



Submission to the Health Committee on the Therapeutic Products Bill

5 March 2023

Submission Text

The Healthy Families East Cape team thanks you for the opportunity to provide written feedback on the 'Therapeutic Products Bill'.

Healthy Families NZ is a large-scale initiative that brings community and community leadership together in a united effort for better health and wellbeing. We aim to improve people's health where they live, learn, work and play by taking a whole systems approach to prevention. Healthy Families East Cape has an explicit focus on equity, improving health outcomes for Māori and reducing inequalities for groups most at risk.

Healthy Families East Cape is one of eleven sites of Healthy Families NZ locations, each chosen for having some of the worse health statistics in the country. Healthy Families East Cape covers from Ōpōtiki, around the East Cape, to Te Tairāwhiti and is funded by the Te Aka Whai Ora and is being led by Te Ao Hou Trust.

Healthy Families East Cape is committed to fulfilling the relationship between Māori and the Crown under Te Tiriti o Waitangi, the national document that defines a respectful and meaningful partnership between tāngata whenua and tāngata Tiriti. We actively support Te Tiriti o Waitangi articles in policy and legislation decision-making.

Te Ao Hou Trust and Healthy Families East Cape, have also worked collectively in gathering community-based feedback via community hui (meetings) to support our submission of the 'Therapeutic Products Bill'.

Healthy Families East Cape covers a large region, from Ōpōtiki to Gisborne, down State Highway 35 to Lottin Point and Tokomaru Bay.

Ōpōtiki District Council's region has a population of approximately 9,300 people, with 63% identifying as Māori (according to 2020 statistics).

Te Tairāwhiti's population sits at 49,300 (June 2020) with 45 % identifying as Māori. We have the highest Māori population compared to the rest of the country (according to 2020 statistics).

The Healthy Families East Cape strategic leadership rōpu is responsible for providing strategic direction and leadership using and championing a systems-based approach to achieve healthier environments in the places where we spend our time.

About Healthy Families East Cape

Healthy Families East Cape is part of a large-scale initiative that brings community leadership in the East Cape together in a united effort for better population health.

We aim to improve the health of our people – where we live, learn, work and play – in order to prevent chronic disease.

Our purpose is to challenge communities to think differently about the underlying causes of poor health, and to make changes – in our schools, workplaces, sports clubs, marae and other key community settings – that will help people make healthier choices.

www.healthyfamilieseastcape.co.nz

For more information about this submission, please contact:

Ranui Maxwell

ranui@healthyfamilieseastcape.co.nz



The Healthy Families East Cape strategic leadership group is made up of representatives from across sectors and communities and includes the following members and organisations:

- Linda Steel, Te Ao Hou Trust Chief Executive (Chair)
- Josh Wharehinga, Gisborne District Council Deputy Mayor
- Lyn Riesterer, former Ōpōtiki District Council Mayor
- Stefan Pishief, Sport Gisborne Tairāwhiti Chief Executive
- Mel Turner, Te Whatu Ora Senior Portfolio Manager and Lead Healthy Families NZ
- Amohaere Houkama, Rau Tipu Rau Ora General Manager
- Megan Tunks, Pou Oranga Ake, Te Pare o Toi
- Shannon Hanrahan, KŌ Kollektive Trust, Executive Chair

We are happy to provide further advice and clarification on any of the points raised in this submission. The contact for this submission is Ranui Maxwell Healthy Families East Cape Communications Innovator.

Email: Ranui@healthyfamilieseastcape.co.nz

Ngā mihi,
Healthy Families East Cape team and strategic leadership rōpu

A commitment to Te Tiriti o Waitangi

Healthy Families East Cape is committed to fulfilling the relationship between Māori and the Crown under Te Tiriti o Waitangi. Healthy Families East Cape prioritises the inclusion and protection of Mātauranga Māori as an important enabler of health and wellbeing for all New Zealanders. We collaborate with partners across our communities to improve Māori health outcomes. Māori participation and decision-making at all levels of planning and implementation is critical. We actively support Te Tiriti o Waitangi articles in policy and legislation. Valuing community voice and community interests driving decision-making.

In section 'Part 9 – Regulator, Subpart 1 – Therapeutic Products Regular, Clause 333 Performance of functions and exercise of power' of the Therapeutic Products Bill it identifies that 'The Regulator must ensure they have the capacity and capability to understand and give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi; and to understand and take account of mātauranga Māori and Māori perspectives in relation to therapeutic products.'

Recommendation:

The Therapeutic Products Bill must reflect that the therapeutic products regulatory system has a commitment to fulfilling the special relationship between Māori and the Crown under Te Tiriti o Waitangi (Te Tiriti). Regarding the text of Te Tiriti and declarations made during its signing – the New Zealand Ministry of Health as the 'chief steward of the health system, leading health across government, and



setting direction and policy for the health system, advising the Government on funding and system settings, regulating the health system, and monitoring health outcomes', has the responsibility to enable Māori to exercise authority over their health and wellbeing (under article 2) and achieve equitable health outcomes for Māori (under article 3) in ways that enable Māori to live, thrive and flourish as Māori (Ritenga Māori declaration^[OBJ]).¹

Whakamaua Māori Health Action Plan 2020 - 2025

The Whakamaua Māori Health Action Plan^[OBJ] recommends eight priority areas for action for the next five years to enable change and set a strong foundation for the future.

Achieving desired outcomes will be contingent on synergies across all priority areas and taking a whole-of-system approach.

Whakamaua emphasises the significance of Te Tiriti o Waitangi as a foundational document for public policy. The text of Te Tiriti, including the preamble and three articles, along with the Ritenga Māori declaration, are the enduring pillars of Whakamaua.³

Recommendation - The three priority areas for action that are most applicable to the Therapeutic Products Bill and the work of Taumata Arowai are priority area 1 Māori-Crown partnerships, priority area 5 Cross-sector action, and priority area 7 Insights and evidence.

Priority Area 1 - Māori-Crown partnerships

Overview

- Meaningful Māori-Crown relationships reflect true partnership at all levels of the health and disability system
- Māori health development is increasingly led by iwi and hapū
- Māori-Crown relationships are built on mutual trust and confidence in the health and disability system

Why is this important?

Recommendation:

¹ Ritenga Māori declaration (often commonly referred to as the 'fourth article') was drafted in te reo Māori and read out during discussions with rangatira about Te Tiriti. The Ritenga Māori declaration provides for the protection of both religious freedom and traditional spirituality and knowledge (Te Puni Kōkiri 2001).

² Whakamaua Māori Health Action Plan (Ministry of Health 2020).

³ Hon. Peeni Henare, Associate Minister of Health. (Whakamaua Māori Health Action Plan 2020).



The Māori-Crown relationship is based on the fundamental exchange of kawanatanga (iwi, hapū, Māori to independently regulate their own Rongoā and practices) and the right of Māori to exercise tino rangatiratanga over their lives in a way that aligns with Māori customs and values.⁴

“Kotahi anō te tupuna o te tangata Māori, ko Ranginui e tū nei, ko Papatūānuku e takato nei.” (Wallace, 2021).

A whakatauki by Wiremu Maihi Te Rangikaheke, tohunga of Ngāti Rangiwewehi. A whakatauki that describes the foundation of our whakapapa, our interconnectedness to the world around us. Māori acknowledge that we are all descendants of Ranginui (sky father) and Papatūānuku (earth mother) and connected to all life that exists in-between. This is our worldview, and paradigm that gave birth to our culture, values, customs, beliefs, identity, and way of life. Today this knowledge is referred to as mātauranga Māori.

There is a need to build a meaningful Māori-Crown partnership in the therapeutic products regulatory system to reflect more future-oriented relationships. The practical arrangements to implement a meaningful partnership requires constant evaluation to ensure that the partnership fulfils its purpose in meeting Te Tiriti commitments.

What does this look like in practice?

Recommendation:

The Ministry, localities, IMPB's, local government and other Crown entities (Therapeutic Products Regulatory System) need to have strong active relationships with Māori in designing, developing, implementing, and monitoring the health and therapeutic products regulatory systems. The quality of Māori-Crown relationships at all levels of the health and therapeutic products regulatory systems need to be measured over time by both parties to drive outcomes and improve accountability.

Iwi, hapū, marae and Māori communities must have the resources and support to enable them to use mātauranga Māori, tikanga Māori and practice being vigilant kaitiaki of our taonga.

The Ministry, localities, IMPB's, local government and Crown entities (Therapeutic Products Regulatory System) must lift health and health regulatory system performance to better respond to Māori health, cultural and environmental issues to ensure that Te Tiriti commitments are upheld.

Priority Area 5 Cross-sector action

Overview

- Addressing the broader determinants of health is key to achieving pae ora.

⁴ Waitangi Tribunal 2019.



- Planning, investment, and accountability for Māori wellbeing is shared across sectors.
- Cross-sector action is locally driven to support integrated, timely, holistic whānau-centred services.

To foster collaboration and coordination across government agencies to maximise Māori health and wellbeing.

Why is this important?

Recommendation:

This priority area and associated actions contribute most to Whakamaua Māori Health Action Plan outcome 2: the health and disability system is fair and sustainable and delivers more equitable outcomes for Māori. A whole-of-government approach is critical to addressing the broader determinants of health to ensure individuals, whānau and communities are better able to access and enjoy healthy environments and get the help they need to take control of the circumstances affecting their health and wellbeing.^[10]

Coordinated and effective planning, investment, resources and accountability across all sectors must be in place to ensure Māori receive timely, equitable access, resources and services.

The Therapeutic Products Bill must first be designed alongside Māori communities and Māori practitioners in order to continue to place individuals and whānau at the centre of decision-making.

What does this look like in practice?

Individuals and whānau must be at the centre of decision-making, therefore fostering comprehensive, connected action to address the determinants of health inequities, with clarity around roles and responsibilities when working across sectors.

Priority Area 7 Insights and Evidence

Overview

- Use kaupapa Māori insights and evidence to inform and influence decision-making processes.
- Validate and affirm Māori solutions and mātauranga Māori.
- Enable iwi, hapu and the Māori health sector to access insights, evidence and data.

To advance the Māori health and disability evidence base that contributes to improved Māori health and wellbeing.

Why is this important?

Recommendation:



Kaupapa Māori insights and evidence are essential for enabling mana motuhake, ensuring the protection and improvement of mana tangata and elevating the values and benefit of mātauranga Māori. Kaupapa Māori insights and evidence validate and affirm Māori solutions and Māori ways of knowing, doing and understanding the world. They acknowledge the relevance and success that Māori-led solutions and approaches have played in achieving wellbeing for Māori. The validation of kaupapa Māori insights and evidence should be supported by a commitment of investment and routine translation of insights and evidence into policy, service development, planning and accountability processes.

Crown data, and data over which Māori have sovereignty, such as health status across regions and specifically for Māori, can inform very powerful and positive results in decision-making, policy development, outcome assessment and accountability.

At the heart of this priority area is the need to develop active partnerships with iwi and Māori organisations and practitioners to explore different ways of meeting iwi and Māori insights, evidence and data needs, and elevating Māori healing and prevention solutions to the decision-making table.

What does this look like in practice?

Recommendation:

The health and disability system, in partnership with Māori and other agencies, routinely invests in kaupapa Māori evidence and insights that advance Māori-led solutions and elevate Māori health and wellbeing. Planning and accountability is evidence informed – reflecting Māori aspirations.

Alongside the Crown's commitment to Te Tiriti and the deep and enduring partnership and relationship with Māori, there is a need to include kaupapa Māori insights and evidence in the Bill, specifically from rongoa Māori practitioners – practitioners of the traditional healing and health prevention system of Māori which encompasses herbal remedies, physical therapies and spiritual healing. Whānau, hapū, iwi and Māori organisations have access to and the capacity and capability to utilise powerful insights, evidence and data to transform policy, services and wellbeing for individuals, whānau and communities.

ACC and Rongoā Māori

ACC recognise Rongoā Māori as a prevention solution and kaupapa Māori service. It's culturally grounded care that weaves tikanga Māori, mātauranga Māori, te reo Māori, and te ao Māori through all aspects of the service. ACC respect that these aspects embrace ngā taonga tuku iho (intergenerational gifts and knowledge handed down from tupuna Māori). So ACC expect rongoā practitioners to whakapapa (affirm their connection) to ngā taonga tuku iho.⁷

⁵ Broughton and McBreen. 2014.

⁶ NZQA. 2012.

⁷ ACC 2023.



ACC are guided by the Waitangi Tribunal’s definition from the Ko Aotearoa Tēnei report to define rongoā Māori. This definition covers various traditional Māori healing methodologies, including:

- mirimiri (bodywork)
- whitiwhiti kōrero (support and advice)
- karakia (prayer).

ACC don’t consider healing techniques from non-Māori cultural traditions, such as reiki or hyperbaric oxygen treatment, part of rongoā Māori. Even if they’re provided by rongoā Māori practitioners.

Why is this important?

Recommendation:

Data and statistics have shown that Māori are not only more likely to sustain a serious, life-changing injury, but they are 25% less likely to access ACC services than non-Māori.⁸ Since 2021, ACC have made Rongoā Māori available to clients on request and to be used as either stand-alone care or in conjunction with other treatment. Currently, there are almost 100 ACC-registered Rongoā Māori practitioners in Aotearoa.⁹

ACC’s commitment to improving options, care, experience and outcomes for Māori is a positive and equity-based step towards recognising the Māori-Crown relationship, and elevating services that are focussed on prevention and are embedded with mātauranga Māori . The Ministry, localities, IMPB’s, local government and Crown entities (Therapeutic Products Regulatory System) must ensure that in line with ACC’s pathway of kaupapa Māori services, and in line with all articles in Te Tiriti, rongoā Māori, as defined by Ko Aotearoa Tēnei, continues to be protected and therefore practiced outside of the guise of the Therapeutic Products Bill.

Protection of Mātauranga Māori

Why is this important?

In 1907, the Tohunga Suppression Act was passed. Traditional health interventions and rituals were outlawed. Traditional healing was not completely eradicated, but it was deemed illegal and therefore of a second-class kind (Norris, 2020). Māori health outcomes are proportionately higher in Aotearoa than non-Māori.

According to Dr Ihirangi Heke (2015) “now we are focused on health as something we must pursue, where health should be an incidental outcome.” “It should be something that pops out the other end when you understand mātauranga Māori.” “The difference with Māori however, is that health was traditionally environmentally centered rather than human-centered which means that knowing whakapapa connections to specific environments, such as maramataka, can contribute to better health outcomes. Non-indigenous paradigms have failed to inform recipients of the dual importance of Māori perspectives.” (Heke, 2015).

⁸ ACC 2023.

⁹ ACC 2023.



The Community Voice

“Our community made of Rongoā practitioners and Rongoā consumers are worried that their practices will have a financial impact if a regulatory system is implemented”.

“We don’t provide Rongoā for our community for financial gain, it’s about the wellbeing of a person”.

“Some made comments that they feared making a submission as they may be targeted if the Therapeutics Products Bill is passed in its current form”.

“Ngai Tai want to determine our own practices and believe that every iwi and hapū are able to do the same. Most Rongoā practitioners understand Rongoā or plants that grow in a particular location are reflective of what that location is deficient in, that is why every iwi and hapu should be able to regulate their own practices”.

“Rongoā Māori courses are offered throughout the country and safe practices form the basis of these courses, that is why Rongoā Māori should not be regulated”