

**CRITICAL ANALYSIS: A MECHANISM FOR MONITORING THE CROWN**  
**PROFESSORS TIM McCREANOR, HEATHER CAME, JACQUIE KIDD,**  
**DOMINIC O'SULLIVAN**  
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>>RINGA HĀPAI: Tēnā koutou, tēnā koutou, tēnā koutou katoa. My name is Judith

MacAra-Couper and I have the privilege of chairing this session. Wow, what a journey we've been on this last week at Decol 2022. I must admit I've felt challenged and humbled and full of hope and despair, angry, full of tears and laughter, and most importantly strengthened to do more as a Treaty partner.

Today I'm going to open this session with a karakia that I use when I feel I'm in one of life's important moments surrounded by the things which are part of the spirit and of the heart. (Opening karakia).

So now I need to do some housekeeping, and first of all a reminder about our community code and the way that we will be in this space with one another. And of course I think the last one might be quite apt for this session, that we don't take ourselves too seriously and there will -- remind you also about the chat which you're using well already, thank you, keep on using the chat. We also have a question and answer function, and if you want to answer -- ask questions, please use that rather than put the questions in the chat. And we will do as much as we can to answer as many of those questions. There's also a closed caption link that will be put in the chat that you can also access.

And we have a moderator on hand, Jenny Rankine, who will be facilitating things in the discussion. We welcome you to share your thoughts and anything else that you think will be valuable to everyone who's on this session.

So our topic is Critical Treaty Analysis: A mechanism for monitoring the Crown. We have four presenters, Dominic O'Sullivan, Jacqui Kidd, Heather Came and Tim McCreanor. I just feel I have to start with a disclaimer, because I just came from a wonderful fireside chat where Kate and Tama, I was so touched by their discussion. When I agreed to chair this session I thought easy, four presenters, they'll present for 10, 15 minutes each, then we'll have some questions, but no, this is a fireside chat, which means it may get a little random, may get a little messy, may get a bit creative as these are amazing individuals that we have here having this fireside chat.

So just let's see how it unfolds, but I do have complete faith we'll be taken on an amazing journey. So I'm going to ask each of them to introduce themselves and tell us

what they want us to know, but also something about the critical Treaty analysis tool and what brought them to this work.

So Dominic, we're going to let you begin this, thank you.

>>PROF O'SULLIVAN: Kia ora. (Te reo Māori). My name's Dominic O'Sullivan, I'm Professor of Political Science at Charles Sturt University and an adjunct professor in the centre for Māori health research at AUT. I'm from Te Rarawa in the far north, my mother's people are from that area, and, as I said, I'm a political scientist, I'm interested in power and where it comes from and why and who has it and who doesn't, and what makes power legitimate and what makes it illegitimate. And those are all themes that we see in Treaty history and we see it in the present as well in terms of the ways in which the Crown and iwi and hapū sit alongside one another, interact with one another and contest one another's perceptions of the way the world ought to be and one another's perceptions of what Te Tiriti means.

So while certainly critical Tiriti analysis is a tool for monitoring the Crown, it's I think also much more than that. And one of the ways in which I think it is really importantly much more than that, is that it assumes that the Crown belongs to everybody. The Crown is not the power of the Pākehā polity alone, and therefore it really has no authority to position itself as an adversary to Māori. It is properly, if we read the third article of the Treaty particularly, the Crown belongs to Māori as much as to anybody else, and that means that there need to be fair and reasonable opportunities for Māori to influence the workings of the Crown as shareholders in its sovereignty, in its sovereign authority.

In legal theory, in legal thought, sovereignty is often understood as this absolute authority, indivisible in the way that Hobbs set it up all those years ago. But I think in a liberal democratic society, you can't think of sovereignty like that, it just doesn't work.

Sovereignty is the domain of the people. That obviously raises the question, which people? And if the answer is all people, then how are Māori part of that in a way that is meaningful and in a way that creates opportunities for equal voice in public affairs and equal voice in policymaking.

And critical Tiriti analysis, I think, is an attempt to do that. To say that, you know, we're here, we're part of this as well, it's not your authority alone in competition with ours, you know, we're here as legitimate shareholders in this body of authority called the Crown and we're going to claim our share of influence over how it works. And I think in various ways at each of its steps, critical Tiriti analysis allows that to happen.

And, you know, while we wrote it as sort of a retrospective evaluative tool, it does have potential too, I think, to influence how new policies are developed and, you know, it's quite easily modifiable, I think, to that purpose.

And the other thing that I think is really interesting about critical Tiriti analysis, we're sort of seeing it start to work in this way a little bit, is that although it arises from our interpretations of Te Tiriti, the articles, the preamble and the commitment to uphold wairuatanga, it arises from all those things, it's not dependent on them. Which means that it is modifiable, I think, outside the Crown, to NGOs, public entities and so on who think that the sort of ideas implicit in Te Tiriti are useful for their work even though they're not the Crown and they're not hapū, they're not partners to Te Tiriti, they might still find CTA a useful tool to help them in their thinking.

And similarly, I think it is a tool that might help indigenous policymakers in other jurisdictions, in Australia and Canada and places, for example, to think about how they do things. Of course no treaties in Australia, people are working on them on what they might mean, what they might entail, and I think CTA might contribute to those sorts of conversations.

Of course Canada has lots of treaties of its own, but our CTA is not dependent on Te Tiriti o Waitangi, so it is, I think, maybe something that policymakers in that part of the world might find useful for the general principles of justice and fair political relationships that it advances.

>>RINGA HĀPAI: Thank you Dom, thank you so much. So Jacquie.

>>PROF KIDD: Tēnā koutou katoa. (Te reo Māori). I'm an Associate Professor with the School of Clinical Sciences at AUT. I'm a latecomer to this rōpū here and I mihi to my colleagues on the panel who are the ones who came up with critical Te Tiriti analysis.

My most recent research background, I guess, is in health equity. It's very qualitative, it's very around listening to whānau stories about their strengths and their grittiness and their determination to get good healthcare and build their health literacy. And I was getting increasingly frustrated by the number of research projects that were being done in that space and the number of amazing whānau stories that were being dismissed and they're still being dismissed. But I saw in CTA an opportunity to challenge the Crown, particularly in the health sector, at the very core of the reasons that they were able to do that dismissing.

So my first work with these guys was around the cancer agency, the cancer action plan and we've kind of moved on from there to other areas, particularly in health, that's

where my passion sits. And yeah, I thought that it would be a more positive experience, but I still feel like we're identifying deficits, we're identifying problems. I'm hopeful, I hold these two spaces where I'm really hopeful that moving into the Māori Health Authority and the changes that we're seeing and the energy for things like this series, that we're seeing something positive.

I still am disappointed that we still need the CTA, we need to be doing this kind of work to hold the Crown accountable. But yeah, I will leave it there with, I guess, just saying my motivation for being involved in the CTA is to amplify those whānau voices and create a space where we can value them instead of dismissing them.

>>RINGA HĀPAI: Kia ora Jacquie. Heather.

>>PROF CAME: Kia ora tātou, thanks for opening the space for us Judith. Thanks to the tech team, thanks to my mates in the room, and the -- yeah, ko Heather Came-Friar tōku ingoa, ko tangata Tiriti ahau. I grew up on the land of Ngāti Wai and live on the land of Te Kawerau-a-Maki. My background's in health promotion and public health and social justice activism. My little opening story about the CTA is that Tim and I were asked to give evidence before the Waitangi Tribunal, and so we did what we'd done a bit of, which was pull apart the primary healthcare strategy because we knew how to pull apart policy documents and we wrote up our paper and thought this will be great, we'll publish it. And then no-one wanted to publish it.

And so this is a story of kind of persistence, because it got rejected a couple of times, and then we decided to -- we'd always been looking for a bit of an opportunity to collaborate with Dom, so we got involved with Dom, and through that process of yarning we worked out that we'd written a methodology paper, and then people wanted to publish it. And it's been a little bit of magic what happened since. So it's about sometimes when the publishers say no, this isn't good enough, it's a great opportunity to dig deep and find more. And so thanks to those people that we won't name who rejected the CTA original publication number 1.

>>RINGA HĀPAI: Kia ora Heather, thank you. Tim.

>>PROF McCREANOR: Tēnā koutou, tēnā koutou katoa. Ko Tim McCreanor tāku ingoa, no Whāriki Research Group ahau. I'm a senior researcher at Whāriki Research Group which is linked to Massey University under the leadership of Helen Moewaka Barnes. I guess I've been there for 20 years, or thereabouts, working particularly at the interface between policy and health disparities, Māori health disparities, Pākehā health advantages, in a manner that made me hypersensitive to the way in which policy shapes social fabric and, you know,

related work talking with many Māori advisors who have been deeply associated with policy formation and development and application, just getting a real sense of the way in which they are marginalised in that process, in spite of being brought to the table, marginalised in the process so that their voices are lost and their insights and wisdom are wasted.

It seemed to me that some of the processes that the Crown has introduced, particularly a focus on Treaty principles, Tiriti principles, as distinct from the texts and the words and the sentiments and the commitments that were made in 1840 and beyond, is something that drew me, in my kind of slightly naive simple-minded way, back to the actual text of Te Tiriti.

And so, yeah, when that experience that Heather related had happened, we started to formulate how we could develop a tool that might address those kinds of policy shortfalls and, yeah, with Jacquie's help and Dominic's help, have totally transformed the rude, rough ideas that we had to begin with into something that seems to be catching people's attention. And it's a work in progress, I think Dominic has outlined wonderfully some of its potential and implications. We're really keen to hear what you make of it, what we can do to strengthen it and enhance it, but keep it clean and simple and powerful for the assessment of these extraordinary things called policies in our society. Kia ora tātou.

>>RINGA HĀPAI: Kia ora Tim. We realise that everybody in this session may not have an understanding of the critical Treaty analysis tool, so Heather's just got a very short PowerPoint. We're just going to run through a few things so that everybody's got some information. Thank you Heather.

>>PROF CAME: Kia ora. The critical Te Tiriti analysis when you're doing it retrospectively involves finding a policy document and you go through these five stages. So the first stage is you have a high level look and see how it talks about Te Tiriti, how it talks about Māori, what kind of Māori frames and things it has within it. And then you do a very close reading, this is when you're likely to start writing notes, you do a close reading where you look at it against the five elements of the Māori text. So you look at it to see what it says about the preamble, what it says about the relationship between Māori and the Crown, you look at what it says about Māori involvement in decision-making and how it frames tino rangatiratanga, equity and kind of wairuatanga. So you have a detailed look through, and then there's a set of indicators that we've developed, and then you look at those indicators and you work out -- you kind of rank them to kind of give a real rough steer about how well it's aligned to the articles.

And then rather than just pulling things apart, it's important to offer solutions, because otherwise it's just incredibly negative and no fun. So then you look at what the determination and your close reading and try and plug some of the gaps, identify how things could be done better, what are some other ideas which would have strengthened this policy.

And then, of course, you have the magical expression of tino rangatiratanga which is the Māori final word. Because often when people write about Te Tiriti they do it at a really high level and there's not much substance to it. That's part of why we work with the five elements of the Māori text, but with the Māori final word, instead of looking at Te Tiriti at parts, it brings it all back together again as a whole and it's an overall assessment by the Māori colleagues that you're collaborating with in order to do a CTA about how they see that landing.

So here's our indicators that we're working on. They're very much under development, so if you've got a better indicator, because there'll be people that are probably sharper on indicators than us in the crowd, please send them in and we'll reference you and we'll use them going forward in our CTA.

So initially we had -- you could rank them poor, fair, good and excellent, but after a recent CTA we were forced to add silent, when it said absolutely nothing about any aspect of Te Tiriti whatsoever. So that's a fairly alarming addition. We may end up adding additional categories, but that's the ones that we've been using lately. So you'll see they're kind of high level steers about trying to capture those parts of Te Tiriti. Do chip in, team, because I'm not feeling at my smoothest here right now.

And so those are the papers that have been published so far and we've got one in press about the New Zealand disability strategy. So we're getting a whole body of work. And as I've said in the chat, if you want to get hold of one of them and you can't, just contact me or one of the others and we'll be able to send you the articles if you want to do a read.

Jacquie and I and sometimes -- me and a range of characters have been doing workshops on CTA, so we've got two coming up which are fundraisers for the AUT branch of the Public Health Association. If you're a member of the association it's free, if you are not you get to pay money, but it might just be smart to join the Public Health Association because there's never been a better time for collective action for public health. So we do a one day session walking people through how to use it, and the thing about it all is that it's not as tricky as we might lead you to believe.

But here's how you find all our characters, and there's Dom and Jack particularly are major forces in the Twitter world, so make sure that you follow them on Twitter. Trying not to be a time hogger, but that was the whirlwind tour. So it's a way to, yeah, put a line in the sand and say this policy doesn't look that Te Tiriti compliant, it's not engaged well with Te Tiriti, this is how they could have done better. And we've yet to find the shiny, glamorous policy that we think, yeah, that's really rocking it. But at any time that could happen.

>>RINGA HĀPAI: Kia ora Heather. So just to go now to the fireside chat. And I think Rose Black in the chat said "I find the CTA the most liberating way to work with policies from my role in public health at Waikato." So I wonder if that's the place to start, you know, why does it work, what are the things around it which people are applying. For someone like Rose it's been a liberating way to work with policies, why do you think people are finding it liberating way? But please take the conversation wherever you think it needs to go.

>>PROF CAME: I think you've said before, Judith, it's because it's not rocket science, it's really straightforward.

>>PROF KIDD: That's the thing, we spend a whole day talking about it, but really if you have a good understanding of Te Tiriti and the policy context that you're wanting to engage with, it's really simple, and it's one of the most frustrating things to see what is essentially a straightforward -- simple's probably the wrong word, but a straightforward Treaty or Te Tiriti that lays out very clearly what the expectations are from both parties, has been turned into something really muddily and really frightening, and in fact it isn't, it isn't either of those things.

And when we look at it through those determinants, those indicators, it's just really clear whether what you're working with is going to be compliant or not, or has been compliant or not. So yeah, I mean that's one of the things that appeals to me and that's one of the things I think when we're presenting this work is that people go I never really thought it was that simple. And it is, it is not complicated.

>>PROF O'SULLIVAN: I think it's inclusivity is maybe what makes it useful too. There's an assumption that Māori are part of this, not as an adversary or a competitor, but as legitimate participants whose distinctive perspectives are legitimate. And it provides a way for giving effect to that assumption and, as people have been saying, a very simple way.

And it's also easily adaptable, if people don't like bits of it, if they, you know, they don't like the indicators that we're suggesting they can replace them with their own. And

I noticed somebody in the questions here has asked whether this is transferable to other policy domains. I think criminal justice was the example they used. Yeah, I think it is. Because the same principles and values of Māori voice are relevant wherever we go in the policymaking realm.

>>PROF McCREANOR: For me I think there's also -- there's a dimension in which there's actually incredible depth to what we've distilled into CTA. Because for me one of the key touch points, groundings is Matike Mai. Now Matike Mai is focused on constitutional transformation for the entire society, the country, the entire way that we do what we do. And I think that having the insights derived from that extraordinary piece of work, that is so connected to hundreds of marae up and down the country, to thousands of Māori participants who joined in hui, is something that, you know, I think gives a real solidity to what seems perhaps a pretty straightforward thing on the surface.

We've definitely tried to keep it that way, but all of us, and all of our connections and influences and inspirations are kind of built into this piece in a way that we hope reflects both the gravity, but also the, as Jacquie says, the kind of straightforwardness of Te Tiriti o Waitangi in guiding us through to something, a better account of social justice than we can actually lay claim to at the moment.

>>PROF KIDD: I guess Heather -- you want to talk? Okay. I just wanted to say something about the Māori final voice, because I think -- I've been reflecting on that a little bit lately, and I think that perhaps we present it in a way that makes it sound like it is only the final voice. And what Tim was just saying about Matike Mai reminds me that the only way that CTA is working for us as a rōpū is that collaboration, that Matike Mai style of coming together into that third space, in that Treaty space to (inaudible) on the work that needs to be done and to decide on the determinations and then to have that final voice at the end.

For me that Māori final voice also means the right to veto at the top and the right to have equitable conversations all the way through. And I loved what Tama said this morning about that positive tension of having people come together in order to create something new. And it's like you've got this friction but it's a friction that grows something new rather than the imbalanced friction that we're currently seeing in non-Treaty compliant spaces.

So I'm hearing -- one of the reasons I was reflecting on it is I'm hearing increasingly about people wanting to use it, Pākehā wanting to use CTA without having a Māori partner and then inviting somebody at the end to go this is what we've done, we need a Māori final voice now, and that becomes really problematic. And I think maybe we either need to write

about it or we need to include in our writing the importance of that values-based, equitable relationship going into the process that then results in those five stages. Does that make sense? This is the first time I've talked to you guys about it too, but it's just something that I've been kind of mulling over.

>>PROF O'SULLIVAN: Yeah, we need to do a bit more work on I think defining what we mean by "Māori final word" and, you know, when and how it's appropriate. You know, there's a risk here, I suppose, of, you know, policymakers saying there's a Māori in the office down the hallway, he can come and do this for us, and that is not what we have in mind. But we probably need to give a bit more thought to exactly what we do have in mind and express it a bit more clearly. So I guess we're interested in what others think about that and how that might work in an effective and fair manner.

>>PROF CAME: Āe, and certainly we're wanting to have more yarns and certainly a number of characters are using CTA. Some people are using it in their research to analyse data, to look at curriculum, to look at competency documents, to look at policy retrospectively and to inform prospective development of policy. And so indeed, I haven't had a chance to yarn to this group because we never get to be in the same room particularly, so this is a bit of a treat for us.

So I think it would be exciting if we can, you know, write the prospective paper about how to use it prospectively, but also to create a community of learning so that we can hear from people about how they're using it and we can keep refining it, and so there's kind of like a clearing house where all the work that people are doing around this is centred so that we can kind of give it a home, put a virtual home and a place where we can yarn and support people using it, because if it means that we get people doing stronger policy, we're on to something.

>>PROF O'SULLIVAN: I think we have started to do that to a fairly significant degree with a subsequent paper we wrote. In 2019 the Cabinet office issued a circular containing instructions to ministerial advisors in the State bureaucracy instructing them on the questions that they needed to ask when -- or answer when preparing policy advice to ministers.

And that was quite a significant document, because in a perhaps more comprehensive way than has ever happened before, Cabinet set out its expectation that, you know, Te Tiriti -- and it used the term "Te Tiriti" as well as "Treaty" -- was to be assumed to be relevant, whatever the advice was that ministers were seeking, whatever the policy domain.

So we had a look at that and we found in spite of that there were still areas in which it could be developed and strengthened, maybe to give Te Tiriti a bit more authority and, you know, we suggested some additional questions that policymakers might ask themselves in preparing advice, so that's another paper that I think, you know, people might find interesting or not. But it gives an idea as to just another way in which CTA has been used and how it might contribute to policy development as opposed to policy evaluation.

>>RINGA HĀPAI: There's quite a few people asking questions that work in government departments and --

>>PROF CAME: Kia ora to the Crown agents.

>>RINGA HĀPAI: -- Corrections, really trying to get their head around how they could apply this and could it be applied. But I'd just like to read one of the questions, because I think this captures where people are at. Heather, prepare yourself for this, prepare your heart for this, but "thanks for sharing this amazing mahi tool. As a Pākehā tangata Tiriti working in government I see conversations happening around the three Ps as a positive development. Can you help us understand the shortfalls of this approach? I've observed the ideas around Treaty principles and articles are seen as radical or bewildering for many Pākehā public servants. How can we move on from that?"

>>PROF CAME: I'll put the reference to the Waitangi Tribunal and the relevant page which says very clearly -- this is the Waitangi Tribunal report for the health outcomes Wai 2575, where they said that the three Ps are reductionist and outdated and by the time we get the new health legislation they will be gone.

So for any government department, any NGO, anyone that's still using the three Ps, it's time to put them in the freezer and let it go. There's a world of difference between the Māori text -- which is not a complicated document, I believe it's one page -- I don't think we need the Ps, I don't think they -- I think they've served their purpose, but it's time to put them in the freezer and it's time to look at them -- let's just look at the Māori text and it's not that difficult, there's people to help you. There's a world of difference between participation and tino rangatiratanga that I'm sure either Jack or Dom can explain, or Tim or Judith or any of us, but they're not at the same level. It's like a cartoon versus an epic novel, the difference between the three Ps and the Māori text. I'm just going to put on the mute.

>>PROF O'SULLIVAN: I think in response to that question from Corrections, yes, I do think this is quite easily adaptable and applicable to Corrections policy. And I would suggest maybe reading our paper in conjunction with the Cabinet circular paper that I mentioned, and I

think that second paper will perhaps give you some ideas about the questions you might want to ask yourselves when developing policy.

And as Heather mentioned before, she and Jacquie have run a number of workshops and, you know, I think, you know, maybe to go into this sort of topic in the depth that's needed might require a workshop specifically for Corrections. So maybe, you know, if that's of interest get in touch and among the four of us we'll presumably be able to work out how we can help with that. But I think to answer it in a few minutes now is probably a bit too much.

Yeah, I did see other people saying maybe it's relevant to other government departments, school boards of trustees and so on. And yeah, I think the same thing there, we could easily do workshops there.

>>RINGA HĀPAI: There's an interesting question also from Susan Knox who said "could this policy be adapted for new health development initiatives such as the development of new public health programmes", thinking, you know, the health reforms etc, I'm just interested in your response to that question.

>>PROF KIDD: We know it is being used in a couple of areas specifically for that, so we've talked about it being retrospective or prospective. So mostly we use it retrospectively when we're writing about stuff, but also the prospective idea is about having it kind of as a template to go if we went ahead with this draft, if we went ahead with this statement, what would a CTA look like? So I think there are -- I'm not sure if you're here, Rhonda, you might be -- there are people who we know are using it in that way.

Also I just wanted to add, some people are saying, you know, about it being used as a tick box exercise like, for example, by board of trustees. I think they'd have to turn themselves inside out to do that, because it isn't rocket science, because it just says here's a scale, here's a question, are you doing this in this policy, and I think it's kind of hard to fudge. I think it's really clear if it is fudgeable. I mean the others will probably you know, they're taking me on a political and activist journey in this team because I sit firmly with my whānau research hat on most of the time, but it would be interested to hear what you guys have got to say about that too, because if it is able to be used as a tick box then it's not flash. But I don't think it is.

>>PROF CAME: I think that would be profoundly disappointing Jacquie, but I've not seen a horrendous one yet, like I've just seen really admirable efforts and deep thinking. But like I think about the heat tool that we use a lot in the health sector and I've seen that used in a way that was completely the opposite to the intentions of the authors.

So I think people, once you put something out in the world, we can't control what happens, but I'm hoping, I'm hoping that we never have that experience, and if we do, I'm thinking we'll be reaching out to whoever held the pen that day and ask what happened.

>>PROF O'SULLIVAN: Yeah, I think, although it is a simple instrument, it doesn't really lend itself to being used as a tick box kind of exercise, because when you apply it to the analysis of a policy it's going to tell you things for better or worse. And it's what it tells you and what you -- how you respond to that information that is important. So to say we've done a critical Tiriti analysis of this policy doesn't really mean anything by itself, it only means something if you explain the significance and how you might respond.

>>RINGA HĀPAI: There's some questions about how could this link to or be involved or reflect Matike Mai and the constitutional reform that's -- yeah, I know -- that's being undertaken, like are there links here, are there -- what would the relationship be? There's a number of questions asking about that in constitutional reform, the tool.

>>PROF McCREANOR: So yeah, for me I suppose my understanding of the New Zealand constitution is that it's informal and that it's incremental. So it's basically built up over time out of the way in which people have done what they've done, and taken that praxis, that weird mix of theory and practise that allows us to do what we do, and kind of codified it to some extent, but it's still widely informal.

One of the things that I took from that kind of understanding of the constitution or the constitutional arrangements for the country, is that while that's quite a kind of a bottom-up approach, it's been turned into a top-down approach. And I think that that -- sorry, I'm getting slightly muddled here. But, you know, I think that the constitution is in that sense the sum total of what we do and how we do what we do in the country.

And so I think this is one of the points of connection between CTA and Matike Mai, because, you know, lots of people are interested in taking up the challenge of using CTA in their daily life, in their institutional and sort of every-day practises where policy is impacting.

And I think those things trickle together into basically those broad informal constitutional arrangements that we have. It's like, you know, while the constitutional arrangements can be discussed and defined and so on and so forth, they're constantly fed by the realities of what people are doing on the ground and the codification of those.

So it feels like there is a link and that CTA can contribute to those broad discussions and movements towards constitutional transformation that we are involved in.

>>PROF O'SULLIVAN: Yeah, I'm the odd one out here, I suppose, in not being a great enthusiast for Matike Mai. And the reason for that, and the reason why I think CTA potentially does something much bigger and more significant, is that Matike Mai, as I understand it, basically takes the idea of biculturalism and develops it into a very strict form of binationalism, and it gives the Crown an exclusive, ethnic, Pākehā character. And, you know, it uses phrases like "the Crown's people" as exclusive of Māori.

And while, you know, Te Tiriti affirms rangatiratanga and rangatiratanga belongs in iwi and hapū and Matike Mai gives some very significant consideration to what that might mean in practice, I think in positioning Māori outside the Crown, it's limiting the spheres of opportunity for Māori influence. In fact I'm not even sure if, under the strict binationalism that Matike Mai encourages, we could even have CTA, because the Crown would be making policy for its people, hapū would be making policy for their people, and there'd be this very neat separation.

And I'm not sure that culturally and socially and economically New Zealand actually works with such a neat separation. And I'm basically, you know, politically a liberal, therefore I believe that the Crown, as I said earlier, is, if you like, the repository of our collective sovereignty, therefore we've all got a right, not just a right, but an obligation to be there and to participate. And for Māori that means, I think, participating as Māori. So from distinctive cultural perspectives with reference to historical circumstance, with reference to the power structures of colonialism and with the ability to respond to those.

And therefore I think CTA is potentially quite different and potentially transformative. It doesn't necessarily transform the constitution, but it certainly transforms the nature of policymaking and the way in which political ideas are transformed from abstract ideas into practical politics.

Just briefly, I'm reminded of Geoffrey Palmer saying that the problem with the New Zealand constitution is that one can't find it. It's in so many different places, pieces of legislation, the letters, patents, standing orders of the parliament and so on, it's all over the place.

But I think Tim's suggestion that it's the sum of what we do is probably a pretty good political definition, and CTA, I think, is about changing part of what contributes to the sum of what we do and is may be useful in that respect.

**PROF KIDD:** I'm just watching some of the chat and some of the questions -- sorry, Judith, I just can't help it, I'm just watching too many things.

>>RINGA HĀPAI: No, you go.

>>PROF KIDD: Just in terms of, I guess, people who are not Pākehā or Māori.

>>RINGA HĀPAI: Yeah, it's my next question.

>>PROF KIDD: Yeah, asking where that space is, and also wanting to reflect that the Crown is not Pākehā, the Crown is all of us. So when we're talking about -- no, hang on, I want to take this into a slightly different space, because what I'm seeing kind of unfold a little bit is the slapping down of a people. And one of the core principles of the CTA is that it is mana-enhancing, and one of the things that we have to be mindful of is that for every policy that comes out that we're critiquing, there are people who have left pieces of themselves on the floor in their attempts to get something more equitable through, or their attempts to get Te Tiriti recognised.

So when we're writing CTA it's not an exercise in kind of whack-a-mole and telling people that they've done a terrible job, it's more an exercise in demonstrating where things could have been made better, or where they could be made better next time. And recognising what I am really concerned about when we're doing, especially the ones on really recent policy, is recognising how many Māori there were in the room and how disenfranchised and dismissed their thoughts often were -- and we saw that in the Simpson review -- that we are talking, what, I guess, I'm wanting to talk to when we're doing a CTA, is the people who have tried so hard and had their input whitewashed out of it because it's not politically expedient, or it's not the right time, or your only research that says that we should have this in there is qualitative or it's only whānau voice, or it's only the voice of the disenfranchised.

So I want to reinforce, we haven't talked about that, but I want to reinforce to people that this is supposed to be a process of mana-enhancing, of building a better world, of working with Matike Mai and working with New Zealand, Aotearoa New Zealand as a whole, not as a couple of groups of people who are adversarial. And I loved what Dominic said in the beginning, is this is not about -- this is about the Matike Mai vision of working together in a way that honours Te Tiriti rather than continuing this adversarial, binary, you know, you have to have a winner and you have to have a loser kind of thing. And I'm going to stop talking because we're nearly out of time. I just wanted to re-introduce some heart into this --

>>PROF CAME: Āe.

>>PROF KIDD: -- and go this is mahi a wairua for me, this is not at political whack-a-mole situation.

>>PROF CAME: Āe. Now I'm going to forget what I was going to say.

>>PROF KIDD: Sorry Heather.

>>PROF CAME: No, no, it was a riff from that. I know what it was, it was like when we do the CTA, and this is from what Jack said, is that it's all about the document in front of us. So it's not about the people that are holding the pen and it's not about the organisation who wrote the policy document, we're commentating on what ended up on the page. And I want to say that we know that somebody died in the ditch to get a particular sentence in there, like that was their contribution and they went really hard to get it.

So when we're saying we want people to do better, we know that it was a victory to get what you got in. So cheers to all those policy advisors that got the content in that's in that document. And so we're not absolutely, like Jacquie's saying, we're not having a go at you, we're encouraging people to get better. This is about what ended up on the page, it's not about the authors, it's not about the organisations.

>>RINGA HĀPAI: There is a lot of people, there are a lot of questions, and just to say we will give all your questions to the panelists and we will attempt to answer them. There are a lot of questions, of course, about people wanting to know how this is actually applied and examples. There are examples, and if you look at some of the publications that Heather put up in her list and I think in the chat, I saw Annabel Farry talking about how she's using it around curriculum etc. So people are really making this happen now. So if you're really keen to know more about how it's being used and where it's being used, we can absolutely share that with you.

The questions are amazing, I've just had the privilege of sitting here reading them, and people are engaging with this on all sorts of levels which just says what its importance is. But I'm just aware that, as Heather said, you know, next time we do this we need to have night-long sessions where we can really get in and unpack all the things that we so want to ask.

But I just want to give each of you an opportunity just to say something to finish off. Maybe return to that heart space about why this is so important around the difference that we hope it will make. So Dominic, we'll start with you.

>>PROF O'SULLIVAN: Sorry, Judith, I was responding to a question there and I didn't hear what you said.

>>RINGA HĀPAI: That's all right, Dominic, that's no problem, I'm quite used to that, so look it's my usual world. But we're just finishing up, just something you'd like people to be left with, you know, about the critical analysis tool and from our session.

>>PROF O'SULLIVAN: Well, I guess I'm interested in, you know, when people use it how useful or otherwise they find it. And interested in ideas for further research that it might stimulate, or even further questions that it might raise for people even if, you know, that hasn't led to research per se.

So what it means for people practically, good and bad, and what further questions it might raise, good and bad, I think would be interesting for us to know about.

>>RINGA HĀPAI: Thank you. Jacquie.

>>PROF KIDD: I'm just completely distracted by finding out that my daughter's on the Zoom, kia ora Tracy. I have just really enjoyed this. I really like -- like every time we come together and start talking about this in a different space we realise that there's more work to do. There's more work to do in every single sector, but there's also more work to do for us as a team in creating a more usable tool, a tool that might, you know, address some of the questions that you guys have got, and we're also -- it's a conversation that we have really often is, we're really mindful that this is a rōpū of Pākehā and Māori, which is excluding a significant number of other people who need to be a part of that.

So it's an area that we're really mindful of as well. So I guess onwards and upwards and you never stop learning eh, so watch this space.

>>RINGA HĀPAI: Thank you Jacquie. Heather.

>>PROF CAME: In a break with tradition I'm not even going to talk about the CTA in my final word. I'm going to say that if you're holding the pen and you're the policy person, you should be dying in the ditch to get those sentences in. We need you to be absolutely pushing the edge, because that makes room for -- it creates more room, and we've got a hell of a lot of whitewash policy. We did a paper earlier on where we looked at, I think it was 116 policy documents and 68 of them didn't even mention the word Māori. It is not pushing the envelope including the word "Māori" in health policy. So I'm sorry, we've got to do better, die in the ditch, we'll be right there beside you to bring supplies and first aid to get you back out of the ditch and back in the field, because we need you die in the ditch, we're with you.

>>PROF KIDD: Don't die in the ditch. Over the top and do whatever you have to do, but don't die in the ditch.

>>RINGA HĀPAI: Tim.

>>PROF McCREANOR: Yeah, look just to thank the panelists and especially the audience for your engagement and your heartfelt questions. This is obviously something, a work in progress, as several people have said. We hope to make it stronger. The reason we hope to

make it stronger is because it can make a difference to the way in which policies that we run for our communities and in our communities produce equitable outcomes for society.

So yeah, big thanks to everyone, lovely chairing, Judith, thanks a million for the ones behind the scenes that we can't see who have held us and guided us, yeah. Tēnā koutou katoa.

>>RINGA HĀPAI: Thank you Tim. Yes, thank you and thank you to the four of you, it has been truly amazing and an honour. And thank you for the spirit that you bring to it, and that you don't just touch our minds you touch our hearts with it. Thanks to Jenny and Jamie and everyone behind the scenes. Remember Pecha Kucha events coming up, register, you want to be there. The recordings will be made available on YouTube and please join the Treaty-based Facebook page.

For those of us who are tangata Tiriti and tauwiwi we stand on the shoulders of many giants when we come to this work and we've seen some already over these weeks, Jane Kelsey, Oliver Sutherland, Anne Milne. But I want to finish with probably our greatest tangata Tiriti giant, and Glen used part of her uncomfortable blessing this morning. So acknowledging Mitzi Nairn, her uncomfortable blessing. "May you be blessed with discomfort at easy answers, half-truths and superficial relationships so you may live deep within your heart. May you be blessed with anger at injustice, oppression and exploitation of the earth and its people so that you may work for justice, freedom and peace. May you be blessed with tears to shed for those who suffer from pain, rejection, starvation and war so you may reach out your hand to comfort them and turn their pain into joy. And may you be blessed with enough foolishness to believe that you can make a difference in this world so that you can do what others claim cannot be done." Kia ora everybody, thank you.