KEI MUA I TE TARAIPIUNARA

WAI 2750

I TE TAKE O	te ture o te Tiriti o Waitangi 1975
Ā	
I TE TAKE O	the Housing Policy and Services Inquiry
Ā	
I TE TAKE O	a claim filed by Rangi McLean for, and on behalf of, the Manurewa Marae

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Memorandum of Counsel on behalf of the Manurewa Marae
Dated 12 March 2018

RECEIVED
Waitangi Tribunal
12 March 2018
Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL

1. This memorandum is filed on behalf of the Manurewa Marae ("counsel's clients") and is in response to the Memorandum-Directions ("the Directions") of the Chairperson dated 16 November 2017 (Wai 2750, #2.5.1) directing claimants who intend to participate in the housing inquiry to make written submissions by 16 February 2018 on the matters set out in the Direction.

2. The following submissions are made on behalf of the Manurewa Marae:

The Manurewa Marae Claim

3. A statement of claim was filed by Mr Rangi McLean on behalf of the Manurewa Marae on 9 March 2018. The claims main issues concern the Crowns actions or inactions in respect of housing policies, systems and services for Māori in the Manurewa community, the wider Tāmaki Makaurau region and for Māori generally.

4. The claim states that the Crown has failed in the following ways:

   (a) that the Crown enacted housing legislation and policies that had detrimental effects to Māori in the Manurewa and wider Tamaki Makaurau region;

   (b) that the Crown failed to fully recognise Māori rangatiratanga by not consulting Māori adequately or at all on each of the major decisions affecting them;

   (c) that the Crown failed to appropriately and adequately address the housing needs of Māori in Manurewa and the wider Tāmaki Makaurau region;

(d) that the Crown failed to ensure effective Māori participation and representation in housing initiatives for Māori in Manurewa and the wider Tāmaki Makaurau region; and

(e) that the Crown failed to appropriately and adequately recognise Te Reo me ōnā tikanga in its housing policies and services.

5. The Manurewa marae assert that this has led to widespread homelessness, substandard housing and substandard living for Māori.

Eligibility to Participate in Housing Inquiry

6. In Counsels submission, the Manurewa Marae claim is eligible to participate in the housing inquiry.

7. As this is a new claim which focuses on contemporary issues, counsel confirms that:

(a) The claim is not partially or fully subject to a settlement agreement with the Crown;

(b) The claim has not been presented before or heard by the Tribunal to date; and

(c) no exclusions apply that would prevent this claim from being heard by the Tribunal

8. In counsel's submission, it is a claim that should be progressed through the Housing Policy and Services inquiry.

Scope of Inquiry and Claim Issues

9. As identified above, the Manurewa Marae claim raises a number of issues concerning housing policy and services including lack of Māori representation, participation and consultation in housing institutions; insufficient support and funding for Māori housing and failures by the Crown to adequately consult with Māori.

10. This claim is of national scale and significance that affects Māori generally and clearly falls within the scope of this inquiry.

Priority Issues

11. The Manurewa Marae recognises that changes need to be made now to improve the housing situation for Māori. Of importance to Manurewa Marae are changes to the current and future Crown legislation and policy development, targeted funding and services and decision making in relation to housing.

12. The Manurewa Marae therefore support an inquiry that would give priority to, and focus predominantly on, current issues rather than having an historical focus. In that respect, the Manurewa marae support the submissions provided by Counsel for Te Matapihi regarding the structure of this inquiry.

Readiness to Engage

13. The Tribunal have sought confirmation of readiness to proceed from the claimants in this inquiry

14. The Manurewa marae are ready to engage in this inquiry and, by and large, support the suggested timeframes offered by Counsel for Ngāti Hine for early inquiry planning.

15. The Manurewa Marae have worked, and continue to work, regularly with Māori regarding housing issues and are ready to prepare and present evidence themselves for this inquiry.

16. Counsel apologise for the late filing of this memorandum; however, instructions have only just been received from counsel's clients concerning the issues outlined in the Direction.

17. Counsel respectfully seek leave to file these submissions out of time and for this memorandum to be added to the record of inquiry. Counsel submit that no prejudice will arise from the late filing of these submissions. Counsel will be in attendance at the judicial conference to address any questions the Tribunal may have.

DATED at Auckland this 12th day of March 2018

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Alana Thomas

Counsel for Manurewa Marae