to your questions.

03:31:51-03:31:55

Yeah folks, we do have time for questions. I'll hand over to members to indicate if anyone's got

03:31:55-03:31:58

any questions. Yeah.

03:31:59-03:32:05

Kia ora. Thank you for that. Well, first one's a quick one. Alex, I really liked what you were

03:32:05-03:32:11

saying before about the Christian values that could be applied to the way that we understand and

03:32:11-03:32:17

apply covenants. You said mutual benefit, good faith, permanence. What were the other ones?

03:32:19-03:32:24

Mutual benefits as well as mutual responsibilities and a commitment to the relationship over

03:32:25-03:32:31

the interests of the self. So those are some, I can recommend the research of Hamish McLean in

03:32:31-03:32:36

this regard in terms of the similarities between covenants in the Bible and the kawana

03:32:36-03:32:37

of Te Tiriti o Waitangi.

03:32:38-03:32:39

Yeah, man, kiaura.

03:32:39-03:32:39

Thank you, Alex.

03:32:40-03:32:46

And I guess my other question for the whole group would be, aside from the points you've

03:32:46-03:32:53

set out in your submission and spoken to today, are there, like, you know, 600 church leaders,

03:32:53-03:32:54

that's pretty massive.

03:32:55-03:33:00

And obviously there'd be a diversity of reasons as to why they sign on to the open letter.

03:33:00-03:33:09

And I wonder, are there any other things outside of this bill and outside, sorry, the submission that you think drew people to supporting the open letter?

03:33:10-03:33:19

Like one I'm thinking of is maybe the desire to avoid disharmony or like some other reasons why people might have gone to supporting your letter.

03:33:25-03:33:38

Yeah, I mean, I think, yeah, like you say, there's a lot of reasons, but it is a very, actually quite a bold statement for church leaders to make, given that the congregations are diverse and yet here they are taking a stand, which is rare.

03:33:38-03:33:42

So I think, yeah, I think our words need to mean something.

03:33:43-03:33:51

We have a history that ties us to the very, like the humanitarian movement that called for there to be a treaty and then the dissemination of it as well as the translation.

03:33:51-03:33:54

and although the good and bad has come with that

03:33:54-03:33:56

but we have a role to play now

03:33:56-03:33:59

and I guess we feel that

03:33:59-03:34:01

so that's another reason

03:34:01-03:34:03

as well as seeing the harm

03:34:04-03:34:06

and seeing a head to the harm

03:34:06-03:34:06

that could be caused

03:34:07-03:34:08

and disharmony too.

03:34:08-03:34:09

Thank you Kate.

03:34:09-03:34:11

We've got a question from Tax Fierce

03:34:11-03:34:12

possibly the last one.

03:34:13-03:34:14

Kia ora koutou.

03:34:14-03:34:15

Thank you for your submission.

03:34:16-03:34:18

The churches have played a large role

03:34:18-03:34:19

in colonisation

03:34:19-03:34:20

and they're still here

03:34:20-03:34:21

and they provide a lot of good

03:34:21-03:34:23

and all of those types of things.

03:34:24-03:34:28

You guys are fairly young people, so I'm interested to hear.

03:34:29-03:34:33

You don't all have to answer, but what's your aspiration

03:34:33-03:34:36

for the treaty and the churches is going forward?

03:34:38-03:34:39

Oh, that is such a good question.

03:34:40-03:34:43

Yeah, I mean, first off, we do just acknowledge the role of the church

03:34:43-03:34:46

in many ways and, you know, partnering sometimes in taking land

03:34:47-03:34:50

and benefiting materially from the harms of colonization,

03:34:50-03:34:54

and that is something that we own as well with our legacy as being part of the church.

03:34:55-03:34:58

But that also gives us this responsibility to do,

03:34:59-03:35:03

to take opportunities to stand with Māori as tangatititi today

03:35:03-03:35:08

and for the church, yeah, to restore the harm that we have been involved in.

03:35:09-03:35:09

Yeah, what's our vision?

03:35:10-03:35:15

I mean, I guess, yeah, the church is representative of the breadth of New Zealand

03:35:15-03:35:17

in terms of Māori and, yeah, tangatititi.

03:35:19-03:35:24

I would hope that we would show that partnership within our own institutions, but also that

03:35:24-03:35:30

we can play an active role in rectifying the harms of colonisation where they appear structurally

03:35:30-03:35:37

and moving towards far greater recognition of what Tertility promised.

03:35:39-03:35:46

Thank you, Common Grace, for your submission and for your continued submission to the Justice

03:35:46-03:35:47

We do appreciate this evening.

03:35:48-03:35:48

Thank you.

03:35:48-03:35:51

We're going to move now to submission first from Vincent O'Malley.

03:35:52-03:35:55

If Vincent is here, I invite Vincent to the table.

03:35:58-03:36:00

Mr. Chair, can I just look in for them?

03:36:00-03:36:00

Yes.

03:36:01-03:36:01

Sorry, not really.

03:36:02-03:36:03

It was just a previous situation.

03:36:03-03:36:08

Just to clarify, the perception of the gentleman that did kakaranga,

03:36:08-03:36:11

he wasn't actually part of this gentleman's presentation.

03:36:12-03:36:15

So he was just showing and acknowledging it.

03:36:15-03:36:17

It wasn't anything other than that.

03:36:17-03:36:22

Yes, no, I understand, but members of the gallery cannot interject and they cannot participate in the...

03:36:22-03:36:24

Support or order to use the chair, 100%.

03:36:24-03:36:26

We'll go now to submission from Vincent.

03:36:26-03:36:27

Thank you for being with us.

03:36:27-03:36:31

We've got you for 10 minutes this afternoon, so I'll hand over to you to begin your presentation.

03:36:32-03:36:33

Tēnā koutou katoa.

03:36:33-03:36:35

Thank you for the opportunity to speak with you today.

03:36:36-03:36:39

I'll keep my opening comments relatively brief, so we've got some time for questions.

03:36:40-03:36:46

I've worked as a professional historian researching and writing on the treaty and other aspects of the Zealman history for more than 30 years.

03:36:47-03:36:49

and I strongly oppose the Treaty Principles Bill.

03:36:50-03:36:54

It's a bill which, while purporting to define the principles of the Treaty of Waitangi,

03:36:54-03:36:57

in fact bears almost next to no relationship to that document.

03:36:59-03:37:03

The first principle states that the Executive Government of New Zealand has full power to govern,

03:37:03-03:37:06

and Parliament has full power to make laws in the best interest of everyone,

03:37:06-03:37:10

in accordance with the rule of law and the maintenance of a free and democratic society.

03:37:11-03:37:14

In 1840, Great Britain was not a democratic society,

03:37:14-03:37:18

and the ruling classes were genuinely appalled at the prospect that it ever might be.

03:37:19-03:37:22

The British weren't exporting democracy to New Zealand in 1840

03:37:23-03:37:24

because they didn't have it at home to export anywhere.

03:37:26-03:37:30

Now, it's a Taurau Māori text that is the definitive document under international law,

03:37:31-03:37:35

and Article 1 of this doesn't grant the Crown unbridled power to govern all.

03:37:36-03:37:39

The kawana-tanga recorded the Crown was instead more limited.

03:37:40-03:37:42

As the Waitangi Tribunal concluded in 2014,

03:37:43-03:37:47

In February 1840, the rangatira who signed te Tiriti did not cede their sovereignty,

03:37:48-03:37:50

but rather agreed to share power and authority with the Governor.

03:37:52-03:37:58

The second principle contained in the Bill is a willful and egregious attack on Article 2 of te Tiriti on multiple grounds.

03:37:59-03:38:04

It ignores the Tino rangatira tanga promised for the chiefs and their people in 1840.

03:38:05-03:38:09

One party to a treaty cannot unilaterally alter its terms.

03:38:10-03:38:13

nor can Māori rights be confined to those conferred through treaty settlements.

03:38:14-03:38:17

The kawana tanga secured by the Crown under Article 1

03:38:17-03:38:20

is constrained by the Article 2 promises to recognise and respect

03:38:20-03:38:22

the rangatira tanga of Māori communities.

03:38:24-03:38:27

The third principle emphasising the equality of all before the law

03:38:28-03:38:31

bears no relationship to the actual contents of Article 3 of Tititi,

03:38:32-03:38:34

which guaranteed all the rights and privileges of British subjects

03:38:34-03:38:35

to rangatira Māori and their people.

03:38:37-03:38:40

In 1840, the term New Zealanders referred solely to Māori.

03:38:40-03:38:45

The context in which Te Tiriti and Waitangi was agreed is also important to remember

03:38:46-03:38:51

In 1840, 80,000 Māori outnumbered and dominated the 2,000 non-Māori resident in these islands

03:38:52-03:38:56

Not just demographically, but also militarily, economically and culturally

03:38:57-03:39:02

For a long time the Treaty was viewed by the Crown and non-Māori as at best a historical curiosity

03:39:02-03:39:04

Rather than a binding and enduring agreement

03:39:04-03:39:10

For the past half century, our country has been immersed in a major process of historical reappraisal.

03:39:12-03:39:17

We've had to look at ourselves in the mirror, and what we see reflected back at us has not always been flattering.

03:39:18-03:39:24

It's been a difficult, fraught, messy and protracted process, but also an essential one for the future of our country.

03:39:25-03:39:30

This bill would put at risk the considerable progress that has been made since the 1970s and needs to be emphatically rejected.

03:39:33-03:39:33

Thank you.

03:39:33-03:39:39

Thank you, Vincent. Short and sharp. Very much appreciated. We've got questions from

03:39:39-03:39:45

Ginny Anderson and then Tameka Paul. Thank you for your submission and also for your wider

03:39:46-03:39:54

contribution in terms of this debate over your time as a historian. We've gone through a number

03:39:54-03:40:01

of paths today, but I'm interested on your predictions on where this will go. So there's

03:40:01-03:40:05

There's a lot of misinformation about what the courts do versus what Parliament does,

03:40:07-03:40:09

what people really think, what equality is.

03:40:10-03:40:12

There's been a lot of things bounced around today.

03:40:13-03:40:21

But I'd be really interested for you to take the breadth of your background and make a prediction

03:40:21-03:40:27

about where this piece in the timeline, whether that really takes us backwards or not.

03:40:28-03:40:34

Kia ora, thank you. Well, I think a big part of why we're where we are today is because

03:40:35-03:40:38

generations of New Zealanders didn't learn our history, or if we did, it was a kind of

03:40:38-03:40:43

rose-tinted version, greatest race relations in the world and that kind of thing. And what

03:40:43-03:40:46

I've always said to groups when I'm invited to speak to them is we need to be upfront

03:40:46-03:40:51

and honest about our history warts and all. And that's the only way we can mature as a

03:40:51-03:40:57

In order to do that, we need to have people who have that knowledge of our past.

03:40:58-03:41:07

And that's why the decision in 2019 to teach New Zealand history in all schools is incredibly important in the longer term.

03:41:07-03:41:09

That's a hugely transformative decision.

03:41:10-03:41:13

But I think us adults, we need to catch up on that history as well.

03:41:14-03:41:17

Otherwise, there's a kind of void and that allows misinformation to grow.

03:41:18-03:41:23

And, you know, I hope that this bill is quickly put an end to,

03:41:24-03:41:27

but that misinformation will linger as long as people don't have

03:41:27-03:41:30

that ability to see through it,

03:41:30-03:41:32

because they don't have that historical awareness and context.

03:41:33-03:41:34

Yeah, thank you.

03:41:34-03:41:36

We're going to go to Tamatha, then Todd.

03:41:37-03:41:38

Kia ora, Dr O'Malley.

03:41:39-03:41:40

I'm stoked to have you here,

03:41:40-03:41:46

because there has been some interesting recollections of history

03:41:46-03:41:48

that have come to us today.

03:41:48-03:41:52

and I wanted to bring up two just to get a response from you.

03:41:53-03:41:56

One of them was Māori did not cede sovereignty

03:41:57-03:41:59

because there was no sovereignty to cede from them,

03:42:00-03:42:01

if you get what they're trying to say there.

03:42:02-03:42:05

And then the other one was, actually, maybe let's start with that one

03:42:05-03:42:07

and then I'll find the other one.

03:42:09-03:42:10

What's your response to that?

03:42:10-03:42:15

Well, in 1835, the United Tribes of New Zealand

03:42:16-03:42:17

signed an agreement called He Whakaputanga.

03:42:17-03:42:21

Declaration of Independence of the United Tribes of New Zealand

03:42:22-03:42:24

and in that document they declared

03:42:26-03:42:28

their authority and their sovereignty over the country

03:42:30-03:42:31

which used terms like the Kingitanga

03:42:32-03:42:34

and the mana ite whenua

03:42:35-03:42:37

and that document was recognised by the British Crown

03:42:38-03:42:40

and that's the reason why in 1839

03:42:41-03:42:45

when the British decided that they needed to intervene further in New Zealand

03:42:45-03:42:50

They said, well, we've already recognised Ewhakaputanga as, you know,

03:42:50-03:42:52

the United Tribes as essentially a sovereign people.

03:42:53-03:42:55

So the British acknowledged that at the time.

03:42:55-03:43:00

So it's completely wrong today to say that that wasn't the case.

03:43:00-03:43:00

They did.

03:43:00-03:43:01

Otherwise, there would have been no treaty.

03:43:02-03:43:06

And the second one, sorry, real quick, was a KC said to us this morning

03:43:08-03:43:12

that Māori were not a sovereign nation because we were warring.

03:43:12-03:43:14

What would you say about that?

03:43:14-03:43:17

Has he heard about the 100 years war in Europe?

03:43:18-03:43:23

You know, Europe in the 19th century was not exactly a peaceful place.

03:43:24-03:43:27

Sure, the British Empire was at war most years of the 19th century,

03:43:27-03:43:28

somewhere around the globe.

03:43:28-03:43:29

Yeah, thank you.

03:43:30-03:43:30

Go to Todd.

03:43:30-03:43:31

That's really helpful.

03:43:32-03:43:32

Really helpful.

03:43:33-03:43:34

I'm going to go to Money Metal Cup, Kim.

03:43:34-03:43:36

We had another submission this morning actually talking about

03:43:36-03:43:39

the ratification of the treaty by the British Crown.

03:43:40-03:43:42

You may not have tuned in for that,

03:43:42-03:43:49

But this gentleman's contention was basically that the crown,

03:43:50-03:43:54

the Queen at the time, actually only ever ratified the English version.

03:43:54-03:43:57

And basically his contention was that at the end of the day,

03:43:57-03:44:00

the texts were actually so different that no agreement

03:44:00-03:44:03

would actually be reached in practicality.

03:44:03-03:44:06

Have you looked at this at all or got any thoughts on that?

03:44:07-03:44:10

I didn't hear that particular submission,

03:44:10-03:44:12

so I probably can't comment on it in too much detail.

03:44:12-03:44:15

But, I mean, this does go to the essence of the problem

03:44:16-03:44:20

in that the British relied on this English so-called translation,

03:44:22-03:44:25

which had no relationship to what Māori had signed up to in 1840.

03:44:26-03:44:28

And Māori had entered into a relationship

03:44:29-03:44:32

that they assumed was based on reciprocity and partnership

03:44:32-03:44:33

and good faith and so on.

03:44:34-03:44:36

And the Crown assumed that they had acquired sovereignty

03:44:36-03:44:37

over the country.

03:44:37-03:44:44

And those two versions of what had been entered into in 1840, it wasn't resolved in 1840.

03:44:44-03:44:50

It took decades for the Crown to impose its authority over Maori communities, even into the early 20th century.

03:44:52-03:44:57

The raid on Mangapahatu in 1916 has been described as the last shot for the New Zealand wars.

03:44:58-03:45:04

So there's a long history here in terms of the disjunction between, as I say,

03:45:04-03:45:08

the so-called English translation on what Māori actually agreed to in 1840.

03:45:08-03:45:09

Thank you.

03:45:09-03:45:10

Māori, I mean, also, Richard.

03:45:10-03:45:10

Thank you, Richard.

03:45:11-03:45:13

Tēnāpē, Dr. Nulli.

03:45:14-03:45:16

You said warts and all, and talking about this whole,

03:45:17-03:45:20

the have to have that knowledge, or that there was a knowledge gap.

03:45:20-03:45:22

I mean, you said there was a knowledge gap.

03:45:23-03:45:27

In your mind, could it be that simple?

03:45:27-03:45:33

Is it that simple an issue that could actually be filled

03:45:33-03:45:35

if we fill that knowledge gap?

03:45:35-03:45:40

Because it seems so profound that we find ourselves here

03:45:41-03:45:42

simply because people just don't know.

03:45:43-03:45:44

Can it be that simple?

03:45:45-03:45:47

I think that's a huge part of it.

03:45:47-03:45:50

I'm not saying the process of learning is going to be easy

03:45:50-03:45:51

because for some it's deeply uncomfortable.

03:45:52-03:45:57

Learning those stories about what your ancestors may have done

03:45:57-03:46:05

But the thing I always say is the purpose of learning that history is not to make anybody feel guilty or ashamed about the actions of their ancestors.

03:46:06-03:46:12

It's to ensure that we can carve out a path ahead for our future.

03:46:13-03:46:14

We know where we've come from.

03:46:15-03:46:15

We need that.

03:46:15-03:46:16

We need that grounding.

03:46:16-03:46:17

We need that identity.

03:46:18-03:46:20

And that can only come from being honest with ourselves, I think.

03:46:21-03:46:22

Thank you, Dr.

03:46:22-03:46:23

Thank you, Dr. May.

03:46:23-03:46:23

Thank you, folks.

03:46:23-03:46:26

That's the time for the submission this afternoon.

03:46:26-03:46:27

We appreciate you being with us in person for this.

03:46:28-03:46:30

So we now would like to invite

03:46:30-03:46:33

the New Zealand Nurses Association to the table.

03:46:35-03:46:37

And I'm not sure, we don't have a name of the minister,

03:46:37-03:46:38

so if you can just introduce yourself.

03:46:42-03:46:43

I'll ask you to start soon because I can't.

03:46:44-03:46:44

I can't.

03:46:44-03:46:45

James, I've got a question.

03:46:49-03:46:49

Thank you.

03:46:50-03:46:51

Thank you for being with us.

03:46:51-03:46:52

We've got you for 10 minutes this afternoon,

03:46:53-03:46:55

so I'll hand over to you to start your presentation.

03:46:55-03:46:57

Sorry, I couldn't hear your name from down here.

03:46:57-03:46:59

Kia ora koutou katoa, ko a waiowitu a kinei,

03:46:59-03:47:01

ko māngaharuru, ko Taki Timu Te Waka,

03:47:01-03:47:03

ko Ngāti Kahanunu Te Iwi,

03:47:03-03:47:04

ko Ngāti Tū Te Hapu,

03:47:04-03:47:07

ko Keri Nuku Tōko Ingua,

03:47:07-03:47:10

hei kaiwhakahere tōputanga tāpohi kaiti aki wao tūroa,

03:47:11-03:47:13

and I'm joined today with our Chief Executive,

03:47:13-03:47:15

Paul Goulter, for the New Zealand Nurses Organisation.

03:47:16-03:47:21

I'd like to start that NZNO requested to be heard in person

03:47:21-03:47:22

on the Treaty Principles Bill

03:47:23-03:47:24

because we have grave concerns.

03:47:24-03:47:28

this proposed legislation will worsen Māori health outcomes.

03:47:29-03:47:31

This legislation plays with Māori lives.

03:47:32-03:47:36

It says it's OK not to give attention to the need

03:47:36-03:47:39

or the need to fix the health system that is killing our people.

03:47:41-03:47:43

Tangata whenua are not the enemy.

03:47:43-03:47:45

They are not a threat to this country.

03:47:46-03:47:47

Here are some facts.

03:47:47-03:47:50

They die faster and in bigger numbers than Nā Māori.

03:47:51-03:47:53

Māori don't live as long as Nā Māori.

03:47:54-03:47:59

Māori don't earn as much money as non-Māori. Māori are less likely to own their own homes.

03:48:01-03:48:13

As Aotearoa's largest professional union in health, we represent more than 60,000 nurses, midwives, students and healthcare assistants, including more than 4,000 Kaimahi Māori.

03:48:14-03:48:19

As you would have read from our submission, Māori nurses are on the front line of the inequities in the health sector,

03:48:20-03:48:27

where Māori are more likely to suffer from preventable illnesses, comorbidities and shorter lifespans.

03:48:28-03:48:36

Te Triti provides a foundation to fix the serious and dire health problems faced by Māori, something I'll expand on further.

03:48:37-03:48:42

We acknowledge the pre-existing rights of Māori as Tangata Whenua and Te Triti o Waitangi

03:48:42-03:48:45

as the founding document in Aotearoa, New Zealand.

03:48:46-03:48:47

The legal precedents.

03:48:48-03:48:52

The Crown has never met its obligations under Te Triti within the health system

03:48:53-03:49:00

and its failure to work in a meaningful partnership with and deliver equitable health outcomes for Māori.

03:49:02-03:49:06

Despite health strategies that have been equity-based aspirations,

03:49:07-03:49:11

system, design, funding models and service delivery

03:49:11-03:49:14

are not equity in their results.

03:49:15-03:49:17

This bill legitimises those breaches

03:49:17-03:49:20

rather than readdressing their injustices

03:49:20-03:49:22

and ensuring Te Tiriti is honoured

03:49:22-03:49:26

in the design, delivery and monitoring of health services.

03:49:27-03:49:30

It arrests and reverses all progress made

03:49:30-03:49:35

to improve Māori access to culturally safe care

03:49:35-03:49:39

and improve major and persistent and equitable health outcomes

03:49:40-03:49:41

with other New Zealanders.

03:49:43-03:49:48

This Bill's reference to everyone being entitled without discrimination

03:49:49-03:49:52

to the equal enjoyment of the same fundamental rights

03:49:53-03:49:56

fails to account for the systemic racial discrimination

03:49:57-03:49:58

against Māori within the health system

03:49:59-03:50:01

and the existing role of Te Triti of Waitangi

03:50:02-03:50:04

in achieving equitable health outcomes for Māori.

03:50:04-03:50:11

This is also in contradiction with the intent of Te Triti, which recognises the collective

03:50:11-03:50:17

and holistic rights of iwi and hapu and the Crown's obligation to actively protect them.

03:50:18-03:50:24

The Bill is contrary to the Paiora Act. The Bill represents the Government breaching its own policy

03:50:25-03:50:31

and objectives of the health sector. The Bill proposes uninvestigated sweeping changes that

03:50:31-03:50:38

impact all legislation that makes existing reference to the treaty principles, the principles

03:50:38-03:50:45

of Te Trite Waitangi. The Pai Ora Act sets a legal imperative for the Crown to actively

03:50:45-03:50:51

protect and improve Māori health and wellbeing and address the disparities. This bill is

03:50:52-03:50:59

inconsistent with the obligations on the Minister of Health to fulfil section 6 of the Act and

03:50:59-03:51:02

the impacts of these contradictions have not been investigated.

03:51:04-03:51:08

The culturally safe care and unique position of Māori nurses to achieve health inequities.

03:51:09-03:51:16

Cultural safety is critical to ensure engagement and empowerment of Māori users of the health system.

03:51:17-03:51:25

If our health system is not safe for Māori, we will see further obstructions to access

03:51:25-03:51:29

and widening health disparities between Māori and non-Māori.

03:51:30-03:51:33

Māori nurses hold a unique and essential position within the healthcare,

03:51:34-03:51:38

blending their professional nursing expertise with local knowledge

03:51:38-03:51:42

and relationships with community and kaupapa Māori models of care.

03:51:43-03:51:49

To reiterate, NZNO appears here to reflect the collective and individual role

03:51:50-03:51:54

of nurses to be an advocate for the community, for patient, for Māori.

03:51:54-03:52:06

It is our moral and ethical responsibility to call out a system that is chronically and systemically racist and advocate against discriminatory practices.

03:52:06-03:52:13

The health system must recognise and allow for Tēnō Ranga Tērātanga and Manamotohake of haura Māori.

03:52:14-03:52:22

And this bill is not only distinguishes these rights and aspirations, it will directly worsen Māori health outcomes.

03:52:23-03:52:23

Kia ora.

03:52:23-03:52:26

Thank you both.

03:52:27-03:52:28

Members questions.

03:52:29-03:52:32

I think we've got one from Ginny straight away and then Mari Mimi.

03:52:33-03:52:33

Thank you.

03:52:34-03:52:35

Thank you very much for your submission.

03:52:36-03:52:43

We've heard a lot about what is equality today and how we examine that through a treaty lens.

03:52:44-03:52:53

I'm really interested to understand the impact on Maori service delivery for teacher impact for this film.

03:52:53-03:52:56

and some of the ideology that depends on it.

03:52:56-03:53:00

In particular, what are the risks with not being able to provide

03:53:01-03:53:05

Māori with culturally appropriate nursing services?

03:53:08-03:53:10

We're already seeing some of that risk now.

03:53:10-03:53:13

We've got an under-representation of a Māori health workforce

03:53:14-03:53:19

after years of campaigning and activating for a workforce,

03:53:19-03:53:21

a Māori workforce that matches the population.

03:53:22-03:53:25

We are historically under target.

03:53:26-03:53:41

And if you look at the current policies that are put in place, the workforce strategy, there is no intention of the current government to invest in increasing Māori workforce, which is well needed because what we know works is for Māori for Māori services.

03:53:41-03:53:50

We're also seeing huge discrepancy in terms of funding allocation to any Māori health service.

03:53:50-03:53:58

And if we look at the issue, historical issue, once again, that Māori get paid disproportionate.

03:53:59-03:54:06

Those that work within Māori niwi providers get paid disproportionately lower than those that work within the hospital systems.

03:54:07-03:54:10

Equal work of equal value should be the principle that we uphold here.

03:54:11-03:54:14

But clearly, we are allowing this gap to continue.

03:54:16-03:54:18

We'll go to Māori Mino Kapu.

03:54:18-03:54:18

Thank you.

03:54:19-03:54:24

You opened up by referring to

03:54:25-03:54:31

so how do you hear words such as

03:54:32-03:54:33

and you might have just touched on it

03:54:34-03:54:37

that we get preferential treatment

03:54:37-03:54:39

the minute people hear generally

03:54:40-03:54:42

the supporters of the bill anyway

03:54:42-03:54:44

talk about Māori for Māori

03:54:44-03:54:46

it's an instant reaction

03:54:46-03:54:48

an allergic reaction nearly

03:54:48-03:54:51

to that means that it's preferential.

03:54:51-03:54:54

We get additional rights or resource or whatever it is.

03:54:54-03:54:58

Can you just talk to that?

03:54:58-03:54:59

How does that do you feel?

03:55:00-03:55:03

I've been a nurse and a midwife and worked in the health sector

03:55:03-03:55:05

for over 30 years.

03:55:06-03:55:09

And certainly those comments of preferential treatment

03:55:10-03:55:13

are not part of what I see every day,

03:55:14-03:55:16

the struggle for those that use the health system

03:55:17-03:55:18

and in actual fact the reverse.

03:55:18-03:55:20

Māori are not privileged within the health system.

03:55:21-03:55:27

The Y2575 recommendations in our Nurses Act gave evidence clearly demonstrated Māori are

03:55:28-03:55:30

not given preference within a health system.

03:55:31-03:55:34

If anything, Māori are struck off.

03:55:34-03:55:36

Māori are turned away from ED departments.

03:55:36-03:55:38

Māori are not having the same access.

03:55:39-03:55:43

Māori can't afford to access and go to doctors or go to clinics.

03:55:43-03:55:46

So the worsening conditions is perpetuated.

03:55:46-03:55:48

there is no privilege within the health system.

03:55:49-03:55:51

So it's time for one last one if anyone has.

03:55:52-03:55:53

Can I stop on that?

03:55:54-03:55:54

Thank you.

03:55:55-03:55:59

So an extension to that thinking then, Nick, is that, well,

03:56:01-03:56:06

if that's true, then if those conditions that you've just referred to,

03:56:06-03:56:10

that is simply because we're lazy, we don't do enough, we're too fat,

03:56:10-03:56:14

blah, blah, blah, that thinking heads down that pathway of thinking

03:56:14-03:56:16

and therefore it is simply our fault.

03:56:17-03:56:18

The state of it is our fault.

03:56:18-03:56:20

We get here because we don't do enough

03:56:20-03:56:23

and all of those horrible but silly things,

03:56:23-03:56:25

but they get said and then they get believed

03:56:26-03:56:27

and then they get embedded in the stuff

03:56:27-03:56:29

that we're having to deal with like today.

03:56:30-03:56:32

And what a lot of Māori nurses that work within departments

03:56:33-03:56:35

will tell you is that that prejudgment

03:56:36-03:56:38

often is deeply entrenched in the behaviour

03:56:38-03:56:40

within the practice, within the system,

03:56:40-03:56:45

within their attitudes and professional people as well.

03:56:46-03:56:49

So our people will not go to services because they know

03:56:49-03:56:51

that that's what they're going to get coined with,

03:56:51-03:56:54

that it's your own responsibility that you should be able to afford

03:56:54-03:56:56

and the treatment that's necessary.

03:56:57-03:56:58

That is far from the truth.

03:56:58-03:56:58

Thank you.

03:56:59-03:56:59

Thank you, Kerry.

03:56:59-03:57:01

Thank you, Paul, both for joining us this afternoon.

03:57:02-03:57:03

We appreciate both your patience and one.

03:57:04-03:57:07

Folks, we are now going to move to our last submission of the day.

03:57:07-03:57:11

like to invite Gerard Ekoff up to the table.

03:57:11-03:57:12

Gerard, if he wants

03:57:37-03:57:40

With noise, Martin McOckley, it picks up everything.

03:57:40-03:57:41

Oh, okay.

03:57:43-03:58:07

So much

03:58:07-03:58:12

speaking with Dame Tariana when I was in Parliament all those years ago,

03:58:12-03:58:13

20-odd years ago.

03:58:13-03:58:14

Not one conversation.

03:58:15-03:58:17

But I think we took turns and smiled at each other

03:58:18-03:58:20

as we passed down the corridors.

03:58:21-03:58:26

And from what I understand, that was very much the way Tariana was.

03:58:26-03:58:30

Dame Tariana, excuse me if I'm not addressing her correctly.

03:58:32-03:58:33

I admired her a lot.

03:58:33-03:58:39

She's one of my very special politicians of this last couple of decades, I guess.

03:58:43-03:58:45

Yeah, perhaps I should.

03:58:47-03:58:52

I'm unsure, and I think this is relatively, it's important to me anyway,

03:58:53-03:59:01

I'm unsure if it is remembered that Dame Tariana once gave her parliamentary questions to ministers, to the ACT Party.

03:59:02-03:59:03

I was there at the time.

03:59:04-03:59:07

Caused a little bit of a furore, I must say.

03:59:08-03:59:08

But she did.

03:59:09-03:59:14

And she was obviously unable to attend on that particular occasion.

03:59:15-03:59:18

So she gave her question to Act, which was asked and answered.

03:59:22-03:59:27

I've always taken that decision of Dame Tariana as a real mark of respect.

03:59:28-03:59:30

Maybe trust somewhere.

03:59:31-03:59:33

But I thought that was pretty special,

03:59:34-03:59:35

of the Dame Tauru, and I thank her

03:59:36-03:59:38

if I possibly could to this day.

03:59:41-03:59:44

There's another issue I'd like to go back 32 years,

03:59:45-03:59:46

and I know it's pretty unusual,

03:59:46-03:59:49

but I went to a very large meeting in Dunedin.

03:59:50-03:59:52

It was to do with the Greenstone Valley,

03:59:52-03:59:54

and it was to do with Naip Tauru and settlements.

03:59:55-03:59:56

Doug Graham was the minister.

03:59:57-03:59:59

I don't, to this day, know why I went.

04:00:00-04:00:01

It was two and a half hours of travel,

04:00:01-04:00:04

and then back again, of course, five hours.

04:00:05-04:00:08

I spoke at the very end of the meeting

04:00:09-04:00:11

after everybody else had said,

04:00:11-04:00:14

under no circumstances do you give that land to Naotau.

04:00:17-04:00:19

It's a fishing river, it's that and the next thing

04:00:19-04:00:21

and it's important for recreationists.

04:00:22-04:00:25

Something possessed me to get up and make a wee speech

04:00:27-04:00:29

and as I recall correctly,

04:00:29-04:00:31

I was the only one who got a round of applause all night.

04:00:32-04:00:35

I asked the minister to give that land to Ngāi Tahu,

04:00:36-04:00:39

56 odd thousand hectares, I think, big patch.

04:00:42-04:00:43

And I'm pleased to say he did.

04:00:44-04:00:50

So sadly, it was the most effective speech I've ever given in my life, I think.

04:00:52-04:00:57

But to the matter in hand, and I realise I'm probably wasting some time here,

04:00:57-04:01:07

But my first question is, where does it end, this question about the treaty and the principles and stuff?

04:01:08-04:01:14

My understanding was there are three principles to the treaty, and now I hear people like Winston Peter say, well, they're not treaties.

04:01:15-04:01:21

So are they treaty? Are they principles? Are they clauses? Are they articles? Or is it some kind of covenant?

04:01:21-04:01:30

And I think it's not unreasonable for the party or anybody to ask, what is the truth of the matter?

04:01:30-04:01:31

What does it actually mean?

04:01:32-04:01:36

Because I don't really know the difference between a covenant and an article or an article of association.

04:01:37-04:01:38

Is that what it is?

04:01:39-04:01:39

I don't know.

04:01:40-04:01:43

But we need to determine these things.

04:01:43-04:01:48

But how do we do that if we don't debate these issues fairly and openly and properly

04:01:48-04:01:54

and without the acrimony that is so characterised this debate so far.

04:01:55-04:01:56

I think clarity is good.

04:01:58-04:02:01

I've read Sir Aparima Nutter.

04:02:04-04:02:09

If he is wrong about the treaty, what was it that he said is wrong?

04:02:10-04:02:13

I've never heard anybody tell me what it was that is wrong.

04:02:15-04:02:18

So again, we need to have discussion about these things

04:02:18-04:02:26

can get to some sensible conclusion. But I would say that this matter is rightly for

04:02:26-04:02:34

the legislature, you people, to the Parliament to manage. It is not for the judiciary.

04:02:36-04:02:41

Just recently, 40-odd Kings Councils issued a pre-emptive strike, as I would call it,

04:02:42-04:02:45

against the bill by describing it as evil.

04:02:47-04:02:49

And that we, the public, and I took this personally,

04:02:49-04:02:52

as having my ignorance exploited by the bill.

04:02:53-04:02:55

This was from 40 king's councils.

04:02:57-04:03:00

So what faith am I now as an ordinary citizen, of course,

04:03:01-04:03:03

meant to have in the judiciary?

04:03:04-04:03:05

But that has actually happened.

04:03:06-04:03:12

So I was absolutely delighted to read that 500 Maori leaders

04:03:12-04:03:15

I think that is the right expression, contacted the monarch.

04:03:16-04:03:20

And in doing so, they immediately invoked the Privy Council.

04:03:21-04:03:25

The monarch cannot get involved in any of these things without being advised by the Privy Council.

04:03:25-04:03:26

That is essential.

04:03:27-04:03:32

To me, the Privy Council is the finest of the finest, the best of the best.

04:03:33-04:03:36

And for some extraordinary reason, we got rid of them years ago.

04:03:37-04:03:38

We need them back.

04:03:39-04:04:02

And if this suggestion, and I'm sure others must have made this, I think the role that they played, because they will have articles, documents, all the information that has occurred from, well, since the time the Crown was involved, I guess from the 1820s or right through to the signing of the treaty.

04:04:03-04:04:07

They will be privy to all this massive amount of information.

04:04:08-04:04:09

But most importantly, they're independent.

04:04:11-04:04:16

They are totally independent of this country and can make decisions

04:04:17-04:04:19

or give advice, I should say, not make decisions,

04:04:19-04:04:23

but give advice to our country.

04:04:23-04:04:25

And I think that is something that we desperately need,

04:04:26-04:04:28

given the division that we are seeing.

04:04:30-04:04:34

I'm wondering whether I'm seeing a division here in this select committee.

04:04:34-04:04:34

No.

04:04:35-04:04:36

There shouldn't be.

04:04:37-04:04:42

But I'm seeing the opposition on one side and perhaps the government on the other.

04:04:44-04:04:51

Chairman, I'm not an authority in any way, shape or form about these things, but that should not be.

04:04:52-04:04:53

It should not be.

04:04:54-04:05:02

Because we the people actually look to this select committee for unanimity to work together to find solutions.

04:05:03-04:05:05

This is not about the LAC party.

04:05:05-04:05:06

It's not about National, New Zealand First.

04:05:07-04:05:08

Greens or Labour

04:05:09-04:05:10

not about them

04:05:11-04:05:13

this elect committee is not about them

04:05:14-04:05:15

it is about

04:05:15-04:05:16

you folk working together

04:05:17-04:05:19

because you are people

04:05:19-04:05:20

of repute

04:05:21-04:05:23

you are people of character

04:05:24-04:05:25

and if you

04:05:25-04:05:26

have to say to your

04:05:27-04:05:29

parties, various parties

04:05:29-04:05:31

look, we've got to find solutions to this

04:05:31-04:05:33

I would expect you to do so

04:05:33-04:05:37

I deeply lament

04:05:38-04:05:39

as I said earlier

04:05:40-04:05:41

these pre-emptive strikes

04:05:41-04:05:43

and I'm even sorry, very sorry

04:05:43-04:05:45

that the Prime Minister seems to be commenting

04:05:45-04:05:46

on these matters

04:05:47-04:05:48

for whatever reason

04:05:51-04:05:53

I keep thinking this thing

04:05:53-04:05:55

conflict of interest, where is all this sitting?

04:05:56-04:05:57

Where is that sitting?

04:05:57-04:05:59

Because I'm told on the regional councils

04:05:59-04:06:01

you can't have a conflict of interest if you sit in judgment

04:06:01-04:06:04

where is the conflict of interest here?

04:06:05-04:06:06

I think it could be massive

04:06:07-04:06:09

and that's why I think the Privy Council

04:06:09-04:06:10

would help us out enormously

04:06:13-04:06:13

finally

04:06:15-04:06:17

well, it's not finally, I've got a lot here

04:06:17-04:06:19

look, we can work together

04:06:20-04:06:20

river authorities

04:06:21-04:06:22

we're doing that now

04:06:23-04:06:24

I think they're brilliant

04:06:24-04:06:27

and I spoke to the late John Luxton

04:06:27-04:06:28

some time ago

04:06:29-04:06:31

and believe it or not

04:06:31-04:06:31

I couldn't get a word in.

04:06:32-04:06:33

He was so enthusiastic.

04:06:33-04:06:34

We can do that.

04:06:35-04:06:39

And that is involving Maori at every twist and turn of a river.

04:06:40-04:06:41

We've got the mighty Klutha.

04:06:42-04:06:43

We've got the Pomahaka.

04:06:44-04:06:45

We've got, well, the Waikato and all these,

04:06:46-04:06:49

forget about the power generation on them,

04:06:49-04:06:53

but we've got these great rivers that mean so much to everybody.

04:06:54-04:06:56

And I understand the significance to Maori.

04:06:57-04:07:09

So I would really encourage the Senate committee to think long and hard about starting down that track of evolving together, sitting around tables and working.

04:07:10-04:07:14

And it's not about the colour of your skin or your ethnicity or anything of that.

04:07:15-04:07:18

It's about what you can contribute to our society to make it a bit better.

04:07:19-04:07:21

I don't want to ever.

04:07:21-04:07:26

And I don't want, I was hoping maybe my grandchildren might have been able to come today.

04:07:26-04:07:33

I don't want to have to have them looking back in anger at what is happening.

04:07:35-04:07:39

And I think so many people, I'm from way out in the south and perhaps bits different down there,

04:07:40-04:07:45

but I don't want to have my grandchildren looking back over their shoulders all the time

04:07:46-04:07:49

at what is going on in this country.

04:07:49-04:07:55

and the expectation that I have is that the bill was here

04:07:55-04:07:58

put in place to start the discussions,

04:08:00-04:08:02

have a standing committee or something.

04:08:02-04:08:06

Look, I'm 20 years old, many years ago since I've been here,

04:08:07-04:08:10

and I'm not even beginning to try and suggest things.

04:08:10-04:08:14

But other than the Privy Council, I think would be of enormous value

04:08:15-04:08:18

if it's possible, and if it's not possible, make it possible.

04:08:18-04:08:20

You can do anything you like.

04:08:20-04:08:21

Thank you.

04:08:21-04:08:21

Thank you.

04:08:22-04:08:24

We're a very fitting way to end up.

04:08:24-04:08:25

We are over time now.

04:08:27-04:08:28

So, OK, because you're only eating into our time

04:08:28-04:08:30

and no other submitters, so it's actually fine.

04:08:30-04:08:33

But I will wrap it up there and just thank you for...

04:08:33-04:08:35

It is a very nice way to end the day.

04:08:35-04:08:37

I think you make a good point about the seating arrangements,

04:08:37-04:08:38

perhaps alphabeticals.

04:08:38-04:08:41

I certainly think it wasn't worth sitting here all day.

04:08:41-04:08:42

But thank you, Gerry.

04:08:42-04:08:42

Thank you.

04:08:43-04:08:46

I appreciate the offer to speak.

04:08:47-04:08:50

But that concludes the oral hearings for today.

04:08:51-04:08:54

We've done eight hours and 44 minutes with a 15-minute break.

04:08:55-04:08:56

So I just want to acknowledge that.