

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**

1 February 2022

1. Pursuant to clause 5A of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Dr Fiona Cram MNZM and Dr Ella Arbury to prepare a report on housing on Māori Land between 1870 to 2021, for the Housing Policy and Services Kaupapa Inquiry.
2. The researchers should focus on providing an outline of housing policy and services relevant to Māori land, how these are implemented, the impacts and outcomes for Māori, and Māori responses. Māori participation in legislation, governance and policy developments relating to housing on Māori land should also be examined. The researchers will provide an overview of significant developments in housing from c. 1870 relevant to planning, provision of infrastructure, development and administration on Māori land including 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 period between 1870 to 2021 with respect to Māori land? In what ways did Māori communities seek to participate in housing initiatives on Māori land to address the needs of their communities, such as through Crown and Māori organisations, 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 on Māori land and with what results?
 - (b) How did the Crown monitor and inform itself of Māori housing needs and preferences with respect to Māori land through this time period, including through government inquiries such as the 1970 Royal Commission into Housing, and with what major initiatives in housing policy and legislation?
 - (c) What kinds of targeted legislative and policy responses did the Crown make to address identified housing needs on Māori land during this period, including in response to issues such as multiply owned Māori land, rural employment, and post-war urbanisation, and through such means as lending assistance for house construction and repairs, housing loans and any other housing assistance directed specifically towards Māori land? How effective were such targeted programmes for Māori?
 - (d) What kind of housing assistance programmes were available for building houses on Māori land such as the Māori Affairs loans programme under the Native (later Māori) Housing Act 1935, Kāinga Whenua Loans and Infrastructure Grants schemes, and with what results? What barriers, if any, did Māori encounter when trying to access government housing programmes, services and lending assistance for housing, including papakāinga housing, during this period and how did housing assistance available for Māori land compare to assistance programmes available for general land?
 - (e) What was the Crown response to any barriers or discrimination experienced by Māori in attaining housing on Māori land during the period under review, including barriers which may have hindered the development of housing, including papakāinga housing, on Māori land such as, local authority rating, zoning, planning, and consenting processes? How effective were any Crown efforts to address such issues, including by legislative and other means?
 - (f) 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 on Māori land?

What adverse health impacts for Māori, if any, were linked to inadequate housing and access to housing assistance on Māori land during the period?

3. The completed report draft will be made available to parties for feedback by 15 September 2022, to be followed by quality assurance and final revision, with the final report filed by 25 November 2022. An electronic copy of the report and supporting documentation should be submitted to the Tribunal's Registrar in Word or PDF file format.
4. The report may be received as evidence and the author may be cross-examined on it.
5. The Registrar is to send copies of this direction to:
 - (a) Dr Fiona Cram MNZM and Dr Ella Arbury;
 - (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) Inquiry Facilitator, Waitangi Tribunal Unit;
 - (h) Solicitor-General, Crown Law Office;
 - (i) Director, Te Kāhui Whakatau (Treaty Settlements), Te Arawhiti; and
 - (j) Chief Executive, Te Puni Kōkiri.

DATED at Rotorua this 1st day of February 2022



Judge C T Coxhead
Presiding Officer

WAITANGI TRIBUNAL