



**SUBMISSION TO THE JUSTICE COMMITTEE ON
THE PRINCIPLES OF THE TREATY OF WAITANGI BILL
ON BEHALF OF
WESTERN BAY OF PLENTY PRIMARY HEALTH ORGANISATION**

About Western Bay of Plenty Primary Health Organisation (WBOP PHO)

WBOP PHO is a non-profit organisation supporting and delivering primary health care and wellness services through our network of general practices, iwi partners and community providers from Katikati to Whakatāne. Committed to creating better and more equitable health outcomes, we strive to make services accessible to each person in our community, when and where they need them.

We are a joint venture (JV) between Ngāi Te Rangi iwi, Ngāti Ranginui iwi, and Western Bay of Plenty Primary Care Providers Inc (Provider Inc), an umbrella organisation for general practices and other related providers. Our Board comprises 50/50 Iwi partners and Providers Inc. This successful and unique co governance structure was established over 20 years ago. WBOP PHO have 118 staff and a network of 33 General Practices supported by 251 Doctors and 250 Registered Nurses.

We are all about ensuring our community receives the care and support it deserves. Our mahi (work) can be anything from coordinating after-hours care, to promoting immunisation, and providing free counselling sessions or healthy lifestyle programmes. We exist to keep the people in our community well.

Our position

We DO NOT support the Principles of the Treaty of Waitangi Bill.

Our primary concern with the Bill is that the proposed principles bear no meaningful reflection to the agreement made in Te Tiriti o Waitangi. While the Bill cannot change Te Tiriti o Waitangi itself, it clearly seeks to fundamentally alter its legal interpretation and effect. Furthermore, this Bill has been developed without any wide spread meaningful consultation with tangata whenua, the key Tiriti partner.

WBOP PHO firmly supports the findings of the Waitangi Tribunal and the Ministry of Justice. Experts in their respective fields have conducted thorough due diligence, and both the process and content of the Bill have faced justified and fierce criticism. As the Waitangi Tribunal and the Ministry of Justice has stated:

"If this Bill were to be enacted, it would be the worst, most comprehensive breach of the Treaty/te Tiriti in modern times. The Crown would be turning the clock back to 1877 and the decision in Wi Parata that the Treaty/te Tiriti is a 'simple nullity'.

If the Bill remained on the statute book for a considerable time or was never repealed, it could mean the end of the Treaty/te Tiriti.”

- *Waitangi Tribunal*

“An interpretation of Article 2 that does not recognise the collective rights held by iwi and hapū, or the distinct status of Māori as the indigenous people of Aotearoa New Zealand, calls into question the very purpose of the Treaty and its status in our constitutional arrangements.”

- *Ministry of Justice*

Implications for primary healthcare

Te Tiriti o Waitangi has long served as a foundation for addressing inequities in Aotearoa New Zealand, particularly in healthcare. The Western Bay of Plenty Primary Health Organisation’s (WBOP PHO) commitment to Te Tiriti o Waitangi Articles and Principles, guides how we invest and allocate our resources and supports an organisational culture of equity. Te Tiriti o Waitangi is one of the best accountability frameworks for addressing Equity. Addressing equity is the right thing to do.

The WBOP PHO has taken a strong pro-equity approach, as we know that the health system is not working for all priority groups as identified in the Pae Ora (Health Futures) Act 2022. The purpose of the Act is to achieve equity in relation to health outcomes among all of the population groups of Aotearoa/ New Zealand’s. This includes, striving to eliminate health disparities, in particular, for Māori.

Under the Act achieving equity means ensuring all population groups:

- (i) have access to services in proportion to their health needs and
- (ii) receive equitable levels of service and
- (iii) achieve equitable health outcomes, in particular, for Māori

Whilst our focus on eliminating inequities for Māori is front and centre and at the core of our strategy, we are also determined to eliminate all inequities in our health system causing disadvantage and poorer health outcomes for our population.

Our current principles, including partnership, participation, protection, and redress, are essential to guiding our work and improving health outcomes for Māori while reducing inequities.

The proposed principles diverge significantly from this established framework, overlooking the dedicated efforts of Māori and other New Zealanders who have worked collaboratively on our behalf to shape Aotearoa New Zealand’s progress over the past 50 years.



We believe the Principles of the Treaty of Waitangi Bill presents an overly narrow interpretation, focusing primarily on sovereignty, property rights, and formal equality. This limited approach overlooks the systemic inequities that the original Treaty principles were designed to address.

The Bill, in our view, fails to adequately recognise the rights and mana of Māori and does not honour the commitments made under Te Tiriti o Waitangi. The societal implications of this legislation are profound. WBOP PHO does not support a referendum, as it risks deepening division at a time when kotahitanga (unity) is critically needed.

In the context of our work, the Bill serves as a distraction from the pressing challenges facing primary and community healthcare, including workforce shortages, insufficient funding, increasing demand, and the ongoing pursuit of equitable healthcare.

Specific concerns relating to the proposed principles

Principle 1

The Executive Government of New Zealand has full power to govern, and the Parliament of New Zealand has full power to make laws,

- a) in the best interests of everyone; and*
- b) in accordance with the rule of law and the maintenance of a free and democratic society.*

WBOP PHO asserts that this proposed principle effectively grants the government unchecked power and authority to govern, disregarding the distinct authority guaranteed to Māori (tino rangatiratanga) and to the Crown (kāwanatanga) under Te Tiriti o Waitangi.

Māori leaders, acting from a position of strength and generosity, conferred kāwanatanga (governing authority) to the British Crown, specifically concerning British subjects in New Zealand. However, this Bill misrepresents Te Tiriti o Waitangi by seeking to constrain the continued exercise of Māori authority, which was explicitly guaranteed as tino rangatiratanga under the Treaty.

Principle 2

- 1. The Crown recognises and will respect and protect, the rights that hapū and iwi Māori had under the Treaty of Waitangi/te Tiriti o Waitangi at the time they signed it.*
- 2. However, if those rights differ from the rights of everyone, subclause (1) applies only if those rights are agreed in the settlement of a historical Treaty claim under the Treaty of Waitangi Act 1975.*

This principle acknowledges the specific promises and guarantees made in 1840 by the Queen of England to Māori. However, this second proposed principle further undermines the guarantee of tino rangatiratanga.

If implemented, this principle would eliminate the recognition and protection of Māori rights as outlined in Te Tiriti o Waitangi. Instead, Māori rights would become dependent on settlement legislation or other mechanisms applicable to all, eroding their unique status under the Treaty.

We share the widely held concern that this proposal not only contradicts the intent of Te Tiriti o Waitangi but also fails to align with international standards, as articulated in the United Nations Declaration on the Rights of Indigenous Peoples.

Principle 3

1. *Everyone is equal before the law.*
2. *Everyone is entitled, without discrimination, to*
 - a) *the equal protection and equal benefit of the law; and*
 - b) *the equal enjoyment of the same fundamental human rights.*

WBOP PHO believes this proposed principle disregards the government's commitment to upholding the principles of partnership, equity, and active protection with respect to Māori.

All inequities are unfair, unjust, and avoidable, however, our focus on Māori Health is based on the following rights and needs:

Rights:

- To uphold Te Tiriti o Waitangi as the founding document of Aotearoa/ New Zealand. The Crown has a responsibility that includes the right to parity of health outcomes.
- To acknowledge equity as a basic human right, underpinned by legislation, the Pae Ora (Healthy Futures) Act.

Needs

- To accept the evidence and facts that Māori have on average poorer health outcomes than non-Māori.
- To understand there is a range of reasons for Māori Health inequities.
- To acknowledge the effects of colonisation are wide-reaching and still affect Māori today.

Article 3 of Te Tiriti o Waitangi explicitly promised Māori the rights and privileges of British subjects—a promise made uniquely to Māori and to no other group under the Treaty.

In contrast, Aotearoa already has numerous legal provisions to protect all people from harmful discrimination and to ensure equality before the law. The proposed Principle 3, in our view, offers no substantive value beyond these existing protections. More critically, it undermines a specific mechanism that upholds Māori rights to equal protection and enjoyment under the law, effectively erasing Māori from the intent and guarantees of Te Tiriti o Waitangi.



Western Bay of Plenty
Primary Health Organisation