

IN THE WAITANGI TRIBUNAL

Wai 2750

CONCERNING

the Treaty of Waitangi Act 1975

AND

the Housing Policy and
Services Kaupapa Inquiry

**MEMORANDUM-DIRECTIONS OF JUDGE C T COXHEAD COMMISSIONING
RESEARCH**

22 November 2021

1. Pursuant to clause 5A of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Charles Waldegrave QSO to prepare a report on Māori home ownership between 1991 - 2021, for the Housing Policy and Services Kaupapa Inquiry (Wai 2750).
2. The researcher should focus on providing an outline of home ownership policy and services relevant to Māori, how these are implemented, the impacts and outcomes for Māori, and Māori responses. Māori participation in home ownership legislation, governance and policy developments should also be examined. The researcher will provide an overview of significant developments since 1991 relevant to the development of Māori home ownership and how these may have contributed to any current barriers to service or housing provision. Where possible the report will address:
 - (a) What were government expectations and intentions with the housing reforms of the early 1990s in terms of private home ownership, including with major housing legislation and policy reforms and their implementation and with particular reference to expected impacts and opportunities for Māori participation in private home ownership?
 - (b) To what extent were Māori consulted over such reforms and in what ways did the Crown inform itself of Māori needs and views in terms of private home ownership, including in such matters as legislative reforms on home ownership, planning and building law, and through policies and processes for obtaining entry into the private home ownership, such as through access to finance and other assistance? To what extent has the Crown partnered with Māori to address issues of Māori entry to private home ownership and what strategies and policies has the Crown developed to address Māori needs in participating in private home ownership such as He Whare Āhuru He Oranga Tāngata 2014 – 2025?
 - (c) What barriers, if any, do Māori encounter in trying to access government home ownership programmes, such as the First Home Grant and KiwiBuild, or assistance and services relating to the upkeep and maintenance of housing? How does uptake and access to such assistance for Māori compare to non-Māori?
 - (d) How has the Crown responded to any barriers faced by Māori, including lender discrimination, in obtaining private mortgages? To what extent has the Crown developed legislation and policy to address such barriers and ensure that Māori receive treatment equal to non-Māori when applying for mortgages?
 - (e) To what extent does home ownership contribute to the transfer of intergenerational wealth for Māori compared to non-Māori? How has Crown policy addressed the ongoing financial implications, if any, of declining rates of Māori home ownership?
 - (f) To what extent has planning and building legislation and policy provided for the development or establishment of Māori housing models on general land (including Treaty settlement land)? To what extent has the Crown consulted with Māori and enabled Māori participation in the development of planning and building legislation and policy?
 - (g) What were the impacts for Māori of government housing legislation and policy over this period in terms of participation in home ownership? To what degree has Crown policy assisted Māori to achieve financial security or created barriers in participating in the private housing market?

3. A completed draft of the report will be circulated to parties for feedback on 5 September 2022, to be followed by quality assurance and final revision.
4. The commission ends on 18 November 2022 at which time one copy of the final report must be submitted to the Tribunal's Registrar for filing in unbound form, together with indexed copies of any supporting documents or transcripts. An electronic copy of the report and supporting documentation should also be provided in Word or PDF file format.
5. The report may be received as evidence and the author may be cross-examined on it.
6. The Registrar is to send copies of this direction to:
 - (a) Charles Waldegrave QSO
 - (b) Claimant counsel, Crown counsel and unrepresented claimants in the Housing Policy and Services Kaupapa Inquiry
 - (c) Chief Historian, Waitangi Tribunal Unit
 - (d) Principal Research Analysts, Waitangi Tribunal Unit
 - (e) Manager Research Services, Waitangi Tribunal Unit
 - (f) Manager Inquiry Facilitation, Waitangi Tribunal Unit
 - (g) Principal Inquiry Facilitators, Waitangi Tribunal Unit
 - (h) Solicitor General, Crown Law Office
 - (i) Director, Te Kāhui Whakatau (Treaty Settlements), Te Arawhiti
 - (j) Chief Executive, Te Puni Kōkiri.

DATED at Rotorua this 22nd day of November 2021



Judge C T Coxhead
Presiding Officer

WAITANGI TRIBUNAL