

IN THE WAITANGI TRIBUNAL

Wai 2575

CONCERNING

the Treaty of Waitangi Act 1975

AND

the Health Services and
Outcomes Kaupapa Inquiry

MEMORANDUM-DIRECTIONS OF JUDGE S R CLARK

27 November 2018

Direction Commissioning Research

1. On 28 June 2018, I confirmed that the Tribunal would commission three separate research reports for stage two of the inquiry, including one on Māori with disabilities.¹
2. I have now been informed by Waitangi Tribunal Unit staff that in order to maximise efficiency and meet the June 2019 deadline for stage two research, it will be most useful to commission the report on Māori with disabilities in two parts. Both parts together will fulfil the scope of the report as originally planned. However, parts one and two will be commissioned and completed by separate authors.
3. Part one of the report will address the commission questions below. Part two will also have regard to these questions, but will draw primarily on oral interviews with claimants to fill the existing gap in primary source material relating to Whānau Hauā experiences. Part two will also provide a qualitative analysis and synthesis of key issues identified in claimant interviews.
4. This memorandum-directions commissions part one. A direction commissioning part two will be issued shortly.
5. Therefore, pursuant to clause 5A of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Dr Paula King to prepare part one of a report on Māori with disabilities, for the Health Services and Outcomes Kaupapa Inquiry.
6. The researcher should focus on providing an outline of contemporary disability services relevant to Māori, how these are implemented, the impacts and outcomes for Māori, and Māori responses. Māori participation in legislation, governance and policy developments in respect to disability services should also be examined.
7. The researcher will provide a brief outline of significant historical developments relevant to the development of the current health system including Māori historical experiences of government disability services and how these may have contributed to any current barriers to service.
8. Utilising the four key topics identified in the pre-casebook discussion paper of disparities in outcomes for Māori with disabilities; accessibility of disability services for Māori; responsiveness of disability services to Māori; and effectiveness of disability services for Māori, where possible the overview will address:
 - (a) How does the contemporary health system, including legislation, policies and practices recognise and provide for the needs of Māori with disabilities? To what extent, if any, do implementation and outcomes diverge from policy objectives?
 - (b) To what extent does disability policy and practice provide culturally appropriate disability services and treatment for those Māori who require it, or provide for Māori led and developed systems and methods of disability care/kaupapa Māori?
 - (c) To what extent have Crown acts or omissions if any contributed to disparities in disability services and outcomes between Māori and non-Māori and how are these recognised and addressed?
 - (d) What barriers, if any, do Māori experience in accessing disability services and what

¹ Wai 2575, #2.5.29 at [14].

are existing Crown policies and practices for recognising and addressing any such barriers?

- (e) How effective is current monitoring and data collection for identifying and addressing any disparities in disability services and outcomes for Māori?
 - (f) To what extent have Māori had opportunities to contribute to relevant policy and legislative developments?
 - (g) What key historical developments have contributed to the current system of government disability services for Māori and to Māori experiences and attitudes to disability services?
9. The completed report draft will be made available to parties for feedback by 30 April 2019 to be followed by quality assurance and final revision with the final report filed by 28 June 2019. An electronic copy of the report and supporting documentation should be submitted to the Registrar in Word or PDF file format.

The Registrar is to send this direction to all those on the notification list for Wai 2575, the Health Services and Outcomes Kaupapa Inquiry.

DATED at Hamilton this 27th day of November 2018



Judge S R Clark
Presiding Officer

WAITANGI TRIBUNAL