

Justice Committee

Principles of the Treaty of Waitangi Bill

December 2024

Improve the mental health of our communities

Royal Australian and New Zealand College of Psychiatrists submission

Principles of the Treaty of Waitangi Bill

About the Royal Australian and New Zealand College of Psychiatrists

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) is a membership organisation that prepares doctors to be medical specialists in the field of psychiatry, supports and enhances mental health practice, and advocates for people affected by addiction, or other mental health difficulties. The RANZCP represents more than 8400 members, including more than 5900 qualified psychiatrists and 2400 trainees across Aotearoa New Zealand and Australia. We are guided on policy matters by a range of expert committees made up of psychiatrists and community members with a breadth of academic, clinical, and service delivery expertise in mental health and addiction.

Introduction

The RANZCP welcomes the opportunity to provide feedback on the Principles of the Treaty of Waitangi Bill.

The RANZCP recognises Te Tiriti o Waitangi as a founding document that is fundamental to social and health policy in Aotearoa New Zealand, and we reaffirm our commitment to addressing historical and ongoing health inequities in our communities.

Tu Te Akaaka Roa is strongly opposed to the Principles of the Treaty of Waitangi Bill (the Bill) which fails to uphold the Crown's obligations under Te Tiriti o Waitangi and has potential to exacerbate current health inequities and cause long-term harm to our communities.

Recommendation

Tu Te Akaaka Roa strongly opposes the Bill and urges Select committee to reject its progression.

By attempting to redefine the meaning of Te Tiriti o Waitangi in a manner that threatens Māori rights, the Bill fails to address structural disadvantages and works against the realisation of equitable access to culturally responsive healthcare for all New Zealanders.

Clause 6 of the Bill gives the Government of Aotearoa New Zealand full power to govern, disregarding fundamental rights of Māori as tāngata whenua of Aotearoa New Zealand and the Crown's principal obligations under Te Tiriti o Waitangi, particularly tino rangatiratanga and whakamarumarutia. Tino rangatiratanga enables Māori to live in accordance with tikanga, protect and care for their taonga, and flourish as Māori. Health equity for all New Zealanders can only be achieved through the realisation of tino rangatiratanga and empowering Māori to lead initiatives based on kaupapa Māori approaches and live in accordance with tikanga.

The Crown's current and historical failures to uphold the inherent rights of tāngata whenua and develop culturally appropriate legislation has been described extensively. He Ara Oranga and the Waitangi Tribunal's Hauora Report: WAI 2575 have highlighted the collective impact of colonisation and culturally inappropriate healthcare models, legislative frameworks, and health policies that disregard the rights and values of tāngata Māori. Despite improvements over recent years, most legislative frameworks in Aotearoa New Zealand continue to be based on a mono-cultural perspective which perpetuate health inequities.

By omitting tino rangatiratanga and limiting the Crown's obligation to work in partnership with Māori, the Bill poses a significant set-back and risks the exacerbation of existing health inequities through ongoing development of culturally unresponsive legislation, thereby failing to protect Māori rights in line with He Whakaputanga and Te Tiriti o Waitangi.