

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
COMMISSIONING RESEARCH

8 February 2019

Direction commissioning research

1. Pursuant to clause 5A of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Dr Timothy Gassin, a member of the Tribunal's staff, to prepare a report on Māori mental health including suicide and self-harm, for the Health Services and Outcomes Kaupapa Inquiry.
2. This direction commissions the research originally commissioned from Ross Webb, which could not proceed and was previously cancelled.¹
3. The researcher should focus on providing an outline of contemporary mental health services relevant to Māori, how these are implemented, the impacts and outcomes for Māori, and Māori responses. Māori participation in mental health legislation, governance and policy developments should also be examined, with a particular focus on the last two decades when the system changed from an institutional model to a model with greater emphasis on community and voluntary care.
4. 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 mental health services and how these may have contributed to any current barriers to service.
5. Utilising the four key topics identified in the pre-casebook discussion paper of disparity in mental health outcomes, accessibility of mental health services, responsiveness of mental health services and effectiveness of mental health services for Māori, where possible the overview will address:
 - a. How does the contemporary mental health system, including legislation, policies and practices recognise and provide for Māori mental health needs? To what extent, if any, does implementation and outcomes diverge from policy objectives?
 - b. To what extent does mental health policy and practice provide culturally appropriate mental health services and treatment for those Māori who require it, or provide for Māori led and developed systems and methods of mental health care/kaupapa Māori?
 - c. To what extent have Crown acts or omissions, if any, contributed to disparities and how are these recognised and addressed?
 - d. What barriers, if any, do Māori experience in accessing mental health services and what are existing Crown policies and practices for recognising any such barriers?
 - e. How effective is current mental health monitoring and data collection for identifying and addressing any disparities in mental health services and outcome for Māori?
 - f. How have shifts in national mental health policy during the last 20 years impacted on Māori and to what extent have Māori had opportunities to contribute to relevant policy and legislative developments?

¹ Wai 2575, #2.3.5.

- g. What key historical developments have contributed to the current system of government mental health services for Māori and to Māori experiences and attitudes to mental health services?
6. As a new commissionee, Dr Gassin will require time to familiarise himself with the project and the materials gathered. The completed report draft will therefore now be made available to parties for feedback by 28 June 2019 to be followed by quality assurance and final revision with the final report filed by 30 August 2019. An electronic copy of the report and supporting documentation should be submitted to the Registrar in Word or PDF file format.
7. The report may be received as evidence and the author may be cross-examined on it.
8. The Registrar is to send copies of this direction to:
- Dr Timothy Gassin
 - Claimant counsel, Crown counsel and unrepresented claimants in the Health Services and Outcomes Kaupapa Inquiry
 - Chief Historian, Waitangi Tribunal Unit
 - Principal Research Analysts, Waitangi Tribunal Unit
 - Manager Research Services, Waitangi Tribunal Unit
 - Manager Inquiry Facilitation, Waitangi Tribunal Unit
 - Inquiry Facilitator, Waitangi Tribunal Unit
 - Solicitor General, Crown Law Office
 - Director, Office of Treaty Settlements
 - Chief Executive, Te Puni Kōkiri

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 8th day of February 2019



Judge S R Clark
Presiding Officer

WAITANGI TRIBUNAL