

Pharmac te Tiriti o Waitangi Policy

2022 - 2023

Te Kāwanatanga o Aotearoa
New Zealand Government

PHARMAC
TE PĀTAKA WHAIORANGA

“Traditional Māori society was founded on a belief system, a wide-reaching subscription to a set of ideals and values that made up tikanga Māori and embodied proper or commendable conduct according to ancestral law. Māori communities relied heavily on collective effort in order to survive, for example in activities such as harvesting and waging war. As a result, certain values and ideals were developed and became part of tikanga, in part, to regulate and guide behaviour toward that much needed collective responsibility.”¹

Policy then, from a Māori perspective is tikanga. This policy calls for tikanga,² the courage to restore to Māori their mana motuhake and their tino rangatiratanga, as a commitment to our Tiriti partnership and as a pledge to Aotearoa New Zealand to do what is right and ethical. This policy signals an important juncture in the story of Te Pātaka Whaioranga – Pharmac – a vision of the future based on the belief that te Tiriti is central to all our work.

Te Tono - Pledge

Te Pātaka Whaioranga – Pharmac acknowledges te mana o te Tiriti o Waitangi and the on-going partnership it instils between the Crown and Māori. Through our work on behalf of Aotearoa/New Zealand, we strive to improve equitable health outcomes for Māori.

He Aronga - Purpose

Te Pātaka Whaioranga – Pharmac’s te Tiriti o Waitangi policy expresses our unequivocal commitment to upholding the mana of te Tiriti o Waitangi (te Tiriti) and supports us to strive for excellence in enacting te Tiriti partnership in everything we say and do, both within our organisation and in our external relationships.³

This policy sets out the expectations and requirements for Te Pātaka Whaioranga – Pharmac to uphold te Tiriti through the pursuit of equitable health outcomes for Māori, effective relationships with our te Tiriti partners and whānau Māori, strong Māori leadership and involvement, cultural competence and capability across the organisation, and changes to core business.⁴

1 Te Matahauariki Institute Occasional Paper Series Number 10 (2005)

2 Peter Hugh McGregor Ellis v The King [2022] NZSC 114. The Court was unanimous in noting that tikanga ‘may be a relevant consideration in the exercise of discretions’ [ie in decision making].

Glazebrook J noted that many government departments and entities have guidelines for tikanga-consistent engagement with Māori communities and ‘it is now also recognised by many agencies that the best way to engage with Treaty principles is to adopt tikanga-based policies and strategies to improve outcomes for Māori’.

Glazebrook J went on to add that ‘In declaring the law of Aotearoa New Zealand, it [the Supreme Court] must be mindful of the values that ‘give us our own sense of community and common identity’. And went on to say that tikanga is part of the values of the New Zealand variety of the common law, while other values are shared with other nations, particularly those founded on the common law tradition and that ‘the consideration of common values is important when applying the common law to new or novel situations or when considering the need (or otherwise) to develop or modify the common law.’ This values-based perspective may be a useful viewpoint when considering how to approach incorporating tikanga into organisational policies and strategies.

Lastly, as noted above, where tikanga is incorporated into policies and decision-making, care will need to be taken to ensure that the integrity of tikanga is preserved.

3 For the avoidance of doubt this policy applies to Te Pātaka Whaioranga – Pharmac and its expert advisory network.

4 The meanings of Māori words and concepts in this document are set out in a variety of landmark reports that Te Pātaka Whaioranga – Pharmac staff should be familiar with, such as Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry, which provides a brief glossary (p xxi). Retrieved from https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_195476216/Hauora%202023%20W.pdf 4 April 2022.

It is only by consciously upholding te Tiriti partnership that the parties can work together effectively to address the unjust, unfair, and avoidable health inequities experienced by Māori. Te Pātaka Whaioranga – Pharmac recognises that institutional racism in our systems and behaviours are known to disadvantage Māori and are a significant contributor to inequitable health outcomes. Systematically examining and eliminating institutional racism, and introducing pro-equity measures⁵, will help us to maximise our contribution to achieving equitable health outcomes for Māori to the fullest extent possible consistent with our statutory objectives and functions.

In interpreting and implementing this policy it should be noted that Te Pātaka Whaioranga – Pharmac is continuously working towards giving effect to the position statements set out below. The policy sets the direction of what we want to achieve and our commitment to making rapid progress.

Whakapiki ake te Tiriti - Our commitment to te Tiriti o Waitangi He Whakaputanga o te Rangatiratanga o Niu Tīreni

This policy recognises the critical importance of He Whakaputanga o te Rangatiratanga o Niu Tīreni 1835 - known in English as the Declaration of Independence of the United Tribes of New Zealand. This assertion of sovereignty by Māori underpinned the drafting and adoption of Te Tiriti o Waitangi some 5 years later. Te Tiriti established the terms and conditions of British settlement and reaffirmed Māori sovereignty already articulated through He Whakaputanga.

Te Tiriti o Waitangi

The text of te Tiriti, including the preamble and the three articles, along with the Ritenga Māori declaration⁶ are the enduring foundation of the Tiriti partnership and our approach. The preamble and key articles are summarised below:

Preamble: The preamble sets the tone for the Tiriti relationship between the Crown and Māori. The Māori text emphasised that the Queen’s main promises to Māori were to secure tribal rangatiratanga and secure Māori land ownership. To avoid ambiguity, it is important to consider the text:

“kia tohungia ki a ratou o ratou rangatiratanga me to ratou Wenua...na te mea hoki he tokomaha ke nga tangata o tona lwi kua noho ki tenei wenua, a, e haere mai nei”
(to preserve their independence and their land...because there are many of her subjects already living on this land, and others yet to come.)

The preamble is also about the importance and recognition of whakawhanaungatanga – the active process of building relationships through shared experiences, connections and a commitment to authentic engagement.

⁵ Pro equity measures are defined in a later section.

⁶ The Ritenga Māori declaration (often referred to as the ‘fourth article’) was drafted in te reo Māori and read out during discussions with rangatira concerning te Tiriti o Waitangi. The Ritenga Māori declaration provides for the protection of religious freedom and the protection of traditional spirituality and knowledge. Te Puni Kōkiri (2001), A Guide to the Principles of the Treaty of Waitangi as expressed by the Courts and the Waitangi Tribunal. Wellington: Te Puni Kōkiri. pp.40-41.

Article One: Kawanatanga – Rangatira (chiefs) exercised full authority ('mana') over land and resources on behalf of the wider community while the Crown gains the right to govern. At the same time Māori retain sovereignty.

Article Two: Tino Rangatiratanga – the Crown promises that Māori will have the right to self-manage resources and taonga (including health and mātauranga) they wish to retain. The words Tino Rangatiratanga emphasise status and authority.

Article Three: Ōritetanga – the Crown promised to Māori the benefits of royal protection and full citizenship. This text emphasises the right to equity for Māori alongside all other people.

Article Four: Wairuatanga – Spiritual practices and wellbeing. A defining characteristic and determinant of good health.

Te Tiriti must be considered 'as a whole' - the applicability of all articles and the relationship each has to others need to be considered in any situation. When kawanatanga and tino rangatiratanga are in balance ōritetanga will be achieved.

Te Pātaka Whaioranga – Pharmac's commitment to upholding the mana of te Tiriti is primarily driven by our desire to achieve excellence as a Tiriti partner through authentic, respectful, and mutually advantageous relationships. It is also integral to achieving our primary statutory objective of achieving best health outcomes for all New Zealanders, noting that the health sector has not served Māori interests well in the past, which has been a significant contributor to health inequities.

Our commitment is aligned with Government's expectations as expressed in the Pae Ora (Healthy Futures) Act 2022 and the Interim Government Policy Statement on Health 2022-2024⁷, and the Minister of Health's Letter of Expectations for Te Pātaka Whaioranga – Pharmac. Further direction and guidance are provided in te Tiriti o Waitangi/Treaty of Waitangi Guidance provided in Cabinet circular (CO (19) 5)⁸, the Waitangi Tribunal Report Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry Hauora Report (Hauora Report), and Te Arawhiti advice and resources.

As part of the Health and Disability sector, Te Pātaka Whaioranga – Pharmac acknowledges and seeks to align with He Korowai Oranga, the overarching Māori Health Strategy, and the Government's vision for Māori health, Pae Ora.

The 2019 Hauora Report⁹ recommends the following principles for implementing te Tiriti, which Te Pātaka Whaioranga – Pharmac strongly supports and will apply:

Tino rangatiratanga (self-determination): The principle of tino rangatiratanga provides for Māori self-determination and mana motuhake in the design, delivery, and monitoring of our work as it relates to Māori.

Ōritetanga (equity): The principle of ōritetanga requires that we work towards achieving equitable health outcomes for Māori.

⁷ The interim Government Policy Statement on Health (iGPSH) sets the Government's priorities for the publicly funded health sector in Aotearoa New Zealand in order to protect, promote and improve the health of all New Zealanders, to achieve equity in health outcomes, in particular for Māori, and to build towards Pae Ora (healthy futures) for all New Zealanders. The iGPS is focused on what should be achieved in the next two years – from July 2022 to June 2024.

⁸ [Cabinet Office Circular CO \(19\) 5 of 22 October 2019](https://www.tearawhiti.govt.nz/assets/Tools-and-Resources/CO-19-5-Treaty-of-Waitangi-Guidance-for-Agencies.pdf) retrieved from <https://www.tearawhiti.govt.nz/assets/Tools-and-Resources/CO-19-5-Treaty-of-Waitangi-Guidance-for-Agencies.pdf> 25 March 2022. Note: some of this guidance is considered to be out dated.

⁹ [Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry](https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_195476216/Hauora%202023%20W.pdf) retrieved from https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_195476216/Hauora%202023%20W.pdf 4 April 2022

Whakamaru (active protection): The principle of whakamaru requires us to act, to the fullest extent practicable, to achieve equitable health outcomes for Māori, which includes taking a pro-equity approach.

Kōwhiringa (options): The principle of kōwhiringa requires us to resource our work with whānau Māori, that we recognise and support the expression of mātauranga Māori, and that it influences decision-making.

Pātuitanga (partnership): The principle of pātuitanga requires us to work in partnership with Māori in the governance, design, delivery, and monitoring of our work.

Hāpaitia te Tiriti o Waitangi - Giving effect to our commitment to te Tiriti o Waitangi

Our commitment to upholding the mana of te Tiriti and the five principles from the Hauora Report sit alongside Te Te Pātaka Whaioranga – Pharmac’s statutory purpose in driving everything we do and how we do it. The importance of the Tiriti partnership is similarly reflected in our Statement of Intent and Statement of Performance Expectations.

Te Pātaka Whaioranga – Pharmac Purpose¹⁰

To deliver the best health outcomes from New Zealand’s investment in medicines and medical devices.

We uphold the articles of te Tiriti, advancing Māori health and aspirations: Tino Rangatiratanga; Partnership; Active Protection; Options and Equity.

We have also laid a strong foundation with our corporate values throughout which te ao Māori is interwoven. They provide a strong foundation for progressively implementing our te Tiriti policy.¹¹



¹⁰ As set out in Te Rautaki o Te Whaioranga, Te Pātaka Whaioranga, p7, accessed from <https://pharmac.govt.nz/assets/Te-Whaioranga-August-2020.pdf> retrieved 4 April 2022

¹¹ Detailed information on our corporate values can be accessed at <https://pharmac.govt.nz/about/who-are-we/our-values/>

Language matters - what we mean by health, health equity and pro-equity

In implementing this policy we must be clear about the use of terms in everyday use in Te Pātaka Whaioranga – Pharmac.

Health/Hauora

Health and Hauora are often used interchangeably. Hauora however, has a more holistic scope than the narrow traditional western constructs of health that have dominated mainstream health service provision. It is about health and wellbeing rather than the absence of illness or disease. The most well known model of Māori health is Sir Mason Durie's Te Whare Tapa Wha¹², which identifies four inextricably connected, interdependent and equally important foundations for health and wellbeing: taha tinana (physical health), taha wairua (spiritual health), taha whānau (family health) and taha hinengaro (mental health). Going forward, and consistent with more contemporary understandings of health even within western paradigms, Te Pātaka Whaioranga – Pharmac will understand health to align with hauora with respect to all the people it serves – not only Māori.

Health Equity

Te Pātaka Whaioranga Pharmac embraces the Ministry of Health definition of health equity. In Aotearoa New Zealand, people have differences in health that are not only avoidable but unfair and unjust. Equity recognises different people with different levels of advantage require different approaches and resources to get equitable health outcomes.¹³ Māori health inequity is understood as arising from adverse impacts of colonisation on the wider social and economic determinants of health, for example, education, poverty, discrimination, quality of housing.¹⁴

Pro-equity

We are actively working to become a more pro-equity organisation. A pro-equity organisation is one that takes equity commitments seriously and demonstrates those commitments in day-to-day operations. This includes understanding equity and its causes, having organisation-wide equity goals, structures, systems and processes designed to achieve equity, and working in partnership with Māori.¹⁵

Our specific commitments

We have committed to always having a Māori responsiveness strategy to give effect to our te Tiriti commitments. Our current strategy, Te Rautaki o Te Whaioranga (Te Whaioranga), provides a framework for meeting our te Tiriti responsibilities and for achieving ōritetanga (equity) – equitable health outcomes for Māori.

To give further effect to our te Tiriti policy Te Pātaka Whaioranga – Pharmac will:

- ensure all policies are informed by, and consistent with, this te Tiriti policy
- strive to carry out all its business, including implementation of this te Tiriti policy, in a way that exemplifies strong te Tiriti partnership

¹² For further information see [Māori health models - Te Whare Tapa Whā | Ministry of Health NZ](#)

¹³ This definition of equity was signed-off by Director-General of Health, Dr Ashley Bloomfield. In March 2019.

¹⁴ [What are health inequalities? | The King's Fund \(kingsfund.org.uk\)](#) accessed 22 July 2022

¹⁵ See, for example, recommendations from Baker Consulting Ltd, Report to the Pharmac Review Panel: Pharmac's organisational approach to equity, anti-racism and te Tiriti o Waitangi, [October 2021 available from organisational-approach-to-equity-final-report-october-2021.pdf \(health.govt.nz\)](#)

- ensure that implementation of this te Tiriti policy is planned, prioritised and appropriately resourced
- document explicit expectations, processes and measures that provide clear guidance and tools to all managers and staff
- build accountability for implementing our te Tiriti policy into all role descriptions and performance agreements
- ensure our performance against this policy is monitored and evaluated robustly and transparently in ways consistent with te Tiriti partnership
- regularly update the policy, and Te Whaioranga, to maintain alignment with rapidly evolving best practice for effective te Tiriti partnership and achieving equitable health outcomes for Māori.

The information below sets out further requirements and expectations with respect to implementation of this te Tiriti policy, which fully embrace the five principles for implementing te Tiriti (as outlined above).

Key Requirements and Expectations

Ōritetanga – equitable health outcomes for Māori

Our policies and decision-making processes are intentionally designed to be pro-equity, enabling equitable Māori health outcomes to be achieved – as required by the principle of whakamaru (active protection).

- Our commitment to te Tiriti and equitable health outcomes for Māori, are embedded in our purpose and all policies, principles and procedural documents.
- Māori are routinely involved in all key areas of Te Pātaka Whaioranga – Pharmac business (pātuitanga).
- Mātauranga Māori is valued as a knowledge system, and demonstrably influences decision-making (kōwhiringa).
- We access, grow and build into our processes Māori scholarship and expertise in assessing applications to fund new medicines and medical devices.
- Prioritisation and decision-making processes are explicitly designed to apply a pro-equity lens from the outset. Pro-equity in this context refers to proactive explicit policies, processes, or interventions to address known causes of inequity.
- We extend our perspective beyond the limitation of ethnicity as a “risk factor”. When analysing and drawing conclusions from data, disseminating results, or monitoring and measuring outcomes we will consider the wider context of underlying health determinants, and the existent and continuing impact of colonisation on Māori health outcomes.
- Research and analysis are prioritised to generate insights that help to improve health outcomes for Māori. We will respect Māori data sovereignty in our collection, use and dissemination of data and information.

We have strong relationships with Te Aka Whai Ora and Te Whatu Ora , to ensure that our work is aligned with the broader health system goals for Māori, and that we are learning, contributing and using our influence to accelerate progress.

Key Requirements and Expectations

Whakawhanaungatanga - Relationships with our te Tiriti partners and whānau Māori

We nurture respectful, strong, enduring, mutually beneficial relationships with our te Tiriti partners and whānau Māori (pātuitanga).

- We apply the Te Arawhiti Māori Crown Engagement Framework to determine who we should engage with and how on issues of interest to Māori; including by engaging early, working inclusively and involving Māori in co-design, co-management or leadership roles to ensure partnership is at the right level from a Māori perspective.
- We support through action the development and honouring of mātauranga Māori within Te Pātaka Whaioranga – Pharmac and work with and for Māori in culturally appropriate ways that value and support the expression of mātauranga Māori (kōwhiringa). This is upheld by recognising the sanctity and interconnectedness of hauora to mātauranga Māori, whenua, wairuatanga and the mauri of all things.
- We use Māori models in our work, and in monitoring and evaluating our progress.
- We provide by, with, of and for Māori mechanisms for developing and communicating Māori perspectives, and ensuring they are reflected transparently in our work (kōwhiringa).

Hikitia te mana Māori - Strong Māori leadership and involvement

Strong Māori leadership and involvement is central to achieving tino rangatiratanga and mana motuhake.

- Tino rangatiratanga and mātauranga Māori are instrumental in determining Māori health priorities, ensuring there is sufficient time and space for Māori to develop their aspirations and mātauranga.
- Te Pātaka Whaioranga – Pharmac Māori staff will be kept safe – managers and staff are required and supported to ensure a culturally safe working environment is maintained where Māori are comfortable operating and able to contribute fully to the organisation's mahi.
- We recognise the critical importance of Māori directors, leaders, staff and Māori expert advisors in supporting Te Pātaka Whaioranga – Pharmac to achieve excellence in te Tiriti partnership and systematically engage with them across all key work areas.
- We set clear targets and implement effective approaches for increasing recruitment, retention and advancement of Māori staff across the organisation.

Māori are well-represented across the organisation, including in governance, leadership, and management decision-making roles and its advisory committees, and are supported to give effect to te Tiriti in those roles.

Key Requirements and Expectations

Ahurea Māori - Cultural safety, competence and capability

It is critical that managers and staff understand how their role at Te Pātaka Whaioranga – Pharmac relates to te Tiriti and are well-supported to give effect to this policy in their day-to-day work. We work in the knowledge that cultural safety precedes competence. An essential component of cultural safety is critical consciousness. This involves examining the interplay of power, privilege and authority and is honoured in open and creative forms of relationship - whanaungatanga, grounded in accountability to whānau and communities.

Building the capability of our workforce to operate effectively in te ao Māori, including through development of te reo and tikanga Māori, will be integral to the culture of Te Pātaka Whaioranga – Pharmac and how we operate on a day-to-day basis.

- We recognise that systemic racism is a key determinant of health outcomes for Māori, and systematically review, identify and address systemic racism across our work.
- We take active steps to develop critical consciousness through reflection and on-going examination of our beliefs, and audits of practice, to recognise and address racism and bias.
- All staff will participate in training that includes Aotearoa New Zealand's history and impacts of colonisation, the wider determinants of health, and in other training to address racism and unexamined bias.
- We use critical Tiriti analysis routinely across our work to build our capability and ensure that te Tiriti is upheld. We apply the Te Arawhiti Māori Crown Relations Capability Framework for the Public Service, which includes organisational capability and individual capability components and a self-assessment tool.
- All staff are expected to build and extend their cultural safety practices, cultural capability and competence as part of their professional development plans and are supported by the organisation to do so.
- Board, leadership and staff role descriptions and performance agreements include key performance indicators related to giving effect to te Tiriti, cultural safety practices, cultural capability and competence, which they are held accountable against.

Mana motuhake o ngā raraunga Māori - Māori data sovereignty

- We undertake accurate and consistent collection of ethnicity data, and the use of ethnicity data to assess and improve our work in achieving Māori health equity.
- We actively support Māori data sovereignty in the context of our work.
- We will seek out and use empirical tools explicitly designed for, with, and by Māori to inform and improve our work.

He piki hāerenga - Ensuring we make good progress

To enact the Tiriti partnership and improve Māori health outcomes there will need to be changes to how we carry out many aspects of our core business. We will work together to clarify what this means for each part of Te Pātaka Whaioranga – Pharmac work, and to support each other to implement agreed changes.

All our planning, monitoring and evaluation will include a te ao Māori lens, employing processes that exemplify good te Tiriti partnership. This includes asking Māori to evaluate our performance in ways that are meaningful for them, and that we are open to learning from that feedback and making required changes. Te Tiriti measures will be developed to routinely monitor and evaluate our effectiveness as a Tiriti partner.

A detailed implementation plan is required to drive change in priority areas and provide guidance on how to effect the transformation necessary to implement our te Tiriti policy across our business.

Progress against the plan will be routinely monitored and reported against as part of Te Pātaka Whaioranga – Pharmac’s day-to-day business processes. A formal review of our progress in implementing te Tiriti will be completed annually. Success indicators will be developed as part of a robust evaluation strategy. The evaluation findings will be shared with our Board and accountable Ministers and will be published together with the measures we will put in place to ensure continued progress.

Our te Tiriti policy will be reviewed annually and updated to incorporate emerging best-practice in upholding te Tiriti and insights from our monitoring and evaluation processes. We will look to our expert advisors, peers in Te Manatū Hauora, Te Arawhiti and Te Aka Whai Ora, Te Whatu Ora, Te Rōpū and our internal advisory network to access their expertise and build our excellence in upholding te Tiriti.

We recognise that this policy expresses aspirational goals, and we have much to do to achieve them, but we are committed to working together to achieve rapid and sustained progress.

Owner(s)

Kaituruki Māori-Director Māori

Approved by

Chief Executive Director, Hauora Māori

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