

IN THE WAITANGI TRIBUNAL

Wai 2750

CONCERNING

the Treaty of Waitangi Act 1975

AND

the Housing Policy and
Services Kaupapa Inquiry

**MEMORANDUM-DIRECTIONS OF JUDGE C T COXHEAD COMMISSIONING
RESEARCH**

15 November 2021

1. Pursuant to clause 5A of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Dr Keir Wotherspoon and Max Nichol, members of the Tribunal's staff, to prepare a report on Māori housing between 1935 - 1990 (excluding issues relating to housing on Māori land), for the Housing Policy and Services Kaupapa Inquiry (Wai 2750).
2. The researchers should focus on providing an outline of Māori housing policy and services relevant to Māori living on non-Māori land, how these are implemented, the impacts and outcomes for Māori, and Māori responses. Māori participation in housing provision, legislation, governance and policy developments should also be examined. The researchers will provide an overview of significant developments from 1935 to 1990 relevant to the development of the housing system for Māori and how these may have contributed to any current barriers to service or housing provision. Where possible the report will address:
 - (a) To what extent and by what means did the Crown consult with Māori communities over their housing needs and preferences and over Crown housing initiatives during the 1935 to 1990 period and in what ways did Māori communities seek to participate in housing initiatives to address the needs of their communities, such as through Crown and Māori organisations such as Māori welfare officers, tribal executives and District Māori Councils and with groups such as the Māori Women's Welfare League and Māori community and political leaderships? What promises or undertakings, if any, did the Crown make to Māori communities and their leaderships in relation to the provision of housing assistance and with what results?
 - (b) How did the Crown monitor and inform itself of Māori housing needs and preferences through this time period, including through such government inquiries as the 1970 Royal Commission into Housing, and the 1988 Royal Commission on Social Policy and with what major initiatives with housing policy and legislation?
 - (c) What kinds of targeted legislative and policy responses did the Crown make to address identified Māori housing needs during this period, including in response to lack of rural employment and post-war urbanisation and through such means as lending assistance for house construction and repairs, such as Native Department/Department of Māori Affairs housing loans, and any other specifically directed Māori housing assistance? How effective were such targeted programmes for Māori?
 - (d) What kind of general housing assistance programmes were available to Māori such as through the State Advances Corporation and successors and with what results, including such Crown policies on the location and 'pepper potting' of Māori in general state housing, the growth and downsizing of state housing provision for families in housing need, the corporatisation and deregulation policies of the 1980s, and the growth of private and social housing providers?
 - (e) What barriers, if any, did Māori encounter when trying to access government housing programmes, services and lending assistance for housing, or in developing Māori community housing programmes on non-Māori land during this period and how did housing assistance available to Māori compare to that available to non-Māori?
 - (f) What was the Crown response to any barriers or discrimination experienced by Māori in accessing house ownership and private rental accommodation during the period under review? How effective were any Crown efforts to address such issues, including by such means as Māori Hostels and other state or state-sponsored urban accommodation and by legislative and other means?

- (g) What were the impacts for Māori of Crown housing legislation and policies over this time period in terms of adequate housing and access to housing, including in comparison to non-Māori? What, if any adverse health impacts for Māori were linked to inadequate housing and access to housing assistance during the period?
3. A completed draft of the report will be circulated to parties for feedback by 29 August 2022, to be followed by quality assurance and final revision.
 4. The commission ends on 11 November 2022, at which time one copy of the final report must be submitted to the Tribunal's Registrar for filing in unbound form, together with indexed copies of any supporting documents or transcripts. An electronic copy of the report and supporting documentation should also be provided in Word or PDF file format.
 5. The report may be received as evidence and the author may be cross-examined on it.
 6. The Registrar is to send copies of this direction to:
 - (a) Dr Keir Wotherspoon and Max Nichol
 - (b) Claimant counsel, Crown counsel and unrepresented claimants in the Housing Policy and Services Kaupapa Inquiry
 - (c) Chief Historian, Waitangi Tribunal Unit
 - (d) Principal Research Analysts, Waitangi Tribunal Unit
 - (e) Manager Research Services, Waitangi Tribunal Unit
 - (f) Manager Inquiry Facilitation, Waitangi Tribunal Unit
 - (g) Principal Inquiry Facilitators, Waitangi Tribunal Unit
 - (h) Solicitor General, Crown Law Office
 - (i) Director, Te Kāhui Whakatau (Treaty Settlements), Te Arawhiti
 - (j) Chief Executive, Te Puni Kōkiri.

DATED at Wellington this 15th day of November 2021



Judge C T Coxhead
Presiding Officer

WAITANGI TRIBUNAL