IN THE WAITANGI TRIBUNAL	**WAI 3565** **WAI 3349**
CONCERNING	the Treaty of Waitangi Act 1975
AND **IN THE MATTER OF**	Te Tinihanga o Ngā Mātāpono o te Tiriti – the Treaty Principles Reform Urgent Inquiry (Wai 3565)
AND **IN THE MATTER OF**	Interested Party Jack McDonald on behalf of kaimahi Māori members of Te Pūkenga Here Tikanga Mahi - the New Zealand Public Service Association (PSA) (Wai 3349)

SIGNED BRIEF OF EVIDENCE OF JACK MCDONALD

Dated 18 May 2026

RECEIVED
Waitangi Tribunal
18 May 26
Ministry of Justice
WELLINGTON

TE WHENUA LAW

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Principal
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E Te Rōpū Whakamana i Te Tiriti o Waitangi, tēnā koutou

1. He uri tēnei o ngā iwi o Te Whakatōhea, Taranaki Iwi, Te Ātiawa, Te Pakakohi me Ngāti Ruanui. Ko Jack McDonald te ingoa.

2. I am employed as Te Kaihautū Māori for Te Pūkenga Here Tikanga Mahi, the New Zealand Public Service Association (PSA).

3. The PSA is the largest trade union in Aotearoa, representing more than 95,000 workers, including more than 11,000 kaimahi Māori, across the public service and state sector, local government, the health workforce, iwi organisations, and community groups.

4. The PSA is a strong advocate for public and community services, workers' rights and Te Tiriti o Waitangi. People join the PSA to negotiate their terms of employment collectively, to have a voice within their workplace, and to have an independent public voice on the quality of public and community services and how they're delivered.

5. Te Rūnanga o Ngā Toa Āwhina (TRoNTA) is the Māori governance structure within the PSA. All Māori members of the PSA are affiliated to TRoNTA. TRoNTA is committed to advancing Te Tiriti o Waitangi in workplaces and in law through providing a Māori perspective on behalf of its members.

6. We are deeply concerned by the Crown's attempts to remove and weaken references to the principles of the Treaty of Waitangi – ngā mātāpono o te Tiriti o Waitangi (Te Tiriti principles) in 19 pieces of legislation.

7. Te Tiriti principles are an important expression of Māori collective rights and have played a positive role in longstanding attempts to provide redress for, and prevent future breaches of, Te Tiriti o Waitangi.

8. While there are legitimate concerns that Te Tiriti principles prevent the full realisation of tino rangatiratanga, for the Crown to undermine the status of the principles in statute without the consent of Māori is a dishonourable act.

9. The PSA has not been consulted by the Crown, nor did we have any opportunity to participate in the Government's Review of legislation

including reference to Te Tiriti principles. The failure to meaningfully engage with kaimahi Māori is unacceptable and we contend that it is itself a breach of Te Tiriti o Waitangi.

10. The proposed reforms, if enacted, will therefore have an immediate and profound impact on public policy. Weakening legislative commitments to the Te Tiriti principles will jeopardise existing policy approaches and regulatory frameworks that have been designed to reduce disparities and improve Māori economic, social and cultural outcomes.

11. The scale of the proposed reforms is hugely significant. Removing or weakening provisions relating to Te Tiriti principles in 19 Acts would represent a systemic downgrading of Crown commitment to, and resourcing of, Te Tiriti-compliant public policy.

12. It is my view that such sweeping reforms would constitute one of the most extreme attempts to undermine the role of Te Tiriti o Waitangi in New Zealand law.

13. We are also concerned that removing and weakening references to Te Tiriti principles in legislation will cause significant damage to Māori capability within the public service and state sector, undermining the ability of the Crown to engage with Māori, and of the state to address longstanding inequities and barriers to Māori social and economic progress.

14. A full submission outlining our policy analysis on the Government's review and the policy implications of its proposed reforms is attached as Appendix A.

15. On 12 May 2025 we emailed an invitation to Te Kōmiti o Te Rūnanga o Ngā Toa Āwhina (Te Kōmiti), to ask them to distribute a short online survey to rūnanga delegates.

16. The survey asked delegates whether the agency they work for has references to Te Tiriti o Waitangi in the legislation it works under and if this reference was removed or changed to reduce their agency's Te Tiriti obligations, what impact this would have on the work of their agency and its ability to achieve its wider obligations and functions and also on Māori staff.

17. Delegates' responses demonstrate deep knowledge of the work of their agencies and the relevance of Te Tiriti o Waitangi to their work. They raised a multitude of concerns about impacts of the proposed reforms including risks to equitable service delivery, loss of operational clarity, damage to Māori-Crown relationships, harm to Māori communities and social cohesion, risks to Treaty settlement implementation, and threats to te reo and mātauranga Māori.

18. Delegates also raised significant concerns relating to Māori workforces within government, including the loss of Māori and Treaty specific roles and teams. There are also fears from PSA members of increased workloads, reduced cultural safety for kaimahi Māori, and a reduction in authority of Māori knowledge and advice.

19. Analysis of the survey results and the verbatim responses are attached as Appendix B.

DATED this 18th day of May 2026

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Jack McDonald