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We Are All New Zealanders

An address by Don Brash at Forum North, Whangarei

In January 2004, I gave a speech in Orewa on Treaty of Waitangi issues.

The speech was very deliberately titled "Nationhood", and I will return to that theme in my concluding comments.

The speech proved highly controversial.

Amongst other things, it revealed how profoundly politically correct and out-of-touch with the views of ordinary New Zealanders many of our media are - and this Labour Government is.

Most media commentators, along with Labour MPs, condemned the speech.

But ordinary New Zealanders agreed with all or most of it, and did so with enormous enthusiasm.

In that speech I argued that the Treaty process is out of control, that race-based political correctness is infecting the institutions of our society, and that we are headed towards a racially divided nation, with two sets of laws, and two standards of citizenship.

I said that the Treaty did not create a partnership: rather it was the launching pad for the creation of one sovereign nation.

I concluded that there can be no basis for government funding based on race, no basis for separate Maori electorates, no basis for introducing Maori wards in local authority elections, and no obligation for local government to consult Maori in preference to other New Zealanders.

I meant every word of that speech, and I stand by those conclusions today.

We are one country with many peoples, not two peoples living in some form of partnership.

We have put up for far too long with a Treaty process that is undermining the essential notion in our democratic society of one rule for all in a single nation state.

So today I want to reaffirm my determination to deal with these issues fully, fairly and quickly.

The next National Government will legislate to make the changes necessary to fulfil these commitments.

I want to consider three aspects of Treaty issues today.

The first is the settlement process. The main difference between National and Labour is our determination to get the process concluded quickly, and a willingness to make the changes necessary to achieve that.

The second is the fundamental issue of references to the “principles of the Treaty of Waitangi” in legislation. These are the source of the divisive and race-related political correctness afflicting our society. Here the differences between National and Labour are stark: National will remove them from legislation, Labour will leave them there to fester.

And the third is dealing with the racial nonsense that has already been unleashed, in large part due to those Treaty references in our legislation. We badly need to inject some commonsense back into these issues. National is determined to fix this problem. Labour doesn't yet recognise there is a problem.

Treaty settlements

The current process for settling historical Treaty grievances has served us well in setting the parameters and creating the templates for agreement.

But the process is painfully slow.

In the last 15 years, there have been just 19 settlements concluded, including the Sealords fishing deal.

Those settlements range in value from \$43,000 up to \$170 million.

There are a further 25 claims currently under negotiation.

If these were to be concluded at the same pace as those already completed, it would take at least another 20 years to get through just the claims so far heard.

And there are over 1200 claims still awaiting a Waitangi Tribunal hearing.

We simply cannot afford to have this divisive process continue through the greater part of this century, yet the current level of commitment will see just that.

Now that we have an election imminent, Labour is trying to talk tough on settlements: they say they will “aim” to settle all claims by 2020. But that date is so far away as to be almost meaningless, and in any event the Labour Government has stressed that this is not a deadline, simply a target! We know this is nothing more than a pose to get them through an election campaign.

Indeed, we know that when the Waitangi Tribunal sought an extra \$2.8 million last year to enable them to accelerate the settlement process, the Labour Government turned them down.

The public of New Zealand want this process finished, and finished fast.

And that is very much in the interest of all New Zealanders, including Maori.

Having the process drag on and on poisons the relationship between Maori and other New Zealanders because of a perception that somehow Maori are getting something at the expense of the rest of us, while until settlements are concluded many Maori are deluded into thinking that their economic salvation depends on the size of a government hand-out.

Where Maori are able to get on with their lives, their businesses, or their community activities, without the hand of government hanging over them, they do well. There have been some great success stories following past settlements.

Ordinary working Maori get no benefit from an extended and delayed settlement process. Many regard it as having been hijacked by lawyers and a small elite group within the Maori world.

The National Party is committed to radically accelerating the process of settlements, and bringing it to an early conclusion.

We want all claims lodged by the end of next year, and all settlement claims completed, fully, fairly, and finally, by 2010.

The current process almost seems designed to slow the settlement process down.

Members of the Waitangi Tribunal are not even full time. Indeed the chairman of the Tribunal is also the Chief Judge of the Maori Land Court, and the Deputy Chair also serves on the Court. We will make full time appointments to the Tribunal and increase its capability so it can get through its work more quickly.

This will place additional work on the Office of Treaty Settlements and we will increase its capacity as required.

But that is not enough. We cannot allow the bureaucratic approach associated with the Waitangi Tribunal to delay settlements which could, given the experience we now have with previously settled claims, be completed quickly if we have the will and determination.

Previous settlements have set the parameters of future ones, and that should allow us to shorten the existing cumbersome process.

National will speed the process up by empowering suitable people to act as direct negotiators with claimant groups. We will challenge claimant groups to come directly to the table, to do the deals, and end the grievance, and allow their people to get ahead.

I consider this a vital investment in the future of race relations in this country.

But let me make this final point about the settlement process. Even if the settlements were finished tomorrow, the main issues surrounding the Treaty, and what they are doing to our society, would remain.

The real issue is not Treaty settlements, important though they are.

The problem is that we have scattered throughout our legislation a requirement that a huge range of activities must be conducted in reference to the “principles of the Treaty of Waitangi”.

Nobody in Parliament troubled themselves to define what that means; the courts were then left to define the expression, and arrived at a mistaken and divisive notion of partnership; and the politically correct have taken this as an excuse to inflict mischief on our institutions.

This damage must be repaired if we are to make progress as an harmonious multi-cultural society.

Treaty references in legislation

Most ordinary New Zealanders have no idea where all the race-related consultative nonsense comes from. They wonder why it is that these days you can't seem to do anything without having to consult with the local iwi. How is it possible for a road construction project to be stalled because somebody claims a taniwha might be disturbed?

So we shrug our shoulders and assume it is just a result of some individuals being foolish or hopelessly misguided.

The source of all of this is in fact the requirements to abide by the undefined principles of the Treaty of Waitangi that are now scattered like confetti throughout our legislation.

Those requirements have let loose an avalanche of political correctness, ranging from the merely silly to the fully deranged.

But the whole thing steps up to another level of seriousness when consultative requirements are built into our legislation. And at that point we are not just damaging the social fabric of this country, but are also undermining our ability as a country to invest and grow and achieve higher incomes.

There are 39 statutes containing references to the principles of the Treaty of Waitangi (we will put the list on our website with this speech).

Initially that might have seemed harmless enough, like a feel-good mission statement. But nobody knows what it could possibly mean, or how you could comply with it if you tried.

After all, the Treaty contains just three short clauses, and deals with the government of New Zealand, property rights and citizenship.

Inserting references to some imagined principles has led us to embody racial distinctions into large parts of our legislation, extending recently to local body politics.

Let me give a couple of examples. Many more will be attached to this speech as an appendix and released on our website.

Section 4 of the Conservation Act 1987 states that: *This Act shall be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi.*

Section 6 (d) of the Energy Efficiency and Conservation Act 2000 notes that, *in achieving the purpose of this Act, all persons exercising responsibilities, powers, or functions under it must take into account the principles of the Treaty of Waitangi.*

There are similarly vague statements scattered through our laws.

But the real damage comes when we shift from some ambiguous references to the Treaty to actual requirements to consult with Maori in relation to it.

Consulting with Maori may seem harmless enough, but what do we actually mean by that?

More than 80% of Maori now live in urban areas, they are substantially intermarried with European and other ethnic groups, and many have little tribal affiliation or identification. Who presumes to speak for Maori, and who genuinely has a mandate to do so?

It is worth bearing that in mind when we look at the legislation. I will refer to just two Acts.

Section 4 of the Land Transport Management Act 2003 states that: *In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Maori to contribute to land transport decision-making processes, sections 15, 16, 18, 28, 49, and 59, clause 58 of Schedule 4, and clauses 13 and 24 of Schedule 5 provide principles and requirements which are intended to facilitate participation by Maori in land transport decision-making processes.*

But the most damaging statute of all is the Resource Management Act.

It is difficult to exaggerate how imbedded Treaty references are in this Act. In almost every instance, Part 2 of the Act must be considered. That part of the Act contains sections 6 and 8, which refer to the Treaty and Maori values.

Therefore, all the processes of the Act are permeated by those provisions.

Section 6 of the Resource Management Act states that: *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

(e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

To say this is vague and open to any and all interpretation is clearly a spectacular understatement!

The RMA is simply riddled with this sort of thing, and it has created a whole industry of consultation, and of special interest lobbying. The result is a higher cost of doing business in New Zealand. And ultimately that is a cost that gets built into the price of any development or investment in our communities.

Legislation concerning the Seabed and Foreshore will become a major source of difficulty in this respect in the years to come, and the damage done in this area will have to be repaired.

Consultation with iwi costs money. Figures given to the *Weekend Herald* under the Official Information Act showed that for the 2003 financial year, the country's largest city, district and regional councils spent about \$3.4 million on iwi consultation.

Auckland ratepayers are spending more than \$600,000 a year consulting Maori.

In the three years to June 2005, Wellington Regional Council ratepayers will have spent more than \$1 million consulting iwi.

A young couple buying their first home will be paying more for their section in a new subdivision because of all this.

The next National Government is committed to removing these legislative requirements and vague references to the Treaty from our statutes. Changes to the Local Government Electoral Act and the Resource Management Act are of the highest priority.

Damaging political correctness

After my Orewa speech last year, and once the Government realised that they were totally at odds with public opinion, the cover-up operation got underway. Like most Labour moves to tack with the breeze of public opinion, it won't last past the election.

Labour tried to buy some time by nominating a Minister for Race Relations. The Minister immediately announced a review of policies and programmes which were targeted by ethnicity within the government sector - that is, they decided to review all the things they had for a time denied existed at all.

The review was completed in two stages, the second part released in June this year. It revealed the extent of race-based programmes operated by government departments, and showed the wide variation in interpretation of what the Treaty meant and required.

What has changed as a result?

Well, a few superficial changes have been made, but the factors driving Treaty based political correctness have not been touched.

Labour's grandstanding on these issues is nothing but a hoax and a sham.

Not one of the 39 statutes containing references to the Treaty principles have been changed.

The review showed the complexity of conflicting Treaty interpretation in a number of pieces of legislation and pointed clearly to the State Sector Act 1988 and its requirements as being a key factor behind the problems in the public sector. Fixing this Act will be a priority for National.

This Act requires government departments in New Zealand to uphold “Maori protocol, Tikanga Maori and Maori relationships”. That requirement has over time been the justification for racially targeted programmes and has encouraged the development of meaningless and nonsensical language in government departments.

A recent job advertisement for a passenger compliance officer in the Customs Service is a good example. The applicant was expected to ‘Demonstrate a knowledge and understanding of the Maori culture and the Treaty of Waitangi including its historical, legal, social and economic significance to the Customs work place’, including ‘Responsiveness to the cultural needs of Maori staff and Maori clients’.

Or consider this example. In February 2005, a job advertisement for Trevor Mallard’s electorate secretary sought someone who has a “commitment to the Treaty of Waitangi”, who “demonstrates an awareness of the implications of the Treaty” and who “recognises and acknowledges the contribution of Maori staff”. Trevor Mallard is, of course, the Minister for Race Relations.

In August 2003, TVNZ appointed a Kaihautu (Maori Spiritual Guide) at an alleged cost of around \$170,000 a year.

In 2003, a Government agency commissioned research costing \$600,000 on "Maori knowledge and values in roading".

The Government is also planning a travelling Treaty exhibition at a cost of \$1.2 million.

Just these few examples - and there are many more - would have funded a lot of the extra hip and knee replacement operations that Labour have only now decided to fund.

But perhaps Labour have “moved on”, as the PM likes to say.

Well, no.

Earlier this year Parliament passed a Treaty settlement bill that National voted against, the first ever.

As Gerry Brownlee remarked in explaining National’s opposition to the Bill, “this makes it law for all those who are of the Ngaa Rauru Kiiitahi iwi to be considered demigods of divine and human parentage. Further it makes it clear that the law must accept that there is no difference between the physical geography as defined in the agreement and the people of Ngaa Rauru Kiiitahi themselves. How on Earth could any judge interpret that?”

And recently the Environment Court determined that Genesis Power can divert water from the Whanganui River, but only for the next 10 years instead of the 35 years it had sought to ensure security of supply. Environment Court Judge Gordon Whiting said in the decision: “To the Maori people, the severing of the headquarters of their rivers is a sacrilege resulting in the denigration of Maori values and beliefs affecting their self esteem.”

So we have a situation where Helen Clark has banned the saying of grace at state luncheons, but an animist religion is officially endorsed by the courts.

Most of this rampant political correctness is intensely patronising of Maori. It is insulting, and demeaning of all those who get tangled up in it, Maori and non-Maori.

And the source of it all is imbedded deep in the statutes that Parliament has passed, and which govern our lives and influence our institutions. These must be changed.

We have endured more than a decade of this: cultural safety in nursing; the bilingual rebranding of the public sector; Treaty issues getting tangled up in health and safety audits; claims of taniwhas being used to block developments; consultations with iwi being required for scientific research in universities; the anomaly of Maori Parliamentary seats being expanded into local body politics and then to representation on District Health Boards and Primary Health Organisations.

This simple 19th century treaty, which focused on sovereignty, property rights and citizenship, cannot possibly have anything to say about today's SOEs and national parks, today's schools and universities, how we go about approving or declining building permits, what science we should study, or how we should regard the new frontier of genetic science.

This is simply madness, and it must be stopped.

Where to from here?

National will treat all New Zealanders as equals before the law. Maori have nothing to fear from that.

We will work with Maori in good faith. But we will have no time for political correctness, or for suggestions that Maori New Zealanders should be treated differently from other New Zealanders on the grounds of race.

We will expect an engagement on the fundamental issues of education, welfare and families - the issues that matter for all Kiwis.

No other group within our population is so governed and regulated as Maori. There are no less than five government agencies specifically set up to deal either exclusively with Maori or with Maori issues.

They are Te Puni Kokiri, Te Mangai Paho, the Maori Land Court, the Waitangi Tribunal, and the Office of Treaty Settlements.

In our first term of government, we will be looking very closely at each of these agencies: first to assess what they've achieved over the last few years, and second to determine what changes should be made to ensure we move quickly toward our goal of ending Treaty grievances and ensuring that all New Zealanders have equal rights under the law.

Because by 2010 we will have resolved all historical Treaty grievances, both the Waitangi Tribunal and the Office of Treaty Settlements should be able to be wound up by the end of that year.

While obviously judgment calls about funding for Maori programmes need to be made by people with an understanding of things Maori, it is not at all clear that accounting and management functions need to be duplicated, as is currently the case with Te Mangai Paho and New Zealand on Air.

Te Puni Kokiri itself also duplicates a large number of functions carried out by other agencies.

Our goal in the medium term has to be to provide all services to New Zealanders through agencies that are not ethnically based. We will not be rushing that process, but we will start moving down that path.

There is much to be pleased about in Maori development. We have witnessed a renaissance in economic, social and cultural development.

A booming world economy has led to a reduction in Maori unemployment.

But we need to move on from the position where Maori unemployment always seems to be higher than that of non-Maori.

That requires a strong focus on education.

But we also need a government that will stop patronising Maori; that will stop thinking that a bunch of second-rate educational programmes is good enough; that will stop being satisfied with parking a significant part of the Maori world on welfare; that will start being outraged by the fact that 40% of all new recipients of the DPB are young Maori women; and that is appalled that more than 90,000 Maori children are being raised in households dependent on welfare.

National will form a government that is in the interests of all New Zealanders, young and old, rich or poor, no matter what their race.

I won't be patronising Maori or any other groups; I won't be telling them one thing and doing another.

A major focus for National will be education, where we must challenge the culture of low expectations. All children can learn. We need an effort-based culture, we need aspiration, we need goals.

We need to measure student performance and we need to reward teachers that can motivate students to perform to the best of their abilities, and to help students discover where their talents lie.

And if our children fall behind, we need devices like our reading and maths vouchers to help them catch up again.

We must build a country where the tax and welfare systems send the right message about how to get ahead. They need to be designed so that people have the incentive and the ability to get ahead from their own efforts.

Our country must be one where the biggest Budget surplus ever is considered an opportunity to cut the tax burden on ordinary working people, so that somebody on

the average wage will face a tax rate on extra work of 19%, not the 33% that Labour insists on.

Or so that somebody on the average wage, even after allowing for the Working for Families income support, faces a tax rate on extra work no higher than 39%, not the 53% that Labour is insisting on.

With a bit of imagination and a lot more resolve, the opportunities available to most can be available to all.

Treating everybody equally, and giving everybody the chance to get ahead.

That is the way to build a prosperous multi-cultural society.

This is the sort of New Zealand the National Party represents and will be fighting for at this election.

Ends