

TE TIRITI O WAITANGI POLICY

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Introduction

The Nursing Council reaffirms and embraces its role, responsibilities, obligations, and opportunities to contribute to Māori health equity through honouring and enacting Te Tiriti o Waitangi within and across the breadth and depth of its work and its relationships.

Organisational Context

1. This Te Tiriti o Waitangi Policy Statement updates and builds on Council's original Te Tiriti o Waitangi Policy, and accompanying Framework confirmed in February 2020.
2. Since 2020, the Council's operating environment has changed. This updated policy reflects these changes - including health and education system reform and associated legislative changes - that aim to bring Te Tiriti o Waitangi and equity for Māori to the fore.
3. It also reflects Council's own developing maturity as a Te Tiriti partner, including a growing understanding of the scope and opportunity to contribute to Māori health equity through our:
 - **regulatory functions** - providing for a nursing profession that understands, values and reflects the communities it serves and is culturally safe and competent, and
 - **organisational operating norms and practices** – providing for an organisation that understands, values and reflects Te Tiriti and is culturally safe and competent including by enabling and prioritising effective and respectful interaction with Māori.

Te Tiriti o Waitangi

4. We understand Te Tiriti o Waitangi¹ is at its heart a relationship agreement. It is a living partnership agreement between Māori and the Crown. It entails enduring rights, responsibilities and obligations on both partners.
5. Te Tiriti is made up of a preamble and three articles²:
 - **The Preamble** – expresses a desire to preserve Māori rangatiratanga; to protect Māori lands; and to bring peace and good order for Māori and non-Māori through the appointment of a Governor and establishment of Government.
 - **Article I – Kāwanatanga | Government** – the Crown is afforded the right to govern.

¹ The Council affirms its acknowledgment of the Māori language text, i.e. Te Tiriti o Waitangi as indicated in the previous Te Tiriti o Waitangi Policy (approved February 2020).

² See Cabinet Office: "Te Tiriti o Waitangi/ Treaty of Waitangi Guidance", Cabinet Office Circular CO (19) 5, 22 October 2019 for the full text of the preamble and the three articles in te reo Māori and in English.



- **Article II – Tino Rangatiratanga | Sovereignty** – Māori are assured of the unqualified exercise of tino rangatiratanga (sovereign chieftainship according to Māori custom) over their lands, villages, and taonga katoa ('all treasures' – anything determined by Māori to be of value) if that was their wish; and on the other hand, the Queen, or her agent, were afforded first option to purchase lands if Māori wished to sell.
- **Article III – Ōritetanga | Equity** – Māori and non-Māori are guaranteed equal protection, rights and obligations as citizens.

It was also accompanied by an oral declaration, the Ritenga Māori Declaration, sometimes referred to as 'the fourth article' which provides for the protection of religious freedom and the protection of traditional spirituality and knowledge.

6. In summary, Te Tiriti o Waitangi provides the legitimacy for the establishment and exercise of government. It guarantees, for Māori, tino rangatiratanga - which includes, amongst other things, decision making rights over resources and taonga, and the freedom to practise and express indigenous knowledge. And, finally, through Te Tiriti, Māori and non-Māori alike can expect to enjoy equally the obligations and benefits of citizenship.

Our Te Tiriti o Waitangi Goals

7. The Nursing Council will strive towards the following goals which reflect the three Articles of Te Tiriti and the Declaration³. These goals are expressed through the Māori concept of mana and align with the Ministry of Health's Te Tiriti goals:
 - **Mana Whakahaere** (Article I – Good Government) – effective and appropriate regulatory practice contributing to stewardship of the health and disability system that goes beyond management of assets and resources.
 - **Mana Motuhake** (Article II – Unique and Indigenous) - enabling the right for Māori to be Māori and to exercise self-determination over their lives and to live on Māori terms according to Māori philosophies, values and practices, including tikanga Māori.
 - **Mana Tangata** (Article III – Fairness and Justice) – achieving equity in health and disability outcomes for Māori across the life course and contributing to Māori wellness.
 - **Mana Māori** (Declaration – Cultural Identity and Integrity) – enabling Māori customary rituals framed by te ao Māori (the Māori world), enacted through tikanga

³ See Ministry of Health: "Whakamaua: Māori Health Action Plan 2020-2025", p.13 for more information on the Articles and the Declaration in the context of the health system.



Māori (Māori philosophy and customary practices) and encapsulated within mātauranga Māori (Māori knowledge).

Our Te Tiriti o Waitangi Guiding Principles

8. The Nursing Council will be guided by the Te Tiriti principles outlined below. These principles and accompanying text are derived from, and consistent with, findings of the Waitangi Tribunal and the Courts, including recommendations in the WAI 2575 Hauora Report 2023; the health sector principles of Pae Ora (Healthy Futures) Act 2022, and He Korowai Oranga and Whakamaui (the Ministry of Health's Māori health strategy and action plan 2020-2025):
- **Equity** –the health sector should be equitable and ensure equitable health outcomes for Māori as a key focus and driver.
 - **Partnership** – the health sector should engage with Māori to develop, deliver, and monitor services and programmes that reflect Māori needs and aspirations and are designed to improve hauora Māori outcomes, reflecting a strong and enduring Te Tiriti partnership.
 - **Tino Rangatiratanga** – the health sector should provide opportunities for Māori to exercise decision-making authority on matters of importance to Māori and Māori health.
 - **Options** - the health sector should provide choice of quality services to Māori, including by
 - providing services that are culturally safe and culturally responsive, and
 - developing and maintaining a health workforce that is representative of the community it serves; and
 - harnessing clinical leadership, innovation, technology, and lived experience to continuously improve services, access to services, and health outcomes; and
 - providing services that are tailored to a person's mental and physical needs and their circumstances and preferences; and
 - providing services that reflect mātauranga Māori.
 - **Active Protection** - the health sector should protect and promote health and wellbeing, including by undertaking promotional and preventative measures to protect and improve Māori health and wellbeing.

Our Te Tiriti o Waitangi Commitments in Action

9. The Nursing Council will contribute positively to Māori health equity through giving effect to the goals and principles described above, including through a refreshed approach to: People, Processes, Policies and Programmes.



People

10. The Council acknowledges that Te Tiriti is a partnership and that giving effect to Te Tiriti o Waitangi, in the context of its work, will require a strong focus on people, and on relationships. In particular:
- The Council acknowledges that all nurses need to be equipped and supported to provide culturally safe practice for Māori and their whānau to achieve Māori health equity.
 - The Council acknowledges and values the unique role of Māori nurses in achieving Māori health equity and will actively engage with, and listen to, Māori nurses.
 - The Council acknowledges that all staff need to be equipped and supported to build cultural competency and understanding of how they contribute to Māori health equity.
 - The Council acknowledges and values the unique role of Māori staff in contributing to Māori health equity, including through providing the foundations for a more culturally competent organisation.
 - The Council acknowledges and values its peers in the regulatory ecosystem and the value of working together for Māori health equity.

Processes and Programmes

11. The Council acknowledges that organisational processes and programmes can enable or hinder progress towards Māori health equity, and that bringing a Te Ao Māori lens to its regulatory functions and associated work programmes has the potential to be a powerful catalyst for change.
12. The Council commits to the continued development and application of the Tukutuku Rau regulatory approach across its work programmes and services.

Policies

13. The Council acknowledges that this Te Tiriti o Waitangi Policy is a primary policy statement. It is relevant to all aspects of Council's policy and operations (the 'what' and the 'how'), and applies to all members of Council, Executive leadership, and staff.
14. This policy underpins and overarches all the work of Council and other policies will be developed and/or reviewed in adherence with this policy.



References

Source materials that have informed the development of this updated policy include, but are not limited to, the references listed below:

Cabinet Office: “Te Tiriti o Waitangi/ Treaty of Waitangi Guidance”, Cabinet Office Circular CO (19) 5, 22 October 2019 [[Available here](#)]

Education and Training Act 2020 [[Available here](#)], including Section 9 ‘Te Tiriti o Waitangi’ and Section 315 ‘Functions of Te Pūkenga – New Zealand Institute of Skills and Technology’

Health Practitioners Competence Assurance Act 2003 [[Available here](#)], including Section 118 (1) (i): ‘Functions of Authorities’ relating to clinical competence, cultural competence and interaction with Māori, Amended April 2019

Ministry of Health, “He Korowai Oranga: Māori Health Strategy” and “Whakamaua: Māori Health Action Plan 2020-2025” [[Available here](#)]

Ministry of Health, “Te Tiriti o Waitangi Framework” [[Available here](#)]

Pae Ora (Healthy Futures) Act 2022 [[Available here](#)], including Section 3 ‘Purpose of the Act’; Section 6 ‘Te Tiriti o Waitangi’; Section 7 ‘Health sector principles’

Shaw, Susan & Tudor, Keith “Effective and respectful interaction with Māori: How regulators of health professionals are responding to the *Health Practitioners Competence Assurance Amendment Act 2019*” in *New Zealand Medical Journal*, 2023, Feb 3; 136

Te Arawhiti | The Office for Māori Crown Relations, Guidance on Engagement [[Available here](#)]

Te Kaunihera Tapuhi o Aotearoa | Nursing Council of New Zealand “Strategic Plan Mahere Rautaki 01 April 2022 to 31 March 2024” [[Available here](#)]

Te Kaunihera Tapuhi o Aotearoa | Nursing Council of New Zealand “Te Tiriti o Waitangi Policy Statement”, February 2020 [[Available here](#)]

United Nations Declaration on the Rights of Indigenous Peoples, September 2007 and related materials, including “He Puapua” The Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa/New Zealand, November 2019, [[Available here](#)]

Waitangi Tribunal Report 2023, WAI 2575 “Hauora, Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry” [[Available here](#)]

