WAITANGI TRIBUNAL

Wai 3266

CONCERNING the Treaty of Waitangi Act 1975

AND a claim by Delwyn Hakaria on behalf of her whānau, hapū, iwi, whānau whānui and whāngai

MEMORANDUM-DIRECTIONS OF THE DEPUTY CHAIRPERSON

The Registrar will please enter this matter on the register of claims and give it the next available Wai number. The register should note that the claim was received on 21 February 2023.

The claimant should please take note of the 'Wai' number reference at the top of the page. Please use this claim number in any communication with the Tribunal.

This claim is lodged by Delwyn Hakaria on behalf of her whānau, hapū, iwi, whānau whānui and whāngai, and concerns housing services. The claimant alleges that the Crown has breached the principles of the Treaty of Waitangi by failing to:

- act in urgency regarding the current housing crisis;
- incorporate adequate Māori history as a whole and acknowledge their own wrongdoings which have led to the eventual crisis that Māori are now facing;
- protect Māori from a systemically racist housing system;
- properly recognise, protect and make known the significance of kāinga to Māori;
- meet Crown obligations such as 'full exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties', resulting in disproportionate rates of homelessness for Māori;
- provide active protection to Māori;
- act in partnership with Māori;
- provide adequate housing and services to Māori;
- provide housing services for Māori leaving prison, resulting in higher reoffending rates due to Māori having no suitable accommodation;
- recognise the full implications of unaffordable housing and the impact this has on individuals and whānau;
- offer the appropriate resources for the housing of rangatahi in New Zealand;
- provide adequate protection of Māori wāhine and their children who have had to leave domestic violence situations;
- address the discrimination and racism Māori receive in the housing arena for being Māori or associated with a gang;
- allow for partnership to occur in the drafting of policies pertaining the housing system;

- do the necessary obligations that would cause for equitable outcomes of New Zealands population; and
- allow Māori to act in the principle of tino rangatiratanga.

The claimant seeks a variety of relief, including recommendations that the Crown:

- ensure Māori are supported to be partners to the Crown, which may include the development of an authority which acts as a housing resource for Māori;
- give effect to article two of the Treaty of Waitangi, giving Māori exclusive and undisturbed possession, and the authority and tino rangatiratanga over their taonga, including their communities and tikanga Māori;
- allow for Māori methods of housing to be valid and legal options for people;
- cooperate and partner with iwi organisations to build local initiatives that have better outcomes for Māori;
- develop policies which are designed by Māori to benefit and work for Māori; and
- provide adequate resourcing to facilitate for programmes that benefit Māori to run such as kaupapa Māori programmes that support Māori with their housing needs.

The claimant may amend this claim at a later stage. In any case the Tribunal may require the claimant to prepare a fully particularised statement of claim before the claim can be heard.

The Tribunal currently runs district and kaupapa inquiry programmes in which claims are grouped either by district or by kaupapa (thematic) issue. Historical claims are those that raise grievances which arose before 21 September 1992. Contemporary claims have grievances that arose on or after that date. Some claims have both historical and contemporary grievances.

The allegations made in this claim are contemporary in nature. They pertain to housing services and as such may be best suited for consideration in Wai 2750, the Housing Policy and Services inquiry.

The claimant should also note that this claim is registered only insofar as it concerns contemporary allegations of Treaty breaches by the Crown.

When the time comes for the claim to be prepared for hearing, the Tribunal will decide whether there are any matters in the present claim that the Tribunal may not inquire into. The claimant needs to be aware that there are some matters that the Tribunal is not allowed to inquire into, such as any Bill that has been introduced into Parliament (unless the Bill has been referred to the Tribunal under section 8 of the Treaty of Waitangi Act 1975). Also, when historical claims are settled, the settlement legislation usually forbids the Tribunal from inquiring further into the matters that have been settled.

The claimant also needs to be aware that the Tribunal does not make settlements. After the Tribunal has completed an inquiry into claims, it writes a report making recommendations to the Crown. It cannot tell the Crown what to do; it may only recommend that the Crown acts to address the negative consequences of its breaches of the principles of the Treaty.

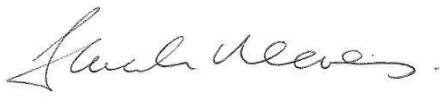
Legal Aid Services provides help for Waitangi Tribunal claimants. For advice on getting a lawyer or receiving funding, please contact Legal Aid Services at their Wellington central office or one of the local offices; the claimant should check their telephone directory for contact details.

Any questions about the contents of this document should be directed to The Registrar, Waitangi Tribunal, DX SX 11237, Wellington; phone (04) 914 3000, fax (04) 914 3001; email wt.registrar@justice.govt.nz.

The Registrar is to send a copy of this direction to the claimant and to:

- Crown Law Office;
- Te Kahui Whakatau (Treaty Settlements), Office for Māori Crown Relations – Te Arawhiti;
- Crown Forestry Rental Trust;
- Legal Aid Services;
- Te Puni Kōkiri;
- Ministry of Social Development;
- Kāinga Ora – Homes and Communities; and
- All those on the notification list for Wai 2750, the Housing Policy and Services inquiry.

DATED at Wellington this 27th day of April 2023



Judge Sarah Reeves
Deputy Chairperson
WAITANGI TRIBUNAL