



The Royal New Zealand  
College of General Practitioners  
Te Whare Tohu Rata o Aotearoa

150  
years

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Committee Secretariat  
Justice Committee  
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Wellington

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Tēnā koe

## The Royal New Zealand College of General Practitioners Submission on the Treaty Principles Bill

### About us

The Royal New Zealand College of General Practitioners (the College) is the largest medical college in Aotearoa New Zealand. Our membership of 6,439 specialist GPs and rural hospital doctors comprises 40 percent of the specialist medical workforce providing medical care in the community for patients, whānau and communities. In 2023, 23 million<sup>1</sup> patients accessed first point of contact care by clinical teams in 1,077 general practices across Aotearoa New Zealand to manage 90 percent of health concerns.

### Te Akoranga a Māui

There is a robust partnership between the College and its Māori representative group Te Akoranga a Māui providing governance and leadership across the College.

Te Akoranga a Māui is the first indigenous medical practitioner rōpū established in a New Zealand or Australian Medical College. It was created following an audit completed by Dr Ranginui Walker in 2001 and was subsequently launched in 2002 by the late Dr Paratene Ngata and other Māori General Practitioners at our annual conference in Rotorua. In 2024 there are 200 Māori specialist GPs. Te Akoranga a Māui was conceived to embody Te Tiriti and ensure achievement of equitable health outcomes across various health indicators important to whānau, hapū and iwi.

### The College is committed to honouring Te Tiriti o Waitangi and achieving Māori health equity

Te Tiriti o Waitangi affirms a place for everyone in Aotearoa New Zealand, emphasising Māori self-determination and allowing non-Māori governance without the ceding of Tino Rangatiratanga by Māori. The College supports the notion that Te Tiriti o Waitangi provides equal constitutional rights for all people and recognises the following key founding documents:

- **He Whakaputanga o te Rangatiratanga o Nu Tirenī (1835)<sup>2</sup>, (the Declaration of Independence of the United Tribes of New Zealand)** affirms Mana Motuhake and Tino Rangatiratanga (ultimate sovereignty) amongst northern iwi Māori.

- **Te Tiriti o Waitangi** builds on He Whakaputanga o te Rangatiratanga o Nu Tireni (1835) through provision of Crown obligations and recognition of Māori rights<sup>3</sup> articulated in Articles One, Two, Three and the Ritenga Māori Declaration.
- Internationally these rights are supported via the **United Nations Declaration on the Rights of Indigenous Peoples**<sup>4</sup> which affirms Māori rights to experience, at a minimum, the provision of equitable access to health services, quality of health care experiences and health outcomes.

The College is committed to honouring Te Tiriti o Waitangi as articulated in the College rules<sup>5</sup>. This guides our work across the College including proactive identification and prioritisation of actions that seek to achieve Māori health equity and support Māori health advancement. We also prioritise initiatives that support our members in developing cultural safety capabilities through our training, continuing professional development and quality programmes.

### **The College does not support the Treaty Principles Bill**

We call for the rejection of the Treaty Principles Bill and urge the Crown to fulfil its obligations to tangata whenua to maintain the mana and intent of Te Tiriti o Waitangi and a genuine commitment to partnership. We do not believe the Government has the right to propose that the principles of Te Tiriti o Waitangi be changed.

#### **1. The Treaty Principles Bill is ill informed and divisive<sup>6</sup>**

The Waitangi Tribunal (WAI3300)<sup>7</sup> conducted an inquiry into the Treaty Principles Bill<sup>8</sup> and concluded that the Crown failed to engage with Māori in the Bill's development thereby breaching Te Tiriti o Waitangi principles of partnership, reciprocity, active protection, good government, equity, redress and article two Tino Rangatiratanga. The Tribunal also states that the Bill:

- Lacks a policy imperative justifying its development;
- Is based on improper policy rationales;
- Is novel in its Treaty interpretations;
- Is fashioned on a disingenuous historical narrative;
- Distorts the text of Te Tiriti o Waitangi.

For these reasons the College considers the Treaty Principles Bill and its development process to be unjust, unfair and harmful to Māori while also being detrimental to social cohesion in Aotearoa New Zealand.<sup>9</sup>

#### **2. The Treaty Principles Bill will further entrench Māori health inequity**

The Treaty Principles Bill will fail to address Māori health inequities which are extensive and persistent across the social determinants of health, protective health factors and health outcomes. Evidence shows the health system performs worse for Māori in virtually every domain measured<sup>10</sup>. This is unfair, unjust and unacceptable.

The attempt to redefine Te Tiriti o Waitangi within the Treaty Principles Bill has wide-ranging implications and threatens to perpetuate systemic health inequities and undermine the rights of Māori<sup>11</sup>. If passed, the Treaty Principles Bill would prevent Māori from fully exercising Tino Rangatiratanga in health and well-being<sup>12</sup>.

### **3. The Treaty Principles Bill will undermine Māori rights**

The College acknowledges Te Tiriti o Waitangi and Māori health rights encapsulated within including the right to equitable health access, experience and outcomes. To achieve these rights, genuine partnership with Māori is imperative. The Treaty Principles Bill and the process utilised to develop the Bill however has failed to recognise this imperative.

Further, systemic barriers for Māori are overlooked in the Treaty Principles Bill resulting in tokenistic rather than systemic and structural transformation to truly centre Māori voice, rights and aspirations across the health system as a key mechanism for advancing Māori health.

We oppose any alterations or amendments to Te Tiriti o Waitangi particularly in the absence of genuine and meaningful partnership with Māori.

### **4. The Treaty Principles Bill misrepresents the mana and intent of Te Tiriti o Waitangi**

The College strongly opposes the Treaty Principles Bill on the basis that it fundamentally misrepresents Te Tiriti o Waitangi under the pretence of promoting equality while simultaneously perpetuating systemic inequities. The Bill's misguided emphasis on equality fails to recognise the significant historical and ongoing impacts of colonisation and overtly seeks to maintain the status quo that inherently disadvantages Māori.

This approach is not only unjust but also a direct affront to the principles of equity and justice that should underpin our health system. The College calls for a critical re-evaluation of this Bill urging that it must genuinely reflect the rights and sovereignty of Māori as guaranteed by Te Tiriti o Waitangi rather than perpetuating deficit narratives that seek to marginalise and disenfranchise Māori communities.

#### **The College affirms:**

- Māori health rights are fundamental human rights grounded in Te Tiriti o Waitangi. These rights are not merely privileges but are essential for ensuring Māori health equity.
- The principles detailed in the Treaty Principles Bill significantly undermine Māori rights and Tino Rangatiratanga (sovereignty). This legislation misrepresents the foundational intent and importance of Te Tiriti o Waitangi. Further, it reflects a failure to engage meaningfully with iwi Māori perspectives and knowledge systems indicating a lack of genuine partnership and collaboration. By prioritising governmental authority, the Bill disregards the assurance of Tino Rangatiratanga and positions Māori rights as dependent on Crown recognition thereby perpetuating systemic inequities.
- A prerequisite of health system transformation is that it requires measurable implementation of Te Tiriti o Waitangi via the principles including the establishment of structures that enable Māori leadership and the development of culturally responsive and appropriate health services for Māori. The disestablishment of Te Aka Whai Ora prevented the advancement of Māori leadership and hindered progress towards achieving Māori health equity.
- The Treaty Principles Bill specifically invalidates the body of evidence illustrating Māori health inequities observed across nearly every measure of health including cancer,

cardiovascular disease, diabetes, stroke, chronic respiratory disease and mental health. The significant financial burden of Māori health inequity is a \$863.3 million cost per year in direct and indirect costs to Aotearoa New Zealand. When considering the broader impact on Māori and burden on primary care the cost rises to \$5 billion.<sup>13 14</sup>

- Health inequities faced by Māori are avoidable, unfair and unjust<sup>15</sup>. These disparities stem from colonisation, racism, cultural subjugation, land dispossession and constitutional power imbalances that systematically disadvantage Māori and simultaneously privilege non-Māori. This understanding challenges the basis of equality for which the Treaty Principles Bill is based upon because it highlights that an equality-based approach is inherently unjust and overlooks how privilege and disadvantage coalesce and result in differential positions being occupied by Māori and non-Māori across society.
- The Treaty Principles Bill fails to align with the goals and intent of the Pae Ora (Healthy Futures) Act 2022<sup>16</sup> which aims to enhance health outcomes and reduce health disparities particularly for Māori communities.

### **In summary**

The College rejects the Treaty Principles Bill asserting that meaningful dialogue with Māori must first occur and be rooted in equity, justice and fairness. It is essential to recognise that both historical and contemporary breaches of Te Tiriti o Waitangi have resulted in significant inequities for Māori. Aotearoa New Zealand must unite in prioritising and realising Māori rights and Tino Rangatiratanga.

We unreservedly support initiatives and advocate for a health system that centres Te Tiriti o Waitangi and applies the principles of Tino Rangatiratanga, equity, active protection, options and partnerships (WAI2575)<sup>17</sup>. Failure to acknowledge Māori health rights will contribute to ongoing Māori health inequities and the perpetuation of systemic injustices which will have broader implications for societal health and cohesion.

The Treaty Principles Bill is fundamentally divisive and perpetuates victim blaming and deficit explanations of Māori health inequities. The Bill also fails to address the broader determinants of health that contribute to Māori health inequities. The existence of health inequities among Māori is unacceptable and reflects the ongoing failures of successive Governments to uphold Māori rights articulated in Te Tiriti o Waitangi.

We unreservedly acknowledge the mana and intent of He Whakaputanga o te Rangatiratanga o Nu Tireni (1835) and Te Tiriti o Waitangi (1840) which affirm enduring rights of Māori, and we argue it is imperative that these rights are respected and upheld in our collective pursuit of health equity.

We wish to speak to our submission.

Nāku noa, nā



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## References

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<sup>1</sup> Ministry of Health Data. 2023.

<sup>2</sup> He Whakaputanga – Declaration of Independence, 1835. New Zealand History. Available at: <https://nzhistory.govt.nz/media/interactive/the-declaration-of-independence>

<sup>3</sup> Te Tiriti o Waitangi. 1840. Available at: <https://nzhistory.govt.nz/politics/treaty-of-waitangi>

<sup>4</sup> United Nations. United Nations Declaration on the Rights of Indigenous Peoples. Available at: [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

<sup>5</sup> The Royal New Zealand College of General Practitioners, College Rules. 2024. Available at: <https://www.rnzcgp.org.nz/resources/corporate-documents/college-rules/>

<sup>6</sup> The Royal New Zealand College of General Practitioners. Position Statement: Te Tiriti o Waitangi and Māori. December 2024.

<sup>7</sup> Waitangi Tribunal Report 2024. Ngā Mātāpono/The Principles: Part II of the Interim Report of the Tomokia Ngā Tatau o Matangireia – The Constitutional Kaupapa Inquiry Panel on The Crown’s Treaty Principles Bill and Treaty Clause Review Policies *in pre-publication format*. WAI 3300. 2024  
[https://forms.justice.govt.nz/search/Documents/WT/wt\\_DOC\\_221817323/Nga%20Matapono%20Ch6%20W.pdf](https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_221817323/Nga%20Matapono%20Ch6%20W.pdf)

<sup>8</sup> The Waitangi Tribunal. Ngā Mātāpono/The Principles: Part II of the Interim Report of the Tomokia Ngā Tatau o Matangireia – The Constitutional Kaupapa Inquiry Panel on The Crown’s Treaty Principles Bill and Treaty Clause Review Policies *in pre-publication format*. Chapter 6. November 5, 2024. Available at: <https://www.waitangitribunal.govt.nz/en/news-2/all-articles/news/tribunal-releases-chapter-6>

<sup>9</sup> The Waitangi Tribunal. Ngā Mātāpono/The Principles: Part II of the Interim Report of the Tomokia Ngā Tatau o Matangireia – The Constitutional Kaupapa Inquiry Panel on The Crown’s Treaty Principles Bill and Treaty Clause Review Policies *in pre-publication format*. Chapter 6. November 5, 2024. Available at: <https://www.waitangitribunal.govt.nz/en/news-2/all-articles/news/tribunal-releases-chapter-6>

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- <sup>10</sup> Te Aka Whai Ora Ministry of Health. Māori Health Priorities. 2022. Available at: <https://www.tewhatauora.govt.nz/assets/Publications/Maori-health/230830-Maori-Health-Priorities-Report-Te-Aka-Whai-Ora.pdf>
- <sup>11</sup> The Waitangi Tribunal. Ngā Mātāpono/The Principles: Part II of the Interim Report of the Tomokia Ngā Tatau o Matangireia – The Constitutional Kaupapa Inquiry Panel on The Crown’s Treaty Principles Bill and Treaty Clause Review Policies *in pre-publication format*. Chapter 6. November 5, 2024. Available at: <https://www.waitangitribunal.govt.nz/en/news-2/all-articles/news/tribunal-releases-chapter-6>
- <sup>12</sup> Te Ropū Whakamana I Te Tiriti o Waitangi. WAI 3307. Health equity. November 2024. Available at: <https://www.nzdoctor.co.nz/sites/default/files/2024-01/Wai%203307%202.5.003.pdf>
- <sup>13</sup> Sapere Research Group. Methodology for estimating the underfunding of Māori primary health care. 2021. Available at: <https://srgexpert.com/wp-content/uploads/2023/07/Methodology-for-Estimating-the-Underfunding-of-Maori-Primary-Health-Care-July-2021.pdf>
- <sup>14</sup> Reid P, Robson B. Economic cost of indigenous health inequities in New Zealand. *BMJ*. 2022;10 (1132): 233-240. Available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC9594571/>
- <sup>15</sup> Minister of Health. Pae Tū: Hauora Māori Strategy [Internet]. Wellington, NZ: Ministry of Health; 2023 July 12. Available at: <https://www.health.govt.nz/publications/pae-tu-hauora-maori-strategy>
- <sup>16</sup> New Zealand Government. Pae Ora (Healthy Futures) Act 2022. Available at: <https://www.legislation.govt.nz/act/public/2022/0030/latest/LMS575409.html>
- <sup>17</sup> The Waitangi Tribunal. WAI2575 Health Services and Outcomes Inquiry. Available at: <https://www.health.govt.nz/maori-health/wai-2575-health-services-and-outcomes-inquiry>

