WAITANGI TRIBUNAL

Wai 3116

CONCERNING the Treaty of Waitangi Act 1975

AND a claim by Hohepa Maxwell, Muriwai Jones and Te Aururangi Davis on behalf of Ngai Tai iwi and Ririwhenua hapū

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 16 March 2022.

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 Hohepa Maxwell, Muriwai Jones and Te Aururangi Davis on behalf of Ngai Tai iwi and Ririwhenua hapū, and concerns the housing system. The claimants allege that the Crown has breached the principles of the Treaty of Waitangi by failing to:

- demonstrate a commitment to provide adequate and appropriate finance and support for urban and rural Māori;
- ensure that urban and rural Māori have access to adequate social and community housing properties and initiatives;
- ensure that urban and rural Māori have access to adequate, appropriate and affordable housing;
- provide adequate support and resources for social housing providers that reflect the housing issues facing Māori;
- ensure social housing providers are able to meet the housing needs of the community they serve;
- stem racism and structural discrimination in the provision of housing services to Māori;
- remedy the lack of adequate housing through the implementation of policies, practices and legislation;
- support the claimants' whose whānau are homeless, in inadequate or overcrowded housing; and
- build or supply additional housing and social housing to meet the increasing demands for housing.

The claimants seek a variety of relief and recommendations.

The claimants 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. District inquiries are currently in preparation or hearing in Te Paparahi o Te Raki, Porirua ki Manawatu and Taihape: Rangitikei ki Rangipo. In other districts, Tribunal inquiries have been completed or are in report writing, or the principal claimant groups have settled their claims with the Crown, or are in or preparing for Treaty settlement negotiations.

In April 2015, the Chairperson issued a memorandum outlining a kaupapa inquiry programme. A second memorandum updating and refining the kaupapa inquiry process was issued in March 2019. A number of kaupapa inquiries are now under way.

The Tribunal's Strategic Direction 2014-2025, launched by the Chairperson in July 2014, outlines two other new programmes for claims that have fallen outside the scope of the district and kaupapa inquiries, one for remaining historical claims and the other for contemporary claims. 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.

This claim concerns contemporary allegations of Treaty breaches regarding the housing system and as such may be best suited for consideration in Housing Policy and Services Inquiry (Wai 2750).

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 Act). 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.

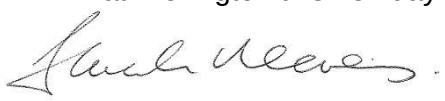
Legal Aid Services provides help for Waitangi Tribunal claimants. For advice on getting a lawyer or receiving funding, please contact Legal Aid Services at their Wellington central office or one of the local offices; the claimant should check their telephone directory for contact details.

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; and
- All those on the notification list for Wai 2750, the Housing Policy and Services kaupapa inquiry.

DATED at Wellington this 25th day of March 2022



Judge Sarah Reeves
Deputy Chairperson
WAITANGI TRIBUNAL