

**In the Waitangi Tribunal
Health Services and Outcomes Kaupapa
Inquiry
WAI 2575
WAI 2109**

RECEIVED Waitangi Tribunal
<i>4 Nov 24</i>
Ministry of Justice WELLINGTON

In the Matter of the Treaty of Waitangi Act 1975

and

In the Matter of the Health Services and Outcomes
Kaupapa Inquiry (Wai 2575)

and

In the Matter of a claim by Maaka Tauranga Tibble for
himself and on behalf of all Kaapoo
Maaori (Maaori blind, vision impaired, and
deaf blind persons) and their whaanau
and Kaapoo Maaori Aotearoa/New
Zealand Incorporated (Wai 2109).

**Reply Brief of Evidence of Christina
Cowan Dated: this 23rd day of August 2024**

Rainey Collins

Solicitors

Level 14, 318 Lambton Quay

Wellington 6011

PO Box 689

DX: SP20010

Telephone (04) 473 6850

Facsimile (04) 473 9304

Counsel: P Johnston / D Chong / D Tesoriero / A Ahirao

May it please the Tribunal:

I, Christina Cowan, Chief Executive Officer, of Hastings, say:

1. I have prepared this evidence in reply to the brief of evidence of Ms Amanda Bleckmann dated 21 December 2023 (#L12) and the speaking notes filed on Monday 05 August at 4:48pm.

Specialist Kaapoo Maaori contract

2. At paragraph 88 of her evidence, Ms Amanda Bleckmann states that “Whaikaha does not have a record of the \$20,000 retained by RNZFB to provide cultural training to existing staff referred to in Ms Cowan’s response to the panel’s request for further information.”
3. I am not surprised they do not have a record as this arose during discussions while in negotiations with Ministry of Health (“MoH”) Officials for the drafting of the Specialist Kaapoo Maaori contract.
4. The Kaapoo Maaori Aotearoa (“KMA”) Board (“Board”) received a letter from Royal New Zealand Foundation of the Blind (“RNZFB”) that they could no longer provide Maaori cultural support services in 2010. Our Board wrote to the Disability Support Services/Ministry of Health (“DSS/MoH”) head raising concerns about what

RNZFB had informed them and requesting a meeting which was subsequently held with Anne O'Connell, who was the then head of DSS/MoH.

5. From there, a meeting was held between Nigel Ngahiwi and I (on behalf of the KMA Board), Teresa Bradfield (the executive manager of operations at RNZFB) and Karen Hunter (the contracts manager at MoH). It was determined by DSS/MoH that KMA would be subcontracted by RNZFB to provide Maaori cultural support services until such time as KMA had completed the appropriate process to take over the full contract directly with DSS/MoH. The agreement to sub-contract was to give us time to formulate a contract with DSS/MoH and ensure no disruption to the service. We agreed to be subcontracted by RNZFB while we were in the process of finalising the contract with MoH.
6. Under the subcontract we were paid by RNZFB, who held the contract with DSS/MoH.
7. In these subcontract negotiations it came out that the price DSS/MoH were going to give KMA was going to be less than the amount provided to RNZFB for the service because RNZFB needed to provide cultural training to existing staff. This is confirmed by minutes taken on 18 October 2011 at a hui attended by the MoH, RNZFB and KMA. The relevant part reads:

Teresa and the Ministry of Health confirmed that the total allocated budget per annum is 280k. This will provide a national service delivered in the best possible way (and reflective of best practice).

The 280kpa includes all the set up, infrastructure and overhead costs (built in).

A small portion remains for RNZFB to provide relevant cultural training to existing staff.

8. In 2011 we started discussions with DSS/MoH about KMA taking over the cultural support services component which was part of the RNZFB service contract with DSS/MoH. RNZFB was involved in these discussions throughout, up until the sign off of the service agreement between KMA and DSS/MoH on 1 December 2013.
9. During the full contract negotiations myself, Karen Hunter, Phil Wysocki and Roger Jolley from the MoH were usually present. Our chair Nigel Ngahiwi was also involved in some of the discussions.
10. We were never told how DSS/MoH calculated the \$285,000 figure that was in the full contract with DSS/MoH. The subcontract with RNZFB and full contract with DSS/MoH only included price. We were told RNZFB would retain an amount to pay for their

cultural training. It was our understanding that it was \$20,000 that would be retained by RNZFB. Whether it was \$5,000, \$10,000 or \$20,000, we were aware that we were not going to get the full amount the DSS/MoH was paying RNZFB because DSS/MoH had made a decision to withhold a certain amount and let RNZFB retain it. I took the following notes of a phone meeting with Karen Hunter on Tuesday 13 August 2013:

The original price advised in September 2012 was \$280,000 (plus GST). This price was after \$20,000 had been deducted so that the RNZFB could fulfil its obligation to provide bicultural professional development for its staff.

Therefore, this was not the 'actual' contract price signed between the RNZFB and the DSS, MoH.

It is the understanding the RNZFB completed some training during 2011 but have not heard or are aware that any further training has been implemented. In addition to this the RNZFB were looking into developing an on-line training tool for staff. Ngāti Kāpō is not aware that this tool has been completed and implemented.

The question has to be asked whether the RNZFB would have accorded Ngāti Kāpō such a courtesy if the 'shoe was on the other foot'!

Therefore, it is the position of Ngāti Kāpō that the DSS, MoH has an obligation to transfer back from the RNZFB or recompense Ngāti Kāpō the \$20,000.00. This money can be used by Ngāti Kāpō to develop its evaluation model as well as increase staff competencies through whānau ora professional development.

11. When the contract came up for review, I came up with a proposal to get the extra \$20,000. I was told by Phil Wysocki no and that the price would remain the same as DSS/MoH had no additional money.

Whaaia Te Ao Maarama

12. In her speaking notes, Ms Bleckmann notes that **“Whaikaha has contracted Te Ao Maarama Aotearoa Trust (TAMA) to conduct a rapid review of what had been achieved under the [Whaaia Te Ao Maarama] 2018-22 plan and Whaikaha is supporting TAMA by providing data”**.
13. Whaaia Te Ao Maarama as I understand it was a plan developed and written by the MoH, for the MoH. I understand the plan is copyrighted to the MoH. It was their plan.
14. KMA has been actively involved in the drafting and reviewing of the plan from the inception of the first

Whaaia Te Ao Maarama plan. I cannot recall that KMA was involved in the 2018-2022 drafting, but individual kaapoo Maaori may have been.

15. Whaikaha funding this review I assume comes under their responsibility as stewards to ascertain MoH achievement of the outcomes of Whaaia Te Ao Maarama. Why doesn't Whaikaha write their own Maaori Disability Action Plan? This would make sense given my understanding that Whaaia Te Ao Maarama was a MoH plan written under the medical model. I understand that it was created by MoH in that period of the medical model, not the social model that Whaikaha stands for. Why would Whaikaha lead the refreshing of a MoH plan and what role will MoH take in any refreshing of the plan? I would not like to see the MoH transfer its health obligations to Whaikaha.
16. In my view times have changed since Whaaia Te Ao Maarama was prepared and that transformational change is required looking forward. We want a future looking model to support the needs of taangata whaikaha Maaori and their whaanau.
17. Ms Bleckmann further states that **“[t]he next step in refreshing Whaaia Te Ao Maarama will be meeting with the Maaori Caucus of the Whaikaha Strategic Advisory Group, which includes Ngaati Kaapoo, to discuss the development of an engagement plan”**.

18. We are aware that the Chief Advisor Maaori has been attempting to arrange a hui of Maaori representative organisations that sit on the Whaikaha Strategic Advisory Group. We were not aware that this group had the status of a formal Maaori Caucus.
19. Ms Bleckmann's speaking notes also state that **“[t]he development of an engagement plan includes identifying where to hold community hui, how many to have, to identify key interviewees, the development of an online survey for those in the taangata whaikaha Maaori community (and their whaanau) who cannot attend any of the nationally held hui.”**
20. Although we welcome this news, we were not aware until reading Ms Bleckmann's speaking notes of Whaikaha's intent to develop an engagement plan through the Whaikaha “Maaori Caucus”.
21. Ms Bleckmann further states in her speaking notes that **“[t]he Ministry will be providing capacity building grants to taangata whaikaha Maaori-led roopu to organise and run national hui. All taangata whaikaha Maaori-led roopu are eligible to apply for these capacity building grants and can run one or multiple hui.”**

22. Again, this news came as a surprise, and we were not aware until reading Ms Bleckmann's speaking notes of these capacity building grants. KMA was not involved in the development of the criteria of receiving these grants. We weren't consulted about what this process would look like, who is eligible, the timeline, who determines who receives these grants, and how much would be available. This lack of involvement is surprising given the evidence that we have filed regarding our aspiration to be involved on all aspects of Crown policy and services impacting on us.

Dated this 23rd day of August 2024

Christina Cowan