



Submission on Principles of Treaty of Waitangi Bill New Zealand Psychological Society

Prepared by NZ Psychological Society Executive

Who We Are:

The New Zealand Psychological Society (NZPsS, “the Society”) is the premier professional and scientific association for psychologists in Aotearoa/ New Zealand and is committed to supporting quality practice, education and research in psychology. The Society is making a submission on the Principles of the Treaty of Waitangi Bill as we recognise the connection between honouring Te Tiriti o Waitangi and the wellbeing of everyone in Aotearoa.

The NZPsS represents over 2000 members and students and encompasses a broad range of practice in psychology in Aotearoa/New Zealand, including clinical, counselling, health, forensic, community, organisational and educational. As an organisation we have a strong commitment to Te Tiriti o Waitangi, as noted in our position statement:

As a Society, we honour the mana of He Whakaputanga and Te Tiriti o Waitangi and recognise their historic, current and future importance in Aotearoa.

We uphold the kawana tapu (sacred covenant) of He Whakaputanga and Te Tiriti o Waitangi by living our values as reflected in our policies, practices and actions.

He Whakaputanga and Te Tiriti o Waitangi are the foundations by which we become culturally competent, aware and safe practitioners in alignment to our code of ethics, core competencies and code of conduct.

We are committed to bicultural perspectives and practice and have substantial Māori representation on our decision-making bodies, including the Executive, having recognised the significance of our partnership with Māori, consistent with Te Tiriti, through the establishment of a National Standing Committee on Bicultural Issues in 1991 (now renamed National Standing Committee on Te Tiriti Issues.)

The Society advocated for and, with other professional and regulatory bodies, established a new Code of Ethics in 2002 that strongly reflects our commitment to Te Tiriti and to principles relating to the pursuit of social justice and social wellbeing.

Overview

We **strongly oppose** the Principles of the Treaty of Waitangi Bill (the Bill) and **do not** support the idea of a referendum on this issue. We recommend that the Bill is abandoned at (or before) the second reading. We also oppose moves being made outside of this bill to remove references to Te Tiriti o Waitangi/ The Treaty of Waitangi in other legislation.

The provisions within Te Tiriti o Waitangi/the Treaty of Waitangi are clearly laid out and succinct, there is no need for this legislation as it does not aid understanding or provide clarity. In fact, the principles proposed in this Bill contradict the text of Te Tiriti o Waitangi and whitewash its intention so fully as to be meaningless.

Key points regarding this legislation from our perspective are:

- The concept of “Equality”, that many New Zealanders would support at a surface level, appears to provide for everyone to be protected. However, the claims of equal protection and benefit, equal human rights are predicated on acceptance of the status quo and assimilation into structures that primarily draw from western ways of understanding.
- There is ample evidence that over the time since 1840 the Crown has not done its part in upholding Te Tiriti o Waitangi, in many spheres including psychology. At times the Crown and its representatives have actively sought to undermine and disregard the agreement. These actions have caused and continue to cause trauma and harm to Māori¹. In recent years there has been some movement towards actively addressing the past and ongoing breaches. This Bill seeks to bypass Te Tiriti o Waitangi itself and instead legislate a set of principles that restrict our country’s ability to address the breaches, heal the past and forge creative and innovative ways forward.
- A glaring omission in the proposed principles is tino rangatiratanga. Māori never ceded sovereignty and the enactment of tino rangatiratanga is positively associated with wellbeing. Māori and Tangata Tiriti have clearly documented the social, health and political inequalities resulting from settler colonialism (land confiscation and the erasure of language) and racism² (the suppression of everything Māori), noting that Māori tino rangatiratanga has been suppressed for over a century.
- The removal of the rights of iwi and hapu, restricting them to only what is outlined in treaty settlements, also removes important environmental protections. Our psychological wellbeing is closely linked with environmental wellbeing³.

¹ Wai Claim 2725, #1.1.1(a), 26th March 2024. [Wai 2725, 1.1.001\(a\).pdf](#)

² Waitoki, W., Tan, K., Hamley, L., Stolte, O., Chan, J., & Scarf, D. (2024). Systemic Racism and Oppression in Psychology: Voices from Psychologists, Academic Staff, and Students. WERO and University of Waikato, Hamilton, New Zealand.

³ <https://www.royalsociety.org.nz/what-we-do/our-expert-advice/all-expert-advice-papers/climate-change-and-health/>

- The lack of meaningful consultation in developing the Bill, the omission of tino rangatiratanga from the principles and the focus on ‘equal rights’ all highlight what is missing from this Bill that is central to Te Tiriti o Waitangi – the concept of partnership, of a relationship, of two parties working together for mutual benefit. Without this guiding theme the proposed principles in no way reflect the text or intent of Te Tiriti o Waitangi.

Discussion points

Equality and Equity

- One of the key values of New Zealanders is a sense of fairness and equality. Whilst the Bill uses the terms “Equal” and “Equality” a number of times, this process and the principles outlined do not reflect this value in any way. The Bill put forward by the Government seeks to amend the implementation of Te Tiriti o Waitangi in current society, without having appropriately consulted the other party to that agreement.
- The impact of the proposed principles would be inherently unequal – they propose to restrict the rights of iwi and hapu to only those described in historical treaty claims – ignoring the ongoing inequities and oppression that is occurring today. These principles will perpetuate settler colonialism and negatively impact both Māori and non-Māori alike.
- The Bill seeks to remove the ability for Māori to enact tino rangatiratanga and unilaterally claims sovereignty for the Executive Government and Parliament of New Zealand. This is an aggressive act that does not uphold values of fairness and equality.
- Whilst claiming to operate from a position of ‘colourblindness’ and everyone as equal under the law, these principles are instead an attempt at assimilation and imposing a particular set of values, laws and practices on everyone, in a way that privileges Western ideas and knowledge to the detriment of other knowledges and ways of being.

Psychological Impacts

- Many New Zealanders, and NZ organisations hold to Te Tiriti o Waitangi as the founding document of our country⁴. Particularly for younger New Zealanders this foundation document is a unifying force that they take pride in. Considering a referendum to dismantle the key provisions of that document is psychologically unsettling and destabilising for the country. It would be a fundamental mistake to undertake such a referendum. Embracing the vision and actual provisions of Te Tiriti o Waitangi would be a more effective way to promote its legitimacy and social cohesion.
- The effect of this Bill, if it were to be passed, would be to limit the real world ability of Ministries and state-owned entities to enact policies that give true

⁴ Hellmann, O. (2023). Settler memory and Indigenous counter-memories: narrative struggles over the history of colonialism in Aotearoa New Zealand. *Political Science*, 75(3), 214–232. <https://doi.org/10.1080/00323187.2024.2335473>

effect to Te Tiriti o Waitangi - to recognise Māori as tangata whenua and as equal partners under the law. Many psychologists work within these state entities, such as Te Whatu Ora, Ara Poutama Aotearoa, schools and universities. This will directly impact on psychologists' ability to best serve their clients – developing and implementing programmes that are culturally responsive and support all New Zealanders to live life well.

- As psychologists we recognise the devastating impacts of colonisation on many peoples around the world⁵, and the ongoing psychological harm that is caused to those subject to this loss of place, culture and dignity. Recognition of mātauranga Māori, enactment of tino rangatiratanga, engaging with and honouring Māori cultural practices provide pathways to heal the harm that has been caused and prevent future harm.
- Many psychologists are specialists in trauma and work with people to heal from its impacts. The intergenerational trauma⁶ that has arisen from colonisation and the 'sidelining' of Te Tiriti o Waitangi cannot be glossed over with feel-good words about equality. As a country we need to recognise what has occurred, and take active steps to address the harms which will then lead to opportunities for healing the trauma. Te Tiriti o Waitangi offers a framework for that. These proposed principles are a barrier, they are like trying to put a fresh coat of white paint over the top to hide the ugly past. It will not work.
- Cultural embeddedness and utilising indigenous knowledge have been shown to have a positive influence on mental health⁷, resilience⁸, and rehabilitation⁹. Providing space and resources within our society – in healthcare, education, social spaces, media, workplaces – that are embedded in Te Ao Māori frameworks will contribute significantly towards positive outcomes for New Zealanders. Making way for Māori to offer services in ways that reflect their cultural knowledge and practices will support psychological wellbeing. The proposed principles seek to prevent or problematise such services and will impair the ways in which psychologists can work to support wellbeing.

Tino Rangatiratanga

- The proposed principles privilege the kāwanatanga sphere (The Crown), elevating this to the only law of the land, and disposing of Article 2 of Te Tiriti o Waitangi which confirms the ongoing right of Māori to exercise tino rangatiratanga.
- The Society opposes this blatant disregard for the rights of Māori within the proposed principles. Māori rights do not flow from Crown institutions or settlements, but instead from their connection to the land and whakapapa.

⁵ Moewaka Barnes, H., & McCreanor, T. (2019). Colonisation, hauora and whenua in Aotearoa. *Journal of the Royal Society of New Zealand*, 49(sup1), 19–33. <https://doi.org/10.1080/03036758.2019.1668439>

⁶ Bryant, T. (2024). Lessons from decolonial and liberation psychologies for the field of trauma psychology. *American Psychologist*, 79(5), 683–696. <https://doi.org/10.1037/amp0001393>

⁷ Muriwai, E., Houkamau, C., Sibley, C. (2015) Culture as Cure? The Protective Function of Māori Cultural Efficacy on Psychological Distress. *New Zealand Journal of Psychology*, 44(2). 14-24

⁸ Fox, R., Neha, T., Jose, P E. (2018) [Tū Māori Mai: Māori Cultural Embeddedness Improves Adaptive Coping and Wellbeing for Māori Adolescents](#) *New Zealand Journal of Psychology*, 47 (2), 14-24

⁹ Dempster-Rivett, K., Masters-Awatere, B., Roen, K. Starkey, N. (2022) Māori voices in healing childhood maltreatment and breaking the cycle of family harm. *New Zealand Journal of Psychology* 51(1) 36-45

- We also recognise the importance of tino rangatiratanga for wellbeing¹⁰, including psychological wellbeing and urge the Government to embrace work currently underway to enable the practical realisation of Te Tiriti o Waitangi to enable both spheres to function alongside each other, in relationship.

Environmental Impacts

- The Society recognises the important psychological impacts of climate change and the degradation of the physical environment that we all live in.
- The proposed principles seek to undermine the requirements to consult with local iwi and hapu in the use of land and waterways around Aotearoa. We are very concerned that the removal of Māori rights is being used to minimise barriers to development that will harm our environment and our wellbeing.

Conclusion

The New Zealand Psychological Society strongly opposes this Bill and urges Parliament to abandon it on or before its second reading. We urge you to ensure that there is no referendum on these principles or on Te Tiriti o Waitangi.

We recommend that the Government uphold the actual articles of Te Tiriti o Waitangi and seek to work in ways that reflect the relational nature of the agreement, honouring its intent through genuine partnership and co-design of any constitutional transformation.

¹⁰ Te One A and Clifford C (2021) Tino Rangatiratanga and Well-being: Māori Self Determination in the Face of Covid-19. *Front. Sociol.* 6:613340. doi:10.3389/fsoc.2021.613340