

The New Zealand Nurses Organisation Tōputanga Tapuhi Kaitiaki o Aotearoa submission on the Principles of the Treaty of Waitangi Bill to the Justice Select Committee

20 December 2024

Introduction

The New Zealand Nurses Organisation Tōputanga Tapuhi Kaitiaki o Aotearoa (NZNO) strongly opposes the Principles of the Treaty of Waitangi Bill (Government Bill 94-1) currently before Parliament.

We object to this Bill on the grounds that Part 2, Clause 6, Principle 3 (2.a) states that: “Everyone is entitled, without discrimination, to the equal protection and equal benefit of the law.”

NZNO believes, for the reasons outlined below, that this clause will prevent Māori nurses from providing tāngata whenua with culturally appropriate health care that helps them navigate through the Aotearoa New Zealand health system, which has been found to be systemically racist. Without this assistance, Māori will continue to suffer poorer health outcomes and lead sicker and shorter lives than other New Zealanders.

This in itself would be a breach of the Bill’s subsequent subclause (2.b) which states that: “Everyone is entitled, without discrimination, to the equal enjoyment of the same fundamental human rights.”

NZNO and the role of the Kaiwhakahaere

NZNO is the biggest health union with 63,400 members. I write this submission on behalf of NZNO as its Kaiwhakahaere – the Rangatira and co-governor role I have held since 2013. As Kaiwhakahaere I represent the voice and aspirations of NZNO’s 4000 Māori members – our Te Rūnanga o Aotearoa – and am responsible for organising, progressing, advocating and actioning tikanga Māori.

Te Rūnanga is made up of Māori nurses, midwives, kaimahi hauora, health care assistants and allied health professionals. It was established in 1984 to reflect a commitment to Māori under Te Tiriti and reflects the long-standing understanding from Māori that Te Tiriti is central to improving Māori health.

Māori nurses

Māori nurses have been key to building up Māori and iwi-led health services that deliver culturally safe care to our communities. The effectiveness of Māori and iwi-led health services have led to improvements in whānau health and was evidenced during the Covid pandemic when Māori providers were vital to boosting Māori immunisations rates, further protecting all New Zealanders.

Te Rūnanga understands the need for Māori communities to have Māori nurses to provide culturally safe practices. This was highlighted in a [2002 report by Dr Irihapeti Ramsden](#). NZNO will next year publish findings of our own report on the impact culturally unsafe nursing practices have had on tāngata whenua.

Te Rūnanga were claimants to the 2019 WAI 2575 Inquiry which agreed with our submission that a failure to recognise the tino rangatiratanga of iwi and hapū was a contributing factor in the health disparities that exist and reflected a breach of the Crown's obligations under Te Tiriti.

Iwi Māori Partnership Boards

The Coalition Government has recognised the value in Māori and iwi-led health services provision by continuing Iwi Māori Partnership Boards (IMPBs). Minister of Health Dr Shane Reti is committed to IMPBs and has said they are part of his “long-term vision for Māori health” and will ensure Māori voices are heard in health decision-making. Under this Bill, Dr Reti's vision that localised health plans “means agencies can take meaningful steps towards reducing actual health inequities” and the continuation of IMPBs will be in jeopardy.

Progress for Māori communities has been driven by aspirations for tino rangatiratanga as promised in Te Tiriti o Waitangi. This Bill in its entirety diminishes Te Tiriti as it seeks to remove the working principles that led to the establishment of Māori and iwi-led health services.

Equal human rights

The Waitangi Tribunal's WAI 2575 Kaupapa Inquiry report that found substantial and persistent disparities exist between the health of Māori and non-Māori, with Māori life expectancy being seven years lower than non-Māori.

Māori are more likely to suffer heart disease, cancers, diabetes and mental health issues. Research has found timely access to health care is a key issue. Māori nurses

providing culturally safe practices are more likely to identify the risk of preventable illnesses, enabling early intervention and saving the health system money.

The establishment of Te Aka Whai Ora in 2022 aimed to reduce and eventually end Māori health disparities. One of the first acts of the Coalition Government was to disestablish the Māori Health Authority on the basis it was special treatment. However, Te Aka Whai Ora was designed to make health outcomes more equal.

Racial discrimination in the health sector

A [report by Manatū Hauora](#) – the Ministry of Health last year identified Māori as having the highest rate of racial discrimination in the health sector. It also found racism is an important determinant of health that contributes to health inequities. Evidence by [Robson & Harris in 2007](#) found institutional racism within the health system results in Māori receiving less and quantity of care.

The WAI 2575 report identified Māori health disparities in access and outcome as clear breaches of Article 24.2 of the United Nations Declaration on the Rights of Indigenous Peoples.

The Human Rights Commission has identified under-representation of Māori in the health workforce as structural discrimination. Māori currently represent about 7% of the nursing workforce despite Māori being 18% of the population.

Māori have never had equal treatment in the health sector and need additional and culturally appropriate support to have the same access and outcomes as other New Zealanders. Therefore this Bill, which states “everyone is entitled, without discrimination, to the equal enjoyment of the same fundamental human rights” is nonsensical.

Pae Ora Act

The Pae Ora (Healthy Futures) Act 2022 is the Government’s legislated aim for health care service provision. It references Te Tiriti nine times and principles 16 times. Those principles are both Treaty principles and health sector principles which include “ensuring Māori and other population groups have access to services in proportion to their health needs” and that the health sector should take measures to “protect and improve Māori health and wellbeing”.

This Bill is contrary to the Pae Ora Act.

Conclusion

NZNO, and our Māori nurses in particular, are in a unique position. They witness every day the inequities in the health sector which make Māori more likely to suffer from preventable illnesses, comorbidities and shorter life spans.

Te Tiriti provides a foundation to help fix the serious and dire problems faced by Māori.

Tāngata whenua have faced generations of systemic racism in the health sector. This means they are less likely to seek medical care when they are sick and more likely to drop out of the health system altogether.

Māori nurses and Māori and iwi-led health providers are the key to turning around these health inequities. Equal rights cannot be legislated for if there isn't an even playing field to build from. Tāngata whenua need additional support to create health equality.

An Aotearoa where everyone has the same access to health services and similar health outcomes is better for New Zealand, it's society, it's economy and racial harmony. It is the right thing to do.

The Principles of the Treaty of Waitangi Bill moves New Zealand in entirely the opposite direction.

I request to be heard in person by the Justice Select Committee on this matter.

Kerri Nuku
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