

The Talking Matters Charitable Trust

Submission on the Principles of the Treaty of Waitangi Bill.

13 December 2024

Tēnā koutou

Talking Matters is a for-purpose organisation dedicated to improving life outcomes for all children of Aotearoa New Zealand through rich early language (REL). Our strategy and methodologies draw on undisputed science of child development and established evidence that REL is the bedrock of Literacy.

With the support of strategic philanthropy through an intense development period of innovation, iteration and improvement, Talking Matters developed a set of systems and strategies that are proven to improve literacy.

Literacy is not only important for school achievement. Research has demonstrated a significant relationship between literacy and the ability to reason efficiently and critically, particularly in the context of solving novel problems. More literate individuals also enjoy better health and wellbeing, and live longer.¹

We ask the Select Committee to reject the Principles of the Treaty of Waitangi Bill outright on the basis that:

- 1. Several decades of incremental improvement to relations between tangata whenua and tangata tiriti would be undone by the legislation.**
 - 1.1 Talking Matters' mission applies to children of all backgrounds and circumstances, but our partnership model and strategies are deliberately highly responsive to Māori. Te Ao Māori offers perspectives on engagement, design and delivery that are effective in all settings. The statement "what is good for Māori children is good for all Aotearoa's children"² is evidence based.
 - 1.2 It is barely 50 years, or two generations, since the Treaty of Waitangi Act 1975 was passed and the treaty began to take its rightful place as our founding document. That followed more than a century of brazen treaty breaches and acts of colonisation that were literally devastating to the health, wellbeing and prosperity of Māori. Those of us actively engaged in the serious business of rebuilding trust and nurturing impactful relationships with whānau, hapu and iwi, are appalled by this counterproductive bill and frustrated by the distraction and division caused by this process.
- 2. Several decades of gradual improvement to social, cultural, education and health outcomes for tangata whenua, which have been made possible by actions taken to honour Te Tiriti o Waitangi, would stall and potentially go into reverse.**

¹ "What's happening with literacy in Aotearoa New Zealand?" Hughson & Hood, 2022

² Associate Professor Mere Skerrett, Victoria University of Wellington

- 2.1 We assert this from our perspective as subject matter experts in the fields of early oral language acquisition, social innovation and data-driven behaviour change.
- 2.2 Talking Matters has learned that by applying a set of principles drawn from Te Ao Māori and operating as a committed treaty partner we can achieve significant and sustained positive impact for children and their families.
- 2.3 Te Tiriti o Waitangi obliges us to engage authentically in whanaungatanga, to uphold the mana of te reo Māori and to support our partners' mana motuhake in owning and driving their own pathways to success. We accept these obligations not just because they are “the right thing to do” (which they are) but because they drive good outcomes and make meaningful and measurable impact.
- 2.4 To develop tools to enrich the language environment we first had to identify key elements and figure out how to measure them. We can say with certainty that “language, culture and identity” and “relationships” are fundamental. Positive outcomes are achieved when all the “home languages” of children, and their families, and their community, are honoured and supported. It is proven that bilingualism and multilingualism offer significant social and intellectual advantages, far beyond utility for travel or business. Language is a manifestation of culture and worldview and all of those combine to strengthen identity. Sharing the diverse cultures of tangata whenua, tangata moana, multi-generation pākehā, and more recent citizens is to the benefit of all and strengthens our identity as New Zealanders.
- 2.5 Research shows that Māori studying in environments that acknowledge, respect and incorporate their language, culture and identity as Māori achieve greater success.
 - 2.5.1 A June 2021 report from ERO, *Te Kura Huanui*, found: “Ultimately, Te Kōhanga Reo, Kura Kaupapa Māori and Ngā Kura ā Iwi provide models of excellence for Māori education, and offer exemplars for supporting Māori learners to enjoy and achieve education success as Māori, in Māori-medium settings. The influence of the Māori world view is paramount and remains at the core of successful Māori-medium provision. There are philosophical differences which portray nuances across the Māori-medium paradigm, but nevertheless a constant remains steady across the sector: expressing and prioritising te ao Māori, te reo Māori, tikanga Māori and Mātauranga Māori. Differing Māori-medium philosophies of Te Aho Matua, Te Ara TOA and Te Whāriki all support learners to fulfil their potential as descendants of Ranginui and Papatūānuku.”³
 - 2.5.2 Te Rūnanga Nui o Ngā Kura Kaupapa Māori recently won a prestigious award recognising its “outsized impact on literacy” at the Library of Congress Literary Awards in Washington DC. CE Hohepa Campbell said the US\$100k prize showed that “It’s OK for us to do it differently”.⁴

³ <https://ero.govt.nz/our-research/te-kura-huanui-the-treasures-of-successful-pathways>

⁴ <https://www.rnz.co.nz/news/te-manu-korihi/532473/kura-kaupapa-wins-at-literacy-awards-in-washington-dc>

- 2.5.3 English-medium learning environments can be reshaped to be more conducive to Māori educational success, as clearly demonstrated by Te Kotahitanga – a cross-curricular intervention designed by Professor Russell Bishop and Associate Professor Mere Berryman which improved achievement for Māori students at three times the rate of Māori in comparison schools.⁵
- 2.9 We think it is misleading for Minister David Seymour to attribute the outstanding successes of Kura Kaupapa to their status as Charter Schools rather than their status as examples of successful co-governance arrangements in alignment with Te Tiriti o Waitangi.
- 2.10 We are concerned to see data on educational achievement frequently cited by PM Christopher Luxon to justify policies (e.g. Repeal of Section 7AA of the Oranga Tamariki Act; cutting funds for Te Reo Māori teacher training; this Principles of the Treaty of Waitangi Bill) that do the exact opposite of what the evidence tells us is effective in lifting achievement for Māori learners.

3. (a) The bill itself and its origins effectively breach Te Tiriti o Waitangi.

(b) The bill does not achieve its stated objectives and cannot conceivably achieve them due to the lack of meaningful consultation with the treaty partners or New Zealanders.

(c) It would be reckless for any government of the day to elevate its jurisdiction over and above the jurisdiction of the Waitangi Tribunal

We note the negative appraisals of the bill from a broad range of individuals and organisations with a great deal of relevant expertise and experience between them. These include former PM Dame Jenny Shipley, former Treaty Negotiations Minister Chris Finlayson, 40+ members of the King's Counsel, the Waitangi Tribunal itself, current Prime Minister Rt. Hon. Christopher Luxon, Minister for Māori Crown Relations: Te Arawhiti & for Māori Development Hon. Tama Potaka, among many others. We note that the Regulatory Impact Statement from the Ministry of Justice prefers the status quo over this bill.

4. A referendum is highly inappropriate for a complex constitutional matter and especially one which stands to create the greatest impact for a single demographic that is in a minority.

The architects of this bill tend to frame it as a matter of equality which is an emotionally powerful but reductive focus. A report from the Equity Practice team at PwC New Zealand summarises why we can achieve better outcomes for our country and its people by striving for equity over equality.⁶

5. The process towards a referendum (including this stage) is divisive, with devastating and long-lasting consequences for social cohesion, the further along the process we go.

⁵ https://www.educationcounts.govt.nz/_data/assets/pdf_file/0016/151351/BES-Ka-Hikitia-Report-FINAL-240615.pdf

⁶ <https://www.pwc.co.nz/services/equity/why-strive-for-equity-over-equality.pdf>

- 5.1 International examples of referenda on complex constitutional issues with negative consequences for social cohesion include The 2016 United Kingdom European Union Membership Referendum and The 2023 Australian Indigenous Voice Referendum. We urge the committee to consider the potential for intense division and social harm these examples signal.
- 5.2 A 2024 YouGov Poll found that only 17% of Britons polled thought Brexit's advantages had outweighed the negatives.⁷ This compared to 52% having voted Leave eight years earlier. It is widely understood now that a referendum was too simplistic a tool for a constitutional change of such profound significance. The Brexit campaign generated an unprecedented avalanche of misinformation and disinformation and changed forever the relationships between properly regulated media and the electorate. Relationships within and between communities and even families have been sorely tested.
- 5.3 The Australian Voice referendum exposed a lack of understanding of colonial history and the entrenched disadvantages experienced by Indigenous communities. The campaign was marked by misinformation, disinformation and racism. It weaved division and disunity into an already fragile social fabric.
- 5.4 The Principles of the Treaty of Waitangi Bill proposes a simplistic tool for a matter of profound significance to our nation. We can fully expect negative consequences for social cohesion in Aotearoa New Zealand if a referendum is held.

We ask the Select Committee to reject the Principles of the Treaty of Waitangi Bill and to halt its progress at this committee stage.

⁷ <https://yougov.co.uk/topics/politics/survey-results/daily/2024/08/28/d229d/1>