



Statement: Recognition of Te Tiriti o Waitangi: implications for ANZCA in New Zealand

Scope

This document is intended to apply to all New Zealand-based staff, trainees and fellows of ANZCA and the Faculty of Pain Medicine. It could also inform Australian counterparts about the different legislative contexts.

Summary

This statement aims to describe Te Tiriti o Waitangi (Te Tiriti) within the context of improving hauora Māori (Māori health) and the steps the college is taking to meet its responsibilities under Te Tiriti.

The New Zealand staff and National Committee, working with other staff involved with training and education have developed this statement to inform progress to ensure that Te Tiriti informs all work undertaken by the college within the New Zealand context.

The statement will support ANZCA /FPM's policy and advocacy work, inform our leadership, staff, trainees, fellows, and specialist international medical graduates. It will also act as a reference document for training purposes and ensure the continuing professional development activities meet the requirements for culturally safe practice as defined by Te Kaunihera Rata o Aotearoa/ Medical Council of New Zealand.

Key messages

- Te Tiriti is a founding document that is fundamental to social and health policy in Aotearoa New Zealand.
- ANZCA recognises the significance of Te Tiriti and commits to meeting its responsibilities and ensuring that the principles guide all aspects of its work.
- Meeting our responsibilities under Te Tiriti will make a contribution to ensuring the cultural safety of trainees and fellows, and achieving health equity in Māori health outcomes.
- ANZCA commits to the actions necessary to enact the principles of Te Tiriti across the organisation.

Introduction

Te Tiriti is a living document that is fundamental to the relationships between Māori (known in Aotearoa as Tangata Whenua) and Tangata Tiriti (People of the Treaty, non-Māori). Te Tiriti influences all aspects of life in Aotearoa New Zealand.

Background to Te Tiriti o Waitangi

The Treaty of Waitangi, signed in 1840, is New Zealand's foundation document. There are two accepted versions of the Treaty of Waitangi - the Māori text known as Te Tiriti o Waitangi, and the English version called the Treaty of Waitangi. Under law they are both accepted as the Treaty of Waitangi, but their interpretations differ significantly¹.

Te Tiriti confirms Māori authority and sovereignty, guaranteeing to Māori the full control and authority in their lands, people, settlements, and all that is of value to them, including their social,

political, and economic relationships and institutions. The Treaty provides a framework for relationships and political organisation between Tangata Whenua (Māori) and the Crown.

As at the time of the signing, the dominant language was Te Reo Māori and discussions would have been conducted orally, the Māori text of Te Tiriti is judged to have best reflected the intentions of the chiefs. The international convention of *contra proferentem*², and recent legal judgement by the Waitangi Tribunal have significantly refined the application of Māori/Crown Treaty principles to honour Te Tiriti in practice.

Te Tiriti and the New Zealand health system

The Waitangi Tribunal ruling Wai 2575³ ruling on the Crown's responsibility in law for ensuring Māori health equity was a spur for a major inquiry⁴, and imperatives to implement the principles of Te Tiriti are driving transformational change across New Zealand society.

He Korowai Oranga⁵ (the Māori Health Strategy) 2020, Whakamaua⁶ (the Māori Health Action Plan 2020-2025) and The Pae Ora (Healthy futures) Act⁷ 2022, were developed by the Ministry of Health as an overarching framework to guide the government and the health and disability sector to achieve health equity and the best health outcomes for Māori.

Pae Ora also guided the creation and operation of a Te Hiringa Mahara (Mental Health and Wellbeing Commission), Whaikaha (Ministry for Disabled people), Te Whatu Ora (Health New Zealand), and Te Aka Whai Ora (the Māori Health Authority), established in 2022 as part of the wide ranging Health and Disability System changes.

These moves inform structural reforms occurring throughout the health services.

Guidance from the ministry of health states: “*The principles of Te Tiriti o Waitangi, as articulated by the Courts and the Waitangi Tribunal, provide the framework for how we will meet our obligations under Te Tiriti in our day-to-day work*”. These principles underpin every aspect of the recent health service reforms. Te Tiriti also fundamentally informs Te Mauri o Rongo, the New Zealand Health Charter: “*Our commitment to the principles and our obligations to Te Tiriti underpins our thinking, planning and activity*”⁸

Principles of Te Tiriti and implications for ANZCA

The articles of Te Tiriti have been interpreted and expressed through a set of principles. The principles have evolved over time and provide direction for how we are obliged to consider these principles and reflect on the implications for our work as a health organisation. The principles underpinning Te Tiriti, by which ANZCA can demonstrate its commitment to Te Tiriti are:

Tino Rangatiratanga / self-determination

The principle of self-determination – this provides for Māori self-determination and mana motuhake. It requires the ANZCA to support by Māori for Māori approaches and services, and advocate for tino rangatiratanga to be enshrined within the wider system.

Pātuitanga / partnership

The principle of partnership. This requires all parts of ANZCA to work with Māori in the design, delivery and monitoring of all our work.

Mana Taurite / equity

The principle of equity, which requires ANZCA to commit to work towards equitable health outcomes for Māori through all its functions.

Whakamarumarutia / active protection

The principle of active protection – this requires ANZCA and all members to be well informed on the extent and nature of both Māori health outcomes and ways to achieve Māori health equity through culturally safe practice.

Kōwhiringa / options

The principle of options requires ANZCA to ensure that all its services are provided in a culturally appropriate way that recognises and supports the expression of Te Ao Māori (Māori world view).

More information can be found on the principles at [Principles of the Treaty | Waitangi Tribunal](#).

Te Tiriti and implications for all medical professionals

Key documents that underpin medical professionals' obligations to Te Tiriti are listed on the [Medical Council of New Zealand's website](#), and led to the development of a Cultural Safety Training Framework by [the Council of Medical Colleges \(CMC\)](#). In summary, this body of work gives impetus for ANZCA to develop a strategy based on the context of Te Tiriti within the structures and activities of the college, and an action plan to give it effect, and to guide excellence in the delivery of care by anaesthetists.

Formal recognition of Te Tiriti is a necessary step in progressing the college's response in New Zealand to the recent bi-national [Joint Statement](#)¹ in support of new medical school standards, with their strong focus on cultural safety in all aspects of medical education. Doctors in training must develop skills, knowledge and practice that lifts their understanding of cultural safety; consultants must undertake CPD activities that enhance their knowledge of Te Tiriti, cultural safety, and anti-racist advocacy necessary for culturally appropriate care.

Recommendations

The development of this statement is a first, important step in the journey ANZCA is on to ensure that members and staff (particularly those in Aotearoa New Zealand), understand the implications of Te Tiriti in all our work.

To support this journey ANZCA will:

- Develop a strategy and action plan outlining the necessary actions required by the college to enact the principles of Te Tiriti.
- Actively embed Te Ao Māori perspectives within all curricula, training and continuing professional development programmes, policy, and advocacy documents. This action includes acknowledging and valuing tikanga Māori in our governance, committee hui and conferences.
- Ensure ANZCA communications (oral, written and web-based) reflect Te Tiriti and culturally appropriate wording, imagery, and content. This activity includes acknowledging and honouring Te Tiriti in key ANZCA documents.
- Take steps to recruit Māori staff and ensure our workplace is culturally safe for Māori.
- Ensure members are culturally safe by developing a plan to implement a Māori cultural safety/ competence programme for ANZCA committees, consultants, and trainees. ANZCA

¹ Statement issued August 2023 by: Australian Indigenous Doctors' Association, Medical Deans Australia and New Zealand, Leaders in Indigenous Medical Education (LIME) Network, Medical Board of Australia, Australian Medical Council, Te Kaunihera Rata o Aotearoa (Medical Council of New Zealand), Te ORA.

will continue to participate in the CMC Cultural Safety Training Framework project which aims to encourage and facilitate ongoing development addressing racism, conscious and unconscious bias in health care, and the advocacy skills necessary for culturally safe practice.

- Provide resources to improve knowledge, attitudes, and skills in tikanga Māori and Te Reo Māori within the leadership, membership, and staff.

Advisors

The MANA Rōpū and Indigenous Health Committee

Responsible committees:

The New Zealand National Committee, New Zealand Faculty of Pain Medicine National Committee and the Indigenous Health Committee.

References:

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<https://nzhistory.govt.nz/politics/treaty/read-the-Treaty/differences-between-the-texts>
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<https://researcharchive.vuw.ac.nz/xmlui/bitstream/handle/10063/4404/thesis.pdf?sequence=2>
3. Hauora Report on Stage one of the Health Services and Outcomes Kaupapa Inquiry (2019)
https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_195476216/Hauora%202023%20W.pdf
4. Health and Disability System Review (2020)
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5. He Korowai Oranga (the Māori Health Strategy) (2020)
<https://www.health.govt.nz/our-work/populations/maori-health/he-korowai-oranga>
6. Whakamaua (the Māori Health Action Plan 2020-2025)
<https://www.health.govt.nz/system/files/documents/publications/whakamaua-maori-health-action-plan-2020-2025-2.pdf>
7. Pae Ora (Healthy Futures) Act 2022
<https://legislation.govt.nz/act/public/2022/0030/latest/LMS575405.html>
8. Te Mauri o Rongo - the New Zealand Health Charter (2023) (Appendix 1, p3)
apex.org.nz/wp-content/uploads/2023/05/Appendix-One-Draft-Te-Mauri-o-Rongo-1.pdf