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**Kei raro i te mana o** Te Tiriti o Waitangi Act 1975

**Ā**

**I te take o** An Inquiry into Housing Policy  
and Services (Wai 2750)

**Ā**

**I te take o** A claim by Bonnie Jade Kake and Rau  
Hoskins on behalf of Te Matapihi he  
Tirohanga mō te Iwi Trust and all Māori  
(Wai 2716)

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**Generic Claimant Closing Submissions on Homelessness and Rangatahi**

Dated Tuesday the 21<sup>st</sup> September 2021

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## TĒNĀ, E TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI,

1. These are the generic claimant closing submissions on homelessness and rangatahi.
2. The issue of homelessness was brought to the forefront of this Inquiry owing to the significance of the issue of homelessness to Māori and their communities throughout the country. These submissions address the extent to which rangatahi are living with or are susceptible to homelessness, without sufficient assistance.
3. The starting point for these submissions is that rangatahi are a taonga and as such are guaranteed protection within the tino rangatiranga retained by Māori under Te Tiriti.
4. Rangatahi are treasured amongst their whānau, hapū and iwi. They are the next generation, coming through to take up their place as leaders, kaitiaki, mentors - they are the future life of those whānau, hapū and iwi.<sup>1</sup>
5. However, as rangatahi, they are vulnerable, needing support from those whānau, hapū and iwi networks, needing much to be provided to them so that they can grow, learn and mature.
6. While all homelessness is a blight on this country, the continued existence of homelessness amongst rangatahi, and the evidence of the extent of that problem, demonstrates a most marked failure to protect the vulnerable and nourish those still developing and growing into maturity, at which time they can hopefully be expected to look after themselves and start to provide for and support others.
7. These submissions address the issue of homelessness and housing vulnerability for rangatahi, the evidence of the scale of the problem, the disproportionate impact on Māori, the support available from various government agencies, the support offered from Māori organisations and community groups, and the failings which continue to leave rangatahi on the street or transient and moving from one unstable and unsafe resting place to another.
8. These submissions outline the fundamental needs of rangatahi and the shortfall between that and what is available to them, as well as the shortfall between what Māori organisations and community groups can currently offer and the need that they see around them.

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<sup>1</sup> Waitangi Tribunal, *He Pāharakeke, He Rito Whakakīkinga Whāruarua* (Wai 2915, 2021), 6, 179, where the Crown conceded that tamariki Māori and the whānau unit are taonga requiring protection.

9. The evidence of the Crown is summarised first to set out the evolution of the policies and structures over the last decade or more, and against which we can then review the claimant evidence, much of which sets out the failings in those recent or current policies.
10. The term *rangatahi* is used in these submissions to refer to that part of the Māori population that are legally classed as children but also includes those up to the age of 25.<sup>2</sup>

### **Structure of these Submissions**

- a. Tiriti Principles and Crown Duties
- b. Crown Evidence
  - i. Policies as at 2009 and consultation with Māori
  - ii. Evolution of policies and engagement with Māori
  - iii. The Aotearoa Homelessness Action Plan
- c. Claimant Evidence
- d. Findings and Recommendations Sought

### **Tiriti Principles and Crown Duties**

#### ***Tuatahi: Ngā Mātāpono o Te Tiriti***

11. The Tribunal recently considered the specific duties that the Crown had to rangatahi in the context of the Oranga Tamariki Inquiry. The Report from that Inquiry<sup>3</sup> provides a number of important findings and directions apposite to the issues of homelessness generally but also specifically to rangatahi impacted by homelessness.
12. The Tribunal summed up the breach by the Crown in this way: “The disparity has arisen and persists in part due to the effects of alienation and dispossession, but also because of a failure by the Crown to honour the guarantee to Māori of the right of cultural continuity embodied in the guarantee of tino rangatiratanga over their kāinga. It is more than just a

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<sup>2</sup> Defined as “younger generation, youth” by Te Aka Online Dictionary. This age of 25 years is used because of the use of that age as the final marker of the end of youth by Ministry of Social Development records, for example the data produced by MSD to Brook Turner in response to an Official Information Act request shows data gathered for those aged 16-24 as specific Group (see #C19(b) documents supplied as part of the evidence of Bianca Johanson). In these submissions the term “youth” or “children” is used to mean Māori and Pākehā, and also appears in these submissions when that is the term in the source material being referred to.

<sup>3</sup> Waitangi Tribunal, *He Pāharakeke, He Rito Whakakīkinga Whāruarua*.

failure to honour or uphold, it is also a breach born of hostility to the promise itself.”<sup>4</sup>

13. Ahorangi Tā Pou Temara provided guidance about the meaning of the kāinga.<sup>5</sup> That statement in full provides a clear tikanga perspective of the primacy of the kāinga, and the distinction between the kāinga and the whare.
14. That statement highlighted that the kāinga is not merely a residential space, it is where cultural identity can flourish. That tribunal considered understanding the meaning of the kāinga, cultural connection and implications of disconnections were necessary to full understand the Tiriti principles and Crown’s duties.
15. That statement also explained the significance and primacy of the kāinga, that even where a house, a whare, is available and may address the fundamental need of shelter, this guarantee under Te Tiriti may very well remain unmet.<sup>6</sup> In this Inquiry the evidence of Fred Astle addressed this same issue and emphasised the importance of a tikanga and mātauranga-based approach to providing solutions for Māori.<sup>7</sup>
16. Of particular relevance to this Inquiry are those findings that relate to the principles of;
  - a. partnership;
  - b. active protection;
  - c. equity; and
  - d. options.

#### *Partnership*

17. The Tribunal found that the principle of partnership was particularly significant and relied on *Te Mana Whatu Āhuru*, a recent finding about the prominence of good faith in the relationship between Crown and Māori.<sup>8</sup> That Tribunal also noted that *Hauora* said that the partnership principle should be evident in state policy and feature Māori control over how Māori organise themselves.<sup>9</sup>

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<sup>4</sup> Waitangi Tribunal, *He Pāharakeke*, 12.

<sup>5</sup> *He Pāharakeke*, 13-14.

<sup>6</sup> This dynamic and issue will be returned to later where the significance of the support offered by Māori communities and organisations is contrasted with state-based systems.

<sup>7</sup> Wai 2750, #B90.

<sup>8</sup> *He Pāharakeke*, 28-29.

<sup>9</sup> *He Pāharakeke*, 28-29.

### Consultation

18. The Central North Island Tribunal described the guarantee of tino rangatiratanga as “full authority over their own affairs including self-government by appropriate and agreed institutions,” carrying with it a “*right to be consulted and give consent to Crown policies and laws affecting the things of fundamental importance to them*”. Such guarantees “could only be overridden in exceptional circumstances”.<sup>10</sup>
19. The Tribunal in the Te Rohe Potae Inquiry went further and said, considering the Native Land Purchases legislation of the 1890s, that: “[b]y enacting these laws and imposing these restrictions without first consulting or obtaining the consent of Te Rohe Pōtae Māori, the Crown failed to fulfil its duty of active protection and breached the Treaty guarantee of tino rangatiratanga and the principles of autonomy and partnership.”<sup>11</sup>
20. The Tribunal said that it was the Crown’s failure to first consult with or obtain consent from Māori that gave rise to the breach, and this shows that the interpretation of the consultation obligation is of a significantly higher value than the Resource Management Act standard. That Tribunal suggests that the right kind of consultation would have satisfied those obligations in the same way that consent may have.<sup>12</sup>
21. The findings of the Wai 262 Tribunal were considered recently in the *Report on the Crown’s Review of the Plant Variety Rights Regime* (Plant Variety Rights Regime Report), and produced this statement, worth quoting in full;

“Ko Aotearoa Tēnei acknowledged the limitations of tino rangatiratanga, saying:

It will no longer be possible to deliver tino rangatiratanga in the sense of full authority over all taonga Māori. *It will, however, be possible to deliver full authority in some areas. That will either be because the absolute importance of the taonga interests in question means other interests must take second place or, conversely, because competing interests are not sufficiently important to outweigh the constitutionally pro-ected*

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<sup>10</sup> Waitangi Tribunal, *He Maunga Rongo*, Vol 1, 191, referenced with support in Waitangi Tribunal, *He Mana Whatu Āhuru*, Vol 1, 151. Italics added.

<sup>11</sup> Waitangi Tribunal, *He Mana Whatu Āhuru*, Vol 1, 151.

<sup>12</sup> Waitangi Tribunal, *He Mana Whatu Āhuru*, Vol 1, 151.

*taonga interest.*<sup>13</sup>

22. The Tribunal went on to say;

“Where ‘full authority’ tino rangatiratanga is no longer practicable, lesser options may be. It may, for example, be possible to share decision-making in relation to taonga that are important to the culture and identity of iwi or hapū. *And where shared decision-making is no longer possible, it should always be open to Māori to influence the decisions of others where those decisions affect their taonga. This might be done through, for example, formal consultation mechanisms.*”<sup>14</sup>

23. Expanding on this duty to consult, the Plant Variety Rights Regime Report noted: “[t]he Crown must do what is reasonable in the circumstances. The reasonableness line is, in our view, to be drawn after careful consideration of the impact such rights might have on the rights and interests of others. That is, the answer will in each case depend on a balancing process.”<sup>15</sup>

#### *Informed Decision-making*

24. The Tribunal in the Māori Prisoners Voting inquiry stated: “When exercising its kāwanatanga [being the development of legislation and policy], the Crown needs to be fully informed about, and consider, the likely or unintended consequences of its actions.”<sup>16</sup>

25. The Crown also has a duty to undertake informed decision-making when exercising its kāwanatanga, this duty arises out of those same principles of partnership and consultation.

26. In the *Whakatōhea Mandate Inquiry Report*, the Tribunal again identified that informed decision-making was a further duty that arises from the Crown’s partnership obligations.<sup>17</sup>

27. In *New Zealand Māori Council v Attorney-General* (1987), Richardson J observed:

“The responsibility of one Treaty partner to act in good faith fairly and reasonably towards the other puts the onus on a partner, here the Crown, when acting within its sphere to make an

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<sup>13</sup> Waitangi Tribunal, *Report on the Crown’s Review of the Plant Variety Rights Regime* (Wai 262, 2020), 12. Italics added.

<sup>14</sup> Waitangi Tribunal, *Report on the Crown’s Review of the Plant Variety Rights Regime*, 12. Italics added.

<sup>15</sup> Waitangi Tribunal, *The Report on the Crown’s Review of the Plant Variety Rights Regime* (Wai 262, 2020) at 12-13, citing Waitangi Tribunal, *Ko Aotearoa Tēnei: Te Taumata Tuarua*, vol 1, 16-17, 86.

<sup>16</sup> Waitangi Tribunal, *He Aha i Pera Ai Māori Prisoners Voting Report* (Wai 2870, 2020) 12, referring to Waitangi Tribunal, *The Whakatōhea Mandate Inquiry Report* (Wai 2662, 2018), 22. Italics added.

<sup>17</sup> Waitangi Tribunal, *The Whakatōhea Mandate Inquiry Report* (Wai 2662, 2018), 22.

informed decision, that is a decision where it is sufficiently informed as to the relevant facts and law to be able to say it has had proper regard to the impact of the principles of the Treaty.”<sup>18</sup>

#### *Active Protection*

28. Active protection was found to mean that Māori rights and interests are guaranteed under Te Tiriti and requires a clear understanding of what the guarantee of tino rangatiratanga over kāinga means; the He Pāharakeke Report pointed out that it does not mean forceful intervention.<sup>19</sup>
29. The Tribunal specifically noted that the Crown has a duty under this principle to maintain ongoing dialogue and negotiation with Māori about how kāwanatanga and tino rangatiratanga can coexist, and that good faith includes engagement with Māori on the design of legislation and policy.<sup>20</sup>

#### *Equity*

30. The principle of equity arises out of the Crown’s duty to act fairly and with justice to all citizens, as affirmed in Article 3 of Te Tiriti. While equity applies regardless of the causes of disparity, the application of equity varies depending on the type of disparity.<sup>21</sup>
31. The Tribunal pointed out that the Crown is obliged to promote equity<sup>22</sup> and that it applies to all forms of disparities.<sup>23</sup>

#### *Options*

32. The right to options is affirmed in Articles 2 and 3 of Te Tiriti and means that Māori have the right to either govern themselves along customary lines, engage with modern society, or both. The role of the Crown is the duty to protect kaupapa Māori solutions in social sectors to ensure Māori are not limited in their options.<sup>24</sup>
33. The Tribunal found that: “the centrality of the principle lies in the obligation upon the Crown to adequately protect the availability and viability of kaupapa Māori solutions.”<sup>25</sup>

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<sup>18</sup> *New Zealand Māori Council v Attorney-General* [1987] 1 NZLR 641 (CA), 683 quoted in *He Aha i Pera Ai Māori Prisoners Voting Report*, 12.

<sup>19</sup> *He Pāharakeke*, 19-20.

<sup>20</sup> *He Pāharakeke*, 18.

<sup>21</sup> *He Pāharakeke*, 21-22, relying on *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Wai 2575, 2019), 33, and *The Napier Hospital and Health Services Report* (Wai 692, 2001), 48, 62.

<sup>22</sup> *He Pāharakeke* 21-22, citing *Hauora* report p33 and *The Napier Hospital and Health Services Report* 48, 62.

<sup>23</sup> *He Pāharakeke* 21-22, citing the Waitangi Tribunal in *Te Urewera vol 8* 3773.

<sup>24</sup> *He Pāharakeke*, 22-23, the Oranga Tamariki Tribunal relied on the *Hauora* report 35-36, to stress and affirm that Māori should have options.

<sup>25</sup> *He Pāharakeke*, 23.

34. As to what was meant in that Inquiry by ‘kaupapa Māori solutions,’ the Tribunal followed that statement by pointing out that they heard “from a wide range of individuals and organisations, all of whom have endeavoured to meet the needs of their communities and to keep tamariki and whānau safe and connected...some were able to work in conjunction with Crown agencies or with some form of Crown resourcing or support. *A number chose not to enter into arrangements with the Crown due to the difficulties and transaction costs associated with securing and maintaining Crown-approved provider status, or resistance to what was seen as a ‘master-servant relationship. What is clear is that there is a very significant groundswell of Māori support for ‘by Māori for Māori’ solutions.*”<sup>26</sup>
35. These comments also begin to address the evidence from Crown witnesses about government agencies and government projects which were said to be taking a “kaupapa Māori” approach.<sup>27</sup>
36. In summary, the Oranga Tamariki Inquiry found the Crown failed its partnership duties because of;
- a. A failure to allow self-determination (i.e., the minimum);
  - b. breached good faith and partnership by diminishing Māori decision-making and responsibility over mana tamariki;<sup>28</sup> and
  - c. did not return power and control to Māori or direct reliable and proportionate resources for whānau to thrive as Māori.<sup>29</sup>
37. The Tribunal stated Māori have the right to choose their “social and cultural path”<sup>30</sup>and that the Crown failed in its duty of options due to structural racism, which narrowed Māori rights. This “institutional racism” persists and attempts to fix it has been ineffective and vulnerable to political currents.<sup>31</sup>

#### *Application to this Inquiry*

38. In the Oranga Tamariki Inquiry the Tribunal noted the Crown’s assertions that the drivers behind the disparity of numbers of Māori and Pākehā children being taken into the State Care system were complex.<sup>32</sup> A similar

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<sup>26</sup> *He Pāharakeke*, 23-24. *Italics added.*

<sup>27</sup> These are articulated in other generic submissions comprehensively.

<sup>28</sup> *He Pāharakeke*, 98.

<sup>29</sup> *He Pāharakeke*, 99.

<sup>30</sup> *He Pāharakeke*, 22, citing the *Hauora* report and the *Napier Hospital and Health Services Report*.

<sup>31</sup> *He Pāharakeke*, 154, with further similar comments, 100, 103, 107.

<sup>32</sup> *He Pāharakeke*, 5.



argument can be expected here. The Crown in that Inquiry did concede that the care and protection system in place featured structural racism.<sup>33</sup>

39. These submissions focus on how Māori, across all the statistics more likely to be represented in rangatahi affected by or exposed to homelessness, housing vulnerability and severe housing deprivation.
40. As the evidence before this Tribunal shows, a number of the rangatahi who are vulnerable and dealing with homelessness are known to Oranga Tamariki, however a significant portion are not.
41. The two agencies primarily faced with addressing this issue are Oranga Tamariki and the Ministry of Social Development (Te Manatū Whakahiato Ora) (“MSD”). Kāinga Ora (formerly Housing New Zealand Corporation) (“HNZ”) also has a role in providing support to Community Housing Providers (“CHPs”) to supply accommodation to rangatahi.
42. Oranga Tamariki provides assistance to those that are registered for support. Where rangatahi are not registered with Oranga Tamariki, the schemes provided by MSD are supposed to provide the necessary care and support.
43. At the time of the Oranga Tamariki hearing, 4,179 tamariki Māori, representing 69% of the total care population, were Māori.<sup>34</sup> That Tribunal noted that: “This imbalance represents an astonishing level of intrusion in the lives of whānau by the State”.<sup>35</sup>
44. We also note that the addition of transition services for rangatahi registered with Oranga Tamariki is relatively recent. The Oranga Tamariki report notes that transition services were created in 2017 to provide increased support for young people as they move out of care: Māori made up 60.5% of those transition services.<sup>36</sup>
45. This is a recent addition, set in place in response to a recognised need, and while new, is not operating as it should to ensure transition takes place and avoids this change happening without necessary support. The statistics of emergency housing show that this is not the case, or at least that the monitoring of rangatahi in the transitional phase is grossly insufficient.

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<sup>33</sup> *He Pāharakeke*, 5.

<sup>34</sup> *He Pāharakeke*, 12-13.

<sup>35</sup> *He Pāharakeke*, 13.

<sup>36</sup> *He Pāharakeke*, 116.

46. The trend of those leaving state care shows that rangatahi Māori who ‘aged out’ of care are double, or over double, that of the rate of non-Māori:<sup>37</sup>

### 11.3.1.3 Exit disparity between tamariki Māori and non-Māori

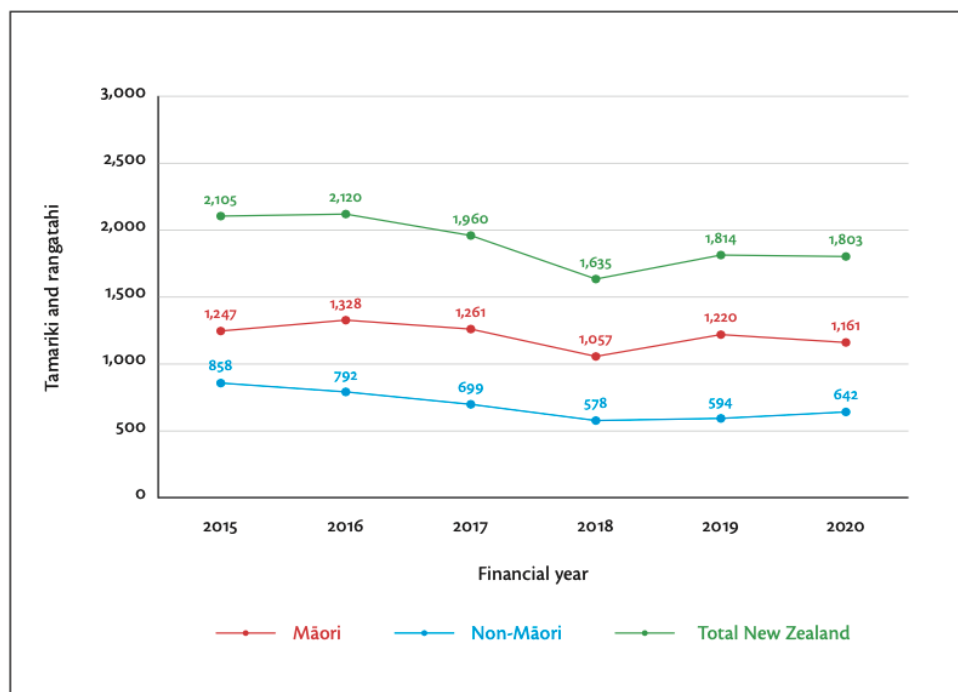


Figure 11.9: Distinct tamariki and rangatahi in the care and protection exits, 2015–20  
Redrawn from document A58(a), p 28

### Crown Duties

47. Out of those principles emerge the Crown’s duties to Māori and to rangatahi. These can be summarised as the duty to;

- i. enable and allow tino rangatiratanga, at least to a baseline of self-determination and make decisions for themselves;
- ii. consult;
- iii. undertake informed decision-making when exercising kawanatanga, and to be fully informed about, and to consider, the likely or unintended consequences of its actions;
- iv. promote equity;
- v. enable broader decision-making power and options are available to Māori; and

<sup>37</sup> He Pāharakeke, 213.

- vi. maintain ongoing dialogue and negotiation with Māori on the problems and solutions.

**Tuarua: Crown Evidence**

48. The Ministries that hold responsibility for addressing rangatahi homelessness are:

- a) Oranga Tamariki (OT);
- b) Te Manatū Whakahiato Ora, formerly the Ministry of Social Development) (MSD);
- c) Kāinga Ora – Homes and Communities (Kāinga Ora), formerly Housing New Zealand Corporation (HNZ); and
- d) Te Tūāpapa Kura Kāinga – The Ministry of Housing and Urban Development (MHUD).

49. The Crown witnesses that presented evidence on behalf of each Ministry include:

*Ministry of Social Development*

- a) Marama Sharelle Edwards - Deputy Chief Executive;<sup>38</sup>
- b) Edward Charles Piers Ablett-Hampson - Principal Advisor, and Alexander Roy McKenzie, Manager - Housing Policy.<sup>39</sup>

*Kāinga Ora*

- a) Andrew James McKenzie, Chief Executive;<sup>40</sup> and
- b) Te Ariki John Pihama, Deputy Chief Executive.<sup>41</sup>

*Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development*

- c) Andrew Nelson Crisp, Chief Executive;<sup>42</sup>

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<sup>38</sup> Wai 2750, #D8, *Brief of evidence of Marama Sharelle Edwards - Deputy Chief Executive, Te Manatū Whakahiato Ora – Ministry of Social Development.*

<sup>39</sup> Wai 2750, #D20, *Joint brief of evidence of Edward Charles Piers Ablett-Hampson - Principal Advisor, and Alexander Roy McKenzie, Manager - Housing Policy, of the Ministry of Social Development; Wai 2750, D020(a) Supplementary Brief of evidence of Edward Charles Piers Ablett-Hampson, Ministry of Social Development.*

<sup>40</sup> Wai 2750, #D3, *Brief of evidence of Andrew McKenzie, Chief Executive, Kāinga Ora - Homes and Communities.*

<sup>41</sup> Wai 2750, #D22, *Brief of evidence of Te Ariki Pihama, Deputy Chief Executive – Māori Kāinga.*

<sup>42</sup> Wai 2750, #D1, *Brief of evidence of Andrew Crisp, Chief Executive of Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development.*

- d) Kararaina Rowena Calcott-Cribb, Deputy Chief Executive - Tumuaki, Te Kahui Kāinga Ora;<sup>43</sup>
  - e) Jeremy Luke Steele, Manager of Housing Needs and Responses;<sup>44</sup>
50. Throughout this evidence, most of the witnesses accounted for the evolution of government policies from 2009 to 2020.
  51. These are the Ministries that supposedly address the vulnerability of rangatahi, however the evidence demonstrates that they fall far short to address the real housing needs of rangatahi who are homeless.
  52. The evidence demonstrates that there was minimal consultation with Māori, particularly prior to the development of the *Te Maihi o te Whare Māori – Māori and Iwi Housing Innovation* (“MAIHI”) framework, on any policy changes relating to homelessness.
  53. Once these various policies were approved, and subsequently projects and programmes were implemented to meet their strategic objectives, there was very little room for Māori to provide ongoing input on these policies and programmes, and to review the subsequent outcomes of each.
  54. A series of inquiries and reviews were undertaken in each Ministry during the period of 2009 to the present, and until the development of the MAIHI framework, there was a lack of responsiveness by the Crown to remedy any issues raised by these review mechanisms that resulted in a meaningful uplift in Māori housing outcomes.
  55. The following sections provide an overview of the Crown’s evidence of policies and programmes relating to rangatahi homelessness for each respective Ministry, and sets out;
    - a) the historical Crown policy, including engagement and consultation with Māori; then
    - b) the current Crown policy settings; and finally
    - c) the engagement and monitoring/consultation with Māori on current Crown policies and programmes.

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<sup>43</sup> Wai 2750, #D6, *Brief of evidence of Kararaina Calcott-Cribb, Deputy Chief Executive - Tumuaki, Te Kahui Kāinga Ora, Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development.*

<sup>44</sup> Wai 2750, #D7, *Brief of evidence of Jeremy Luke Steele, Manager of Housing Needs and Responses, Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development.*

## Oranga Tamariki

### *Historical Crown Policy, Engagement and Consultation*

56. The Crown has undertaken a number of reviews and inquiries into OT policy and structures since 2009.
57. There was a comprehensive review of Child, Youth and Family Services (“CYFS”) in 2015 and the resulting report identified and confirmed that rangatahi leaving care are very vulnerable and known to experience poor long-term outcomes (“Expert Panel Report”).<sup>45</sup>
58. The Expert Panel Report examined several international examples of transition support to inform proposed support options for young people leaving care, which formed the starting point of the Oranga Tamariki approach to developing its own transitioning programme. Overall, the Expert Panel found that the care, protection and youth justice systems did not sufficiently meet the needs of children and young people, and that a bold overhaul of the system was required.<sup>46</sup>
59. The Expert Panel drew on various stakeholders to inform their recommendations, including iwi and Māori groups such as the Iwi Chairs Forum, children, young people, whānau, caregivers and social service providers.<sup>47</sup>
60. The Expert Panel formed a 9-member Maori Reference Group as part of its collaborative process.<sup>48</sup> The Expert Panel also consulted with Iwi Leaders Forum as a key stakeholder.<sup>49</sup> Although a limited number and Māori groups were engaged with as part of the review, by way of constituting a limited this consultation was selective and narrow, so there appears to have been a lack of broader consultation with Māori.
61. As a result of the Expert Panel Report, Cabinet agreed in March 2016, to change the Oranga Tamariki Act 1989 to provide a range of transition supports for young people who were aging out of care.<sup>50</sup>

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<sup>45</sup> Ministry of Social Development, *Expert Panel Final Report: Investing in New Zealand's Children and their Families*, December 2015 [accessed at <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/corporate/expert-panel-cyf/investing-in-children-report.pdf>] as referenced in Wai 2750, #D13 *Evidential Fact Sheet for Oranga Tamariki*, 2. Note that this document was accessed online, and not provided in Crown evidence.

<sup>46</sup> Wai 2750, #D13, *Crown bundle of Evidential Fact Sheet for Oranga Tamariki - Ministry for Children*, 2.

<sup>47</sup> Wai 2750, #D13, *Evidential Fact Sheet for Oranga Tamariki*, 2.

<sup>48</sup> Ministry of Social Development, *Expert Panel Final Report: Investing in New Zealand's Children and their Families*, December 2015, Appendix E, 249. This was inclusive of Rangitane Marsden, David Greig, Donna Matahaere-Atariki, Martin Kaipo, Juanita (Whiti) Timutimu, Miri Rawiri, Josephine Taiaroa, Dr Moana Eruera, and Dr Leland A Ruwhiu.

<sup>49</sup> Ministry of Social Development, *Expert Panel Final Report: Investing in New Zealand's Children and their Families*, December 2015, Appendix H, 265.

<sup>50</sup> Wai 2750, #D13, *Evidential Fact Sheet for Oranga Tamariki*, 2.

62. Since 2016, and despite these recommendations, there was only a small increase in the number of youth-specific transitional housing services<sup>51</sup> provided by OT.<sup>52</sup> The Crown has acknowledged that more can be done in this space.<sup>53</sup>
63. A separate inquiry was held in 2016, known as the *Cross-Party Inquiry into Homelessness*. The resulting report recommended that: “Government agencies should have a statutory obligation to ensure that people have a home to go to when they leave hospital, prison, CYFS and foster care, or are evicted from a Housing New Zealand home.”<sup>54</sup>
64. The 2016 Cross-Party report also recommended an increase in youth housing and services.<sup>55</sup>
65. Despite that report being released in March 2016, the evidence shows that the recommendations including transitional support were not implemented until after 2019.<sup>56</sup> This shows a lack of responsiveness to the urgent issues identified in the Expert Panel Report to alleviate rangatahi homelessness. The full recommendations of those two reports are yet to be adopted in full.

### **Current Settings**

#### *Support for Young People Leaving Oranga Tamariki Care*

66. OT currently provides housing transition support services for those transitioning out of OT care.<sup>57</sup> As part of the supported accommodation service, a limited number of housing placements were provided for eligible young people who had exhausted other universal housing services and supports.<sup>58</sup>
67. Oranga Tamariki established a pilot with social service providers to test and refine the design of the supported accommodation programme as part of the Transition Support Service in 2018.<sup>59</sup>
68. The three existing providers of supported accommodation involved in that initial supported living pilot service for young people aged 17 to 20 years included:

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<sup>51</sup> Wai 2750, #D1, *Andrew Nelson Crisp*, 53.

<sup>52</sup> Wai 2750, #D1, *Andrew Nelson Crisp*, 28, [116].

<sup>53</sup> Wai 2750, #4.1.7, *Transcript of Hearing Week 3 - Cross examination of Steele by Hockly*, 202.

<sup>54</sup> Refer to ‘*Ending Homelessness in New Zealand: Final Report of the Cross-Party Inquiry into Homelessness*’, 10.

<sup>55</sup> Refer to ‘*Ending Homelessness in New Zealand: Final Report of the Cross-Party Inquiry into Homelessness*’, 10 October 2016, 5 [HUD.002.1581] referenced in Wai 2750, #D1 *Andrew Nelson Crisp*, 50, [201].

<sup>56</sup> Wai 2750, #D1, *Andrew Nelson Crisp*, 51.

<sup>57</sup> Wai 2750, #D1, *Andrew Nelson Crisp*, 28, [116].

<sup>58</sup> Wai 2750, #D1, *Andrew Nelson Crisp*, 29, [117].

<sup>59</sup> Wai 2750, #D13, *Evidential Fact Sheet for Oranga Tamariki*, 3.

- a) Challenge 2000;
  - b) Lifewise; and
  - c) Kāhui Tū Kaha (previously known as Affinity Services).<sup>60</sup>
69. OT is responsible for expanding housing support for young people leaving OT care, which is also noted as one of the immediate actions of the Aotearoa Homelessness Action Plan 2020-2023 (“HAP”), noted by Crisp in his evidence.<sup>61</sup> The HAP programme began in 2019.<sup>62</sup>
70. The expansion of supported accommodation for young people leaving OT is one of the 18 immediate actions in the HAP.<sup>63</sup> Presently, there are five iwi/Māori partners and seven mainstream providers of this service.<sup>64</sup>
71. In terms of the implementation of the recommendations made in the Cross-Party Inquiry into Homelessness Report, Crisp recorded that: “Budget 2019 contained \$153.7 million over four years for OT to establish a new service supporting young people to transition successfully from statutory care and youth justice to adulthood.”<sup>65</sup>
72. OT pre-empted the number of young Māori people that may be eligible for this service and based on their initial analysis considered 65% of the eligible people for transition support are Māori.<sup>66</sup>
73. The evidence about the number of rangatahi in Oranga Tamariki care was limited, however the Oranga Tamariki website provides that as at 30 June 2021 there were 5,250 children and young people currently in the Care and Protection custody of the Chief Executive, of which 57% are Māori. 26% of those in care are over 14 years old.<sup>67</sup>

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<sup>60</sup> Oranga Tamariki, ‘Qualitative process evaluation for the Supported Living Demonstration’ [ORT.002.0001].

<sup>61</sup> Wai 2750, #D1, *Andrew Nelson Crisp*, 52.

<sup>62</sup> Wai 2750, #D7(c), *Supplementary brief of evidence of Jeremy Steele - Manager of Housing Needs and Responses* at 26; Wai 2750, Wai 2750, #D7, *Jeremy Luke Steele*, 13, [45]; see also Wai 2750, #D1, *Andrew Nelson Crisp*, 54.

<sup>63</sup> Wai 2750, #D1, *Andrew Nelson Crisp*, 29, [117].

<sup>64</sup> Wai 2750, #D13, *Evidential Fact Sheet for Oranga Tamariki*, 8.

<sup>65</sup> Wai 2750, #D1, *Andrew Nelson Crisp*, 52.

<sup>66</sup> Wai 2750, #D13, *Evidential Fact Sheet for Oranga Tamariki*, 10.

<sup>67</sup> Oranga Tamariki Quarterly Report [<https://www.orangatamariki.govt.nz/about-us/performance-and-monitoring/quarterly-report/text-only/>] as cited to in the Second Affidavit of Hoani Jeremy Lambert dated 25 March 2020 prepared for the Urgent Inquiry into Oranga Tamariki (Wai 2915, #A20). Counsel notes that in the Wai 2750, #D13 *Evidential Fact Sheet for Oranga Tamariki* readers are referred to the *Second Affidavit of Hoani Jeremy Lambert dated 25 March 2020 prepared for the Urgent Inquiry into Oranga Tamariki* (Wai 2915, #A20) for more information on the Transition Support Service, however this does not provide information on the Service Providers that are engaged in the service, nor provides information on statistics about rangatahi who are engaged with these services. Statistics data was referenced in the *First Affidavit of Hoani Jeremy Lambert dated 24 December 2019*, however the website link does not work. A search of the Oranga Tamariki website provided the results in the Oranga Tamariki Quarterly Report, referenced here.

74. Of the 940 young people that were eligible for the transition service, 57% were Māori. Over 58% were over the age of 18. Yet, there were only 110 supported accommodation placements available.<sup>68</sup>
75. Funding of \$17.5 million was provided through the HAP contingency fund to expand this initiative.<sup>69</sup>
76. Steele reported that OT was focussed on ensuring that young people transitioning out of their care were well supported, and that they have assisted with 33 housing placements through MSD, including accessing emergency housing as of 30 September 2020, and that this initiative was continuing.<sup>70</sup>
77. Steele provided supplementary evidence on specific progress being made by OT to address rangatahi homelessness in 2021. He explained that OT is delivering additional supported housing places for rangatahi people leaving care, increasing from 45 placements for those eligible rangatahi as at February 2021,<sup>71</sup> to 168 placements by 2023.<sup>72</sup>
78. The Crown acknowledged that although there is a plan for rangatahi leaving OT care, there is no specific plan for rangatahi facing homelessness generally. Under cross examination, Steele conceded that although there is housing support for rangatahi leaving Oranga Tamariki care, there is no part of the HAP that provides focussed support or funding for other rangatahi faced with homelessness.<sup>73</sup>
79. He states: “There is further work going on around developing suites of additional responses for rangatahi/young people. ... as a need also within the plan we focused on those transition points from people leaving care of the State. So, I guess it’s acknowledging that in the first instance that’s where we targeted the efforts, but there was an *acknowledgement in the long-term actions that there is definitely further work needed to provide additional supports for that cohort.*”
80. Steele acknowledged that there is further work progressing to develop a suite of additional responses to young people, and that this has been identified within the action plan as a key focus, but that initially the decision

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<sup>68</sup> Oranga Tamariki Quarterly Report [<https://www.orangatamariki.govt.nz/about-us/performance-and-monitoring/quarterly-report/text-only/>] as cited to in the Second Affidavit of Hoani Jeremy Lambert dated 25 March 2020 prepared for the Urgent Inquiry into Oranga Tamariki (Wai 2915, #A20) which was referred to in the Wai 2750, #D13 *Evidential Fact Sheet for Oranga Tamariki*.

<sup>69</sup> Wai 2750, #D1, *Andrew Nelson Crisp*, 29, [117].

<sup>70</sup> Wai 2750, D7(b), *Appendix B to Brief of evidence of Jeremy Luke Steele: Summary of progress of the 18 “Immediate Actions” between Feb – Oct 2020* 21.

<sup>71</sup> Wai 2750, D7(d), *Appendix: Progress made in delivering immediate actions*, 14.

<sup>72</sup> Wai 2750, #D7(c), *Supplementary evidence of Jeremy Steele*, 7, [26].

<sup>73</sup> Wai 2750, #4.1.7, *Transcript of Hearing Week 3 - Cross Examination of Steele by Hockly*, 202.



was made that the first part of the action plan would focus on rangatahi leaving OT care.<sup>74</sup>

81. Steele spoke about further support being developed: “I believe in the coming months there will be some further supports and places likely available, I don’t think I can confirm that yet but it is a priority that we’re currently working on. And yes, acknowledge that there is that gap...”<sup>75</sup>

### ***Engagement and Monitoring; Consultation with Māori***

#### *Monitoring of Oranga Tamariki Service Providers*

82. OT’s Partnering for Outcomes Team is responsible for the monitoring of OT service providers. Monitoring of the transitional support services is carried out by OT on a monthly basis and OT is required to report annually on measures it takes to improve outcomes for Māori under section 7AA of the Oranga Tamariki Act 1989.<sup>76</sup>
83. The Crown has stated that indications from the 2020 survey results show a positive uptake of this service by rangatahi.<sup>77</sup>
84. The Crown has stated that OT have commissioned independent evaluations of its supported accommodation initiative, with evaluations being completed in March 2018 and April 2020.<sup>78</sup>
85. There is no indication that Māori are engaged in and are part of the monitoring and evaluation of this initiative.
86. Under Section 447 of the Oranga Tamariki Act, the Crown has further regulated service providers through ‘Additional National Care Standards’ through the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018. These regulations allow self-monitoring by approved organisations to monitor compliance with regulations.<sup>79</sup>
87. The Regulations are absent of an ability for Māori to be engaged in the monitoring of these organisations.
88. Mr Crisp was asked in writing by His Honour Coxhead J if it was “possible to know the a) level of need i.e. the number of young people, broken down

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<sup>74</sup> Wai 2750, #4.1.7, *Transcript of Hearing Week 3 - Cross examination of Steele by Hockly*, 202.

<sup>75</sup> Wai 2750, #4.1.7, *Transcript of Hearing Week 3 - Cross examination of Steele by Hockly*, 202.

<sup>76</sup> Wai 2750, #D13, *Evidential Fact Sheet for Oranga Tamariki*, 9. In the fact sheet it was stated that this report was available on the Oranga Tamariki website, however a search for the report using the website link provided yielded no results so a generic internet search was required to locate this information.

<sup>77</sup> Wai 2750, #D13, *Evidential Fact Sheet for Oranga Tamariki*, 9. In the fact sheet it was stated that this report was available on the Oranga Tamariki website, however a search for the report using the website link provided yielded no results so a generic internet search was required to locate this information.

<sup>78</sup> Wai 2750, #D13, *Evidential Fact Sheet for Oranga Tamariki*, 10.

<sup>79</sup> <https://www.legislation.govt.nz/regulation/public/2018/0111/latest/LMS56030.html>

by ethnicity, leaving care and b) level of transitional support delivered since its inception (also by ethnicity)?”<sup>80</sup>

89. To which Mr Crisp replied that Oranga Tamariki were “unable to identify the overall level of housing need for rangatahi leaving state care as this is not recorded in the Ministry’s case work management system.”<sup>81</sup>
90. While this may partially be a data analysis issue, it appears to be a significant institutional blind-spot, as there is recognised potential for those leaving Oranga Tamariki care to remain vulnerable and in need of assistance. Despite that, there is no recording if they end up in supported accommodation, emergency housing or require other forms of housing or emergency support and this remains inherently problematic.

### ***Claimant Evidence***

91. Ms Johanson pointed out that the support that rangatahi could access as OT clients was needed by other rangatahi but that Lifewise was not able to provide that form of assistance to them.<sup>82</sup>
92. Ms Johanson also pointed out that in all of Tāmaki Makaurau there are only 100 youth housing beds/spaces available, and only 20 of those are available for those not on the Oranga Tamariki register<sup>83</sup>and it can take up to two weeks to have that placement approved.<sup>84</sup>
93. Ms Browne and Mr Lemon from Kāhui Tū Kaha gave evidence of the lack of engagement by OT services with the rangatahi they see, before and after traumatic experiences of childbirth.<sup>85</sup>
94. Kāhui Tū Kaha also attempted to get more houses from Kāinga Ora to use for housing rangatahi but were unsuccessful and instead had to source properties for rangatahi housing services from private landowners, meanwhile non-Māori organisations were able receive more funding and more access to Kāinga Ora buildings for the same service.<sup>86</sup>
95. The evidence of Ms Munroe and Mr Olliver from the Waka of Caring in Manurewa confirmed that they were personally aware of children sleeping rough on the street without access to food or shelter.<sup>87</sup>

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<sup>80</sup> Wai 2750, #D1(f), 2.

<sup>81</sup> Wai 2750, #D1(f), 2-3.

<sup>82</sup> Wai 2750, #C19, (8), (18).

<sup>83</sup> Wai 2750, #C19, (20).

<sup>84</sup> Wai 2750, #C19, (24).

<sup>85</sup> Wai 2750, #B55, (20).

<sup>86</sup> Wai 2750, #B55, (16).

<sup>87</sup> Wai 2750, #B39, (100)

## Ministry of Social Development

### *Historical Crown Policy, Engagement and Consultation*

96. The predecessor to MSD was the Department of Social Welfare.
97. In 1988 the Department of Social Welfare commissioned the *Pūao-Te-Ata-Tū Report: the Report of the Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare*. In this report, over 30 years old now, it was acknowledged that MSD staff have lacked the leadership and understanding to relate sensitively to their Māori clients, that change was essential if problems identified by Māori were to be overcome, and that it was not capable of achieving the goal of meeting the needs of Māori without major changes in its policy, planning and service delivery.<sup>88</sup>
98. In 2019 the Welfare Expert Advisory Group produced a report, *Whakamana Tāngata*, that recognised that the failures of the welfare system disproportionately affect Māori.<sup>89</sup>
99. Subsequently MSD has created strategy documents *Te Pae Tawhiti* and *Te Pae Tata*, which Ms Edwards describes as “starting to bring about the vision and recommendations contained in *Pūao-Te-Ata-Tū* and referred to in *Whakamana Tāngata*”.
100. These organisational changes have come over 30 years after these same significant issues at MSD were initially identified.
101. It is apparent that prior to the development of *Te Pae Tawhiti* and *Te Pae Tata*, and the MAIHI framework, MSD did little to address the immediate needs of rangatahi who are homeless.
102. A programme that MSD has subsequently initiated is flexible funding assistance for families with children living in emergency housing,<sup>90</sup> but this does not go far enough to support rangatahi who are experiencing homelessness.

### **Current Settings**

103. MSD runs the Ratonga Taiohi Youth Service “Youth Service”. This service was not mentioned in the statements of evidence from the MSD witnesses.

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<sup>88</sup> Pūao-Te-Ata-Tū (1988), see [MSD.004.0525] cited in Wai 2750, #D8, *Brief of evidence of Marama Edwards* 3.

<sup>89</sup> Wai 2750, #D8, *Brief of evidence of Marama Sharelle Edwards* 4, [13].

<sup>90</sup> Wai 2750, #D7, *Jeremy Luke Steele*, 12, [41].

104. Expert claimant witness Ms Jacqueline Paul had reproduced material about the Youth Service that she had received from Mel Harrington, the National Manager of this section of MSD.<sup>91</sup>
105. The Crown filed a memorandum which set out Ms Harrington's response and confirmation that this material was accurate and some further detail.<sup>92</sup> Regretfully that evidence came in as a memorandum the last working day before the Crown evidence hearing week and neither Ms Harrington nor anyone else from Youth Services presented evidence in this Inquiry.
106. But evidence about the Youth Services section of MSD, and the extent to which it is designed to address and sufficiently addresses rangatahi homelessness, is markedly absent from the MSD material produced.
107. Following the Crown evidence hearing week, Edward Ablett-Hampson and Alexander McKenzie explained the rationale of this programme through questions in writing, explaining that the Youth Service "is a nationwide programme that supports over 5000 rangatahi and young people into education, training, work-based learning, and employment."<sup>93</sup>
108. Youth Service Coaches (of which there are over 250), are employed by a mix of community organisations, Iwi/Māori, private training institutions and two MSD Work and Income sites.<sup>94</sup> These Youth Coaches work with up to 20 rangatahi and "tailor their support so that rangatahi become independent, for example, offering practical help with housing issues, budgeting, parenting, preparing for job interviews, drivers licenses, and connecting with social services, learning opportunities, well-being workshops".<sup>95</sup>
109. Those Crown witnesses went on to say "Data pertaining to connecting with and identifying vulnerable rangatahi through the school system is held by MOE. MSD strongly support prioritising funding towards kaupapa-led and Iwi-led approaches to deliver programmes supporting rangatahi retention in school. Young people that identify as 'not in employment, education or training' (NEET), aged 16 - 17 years, and not receiving financial support from Work and Income are a focus area for the Youth Service. MSD's Youth Service Providers work with 2117 NEETs across the motu, of whom

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<sup>91</sup> Wai 2750, #C4, (29), (51) of the statement of evidence, 17-20, and footnote 25. The original material and correspondence with Ms Harrington was also filed post hearing Wai 2750, #3.2.116 Appendix B to Memorandum filed post hearing.

<sup>92</sup> Wai 2750, #3.2.132.

<sup>93</sup> Wai 2750, #D20(g), *Responses of Edward Ablett-Hampson and Alex McKenzie to questions in writing*, 14.

<sup>94</sup> Wai 2750, #D20(g), *Responses of Edward Ablett-Hampson and Alex McKenzie to questions in writing*, 14-15.

<sup>95</sup> Wai 2750, #D20(g), *Responses of Edward Ablett-Hampson and Alex McKenzie to questions in writing*, 14-15.

55% identify as rangatahi Māori (Youth Service Dashboard, May 21, internal MSD report).<sup>96</sup>

110. Further details about the Not in Education, Employment and Training' (NEET) service are indicated in a Youth Service Dashboard which is dated May 21 from an internal MSD report.<sup>97</sup>

111. Concerning the HAP and MSD delivery of assistance to Rangatahi under it, the MSD witnesses were asked to “detail what, if any, forms of assistance or funds have been set out in the Homelessness Action Plan specifically to assist rangatahi that may be homeless, vulnerable to homelessness or suffering from housing deprivation?”

112. The answer received was that;

“Work is currently being progressed to develop initiatives this year that focus on specific supports for Rangatahi under the Homelessness Action Plan. Initiatives funded through the Homelessness Action Plan that support rangatahi/young people include:

- increasing supported accommodation for young people leaving Oranga Tamariki care and youth justice settings
- supported rangatahi/youth-focussed initiatives through the Local Innovation and Partnership Fund
- increasing youth focussed transitional housing.”

113. Those witnesses also re-emphasised the \$153.7 million over four years for Oranga Tamariki Transitions Support Service.<sup>98</sup>

114. It was the view of these witnesses that the support available to Oranga Tamariki registered rangatahi was comparable and just as comprehensive as the assistance available through Youth Services.<sup>99</sup> But those witnesses also conceded that “There is a group of rangatahi who require wraparound care. There is some capacity to access care through government schemes such as Whānau Ora, Youth Service, Young Parent Units, however there is still unmet demand.”<sup>100</sup>

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<sup>96</sup> Wai 2750, #D20(g), *Responses of Edward Ablett-Hampson and Alex McKenzie to questions in writing*, 11.

<sup>97</sup> Wai 2750, #D20(g), *Responses of Edward Ablett-Hampson and Alex McKenzie to questions in writing*, 14-15.

<sup>98</sup> Wai 2750, D20(g), 19-20.

<sup>99</sup> Wai 2750, D20(g), 14.

<sup>100</sup> Wai 2750, D20(g), 11.

### *Flexible Funding Assistance*

115. An immediate action in the HAP that has some impact on rangatahi is the establishment of flexible funding assistance for families with children living in emergency housing. This is currently being administered through MSD.<sup>101</sup>
116. In their evidence, Ablett-Hampson and McKenzie explained that the purpose of the fund was to provide additional support to clients with children who have extra costs and needs in respect of their children while they are staying in emergency housing and receiving the emergency housing special needs grant.<sup>102</sup>
117. However, this fund is focussed on supporting whānau, and the rangatahi within them, however it does not address the needs of rangatahi who are not connected from their whānau or need individual assistance.

### ***Engagement and Monitoring; Consultation with Māori***

118. Monitoring of the Youth Service is undertaken through client surveys. According to an internal MSD report, 80% rangatahi felt that their coach helped with their education, training and employment goals and provided support that suited their needs. The majority of Youth Service Client Experience Survey respondents were rangatahi Māori (57%).<sup>103</sup>
119. In terms of accountability, with the exception of the NEET service, there seems to be limited monitoring of the decision-making power, and lack of ongoing engagement about the outcomes of the policies and programmes provided by MSD.

### ***Claimant Evidence***

120. Ms Johanson suggested that workers at MSD do not ask about rangatahi housing situations, and that this needs to change so that rangatahi without a place to stay are triaged and placed in emergency accommodation and given access to wraparound support.<sup>104</sup>
121. This was also the view of Dr Amore and Dr Howden-Chapman who also addressed the issue of turn away records, those that appear and try to register for assistance, for public housing, for housing support from MSD,

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<sup>101</sup> Wai 2750, #D7, *Jeremy Luke Steele*, 12, [41].

<sup>102</sup> Wai 2750, #D20, *Edward Charles Piers Ablett-Hampson, Alexander Roy McKenzie*, 14, [47].

<sup>103</sup> Wai 2750, #D20(g), *Responses of Edward Ablett-Hampson and Alex McKenzie to questions in writing*, 14-15.

<sup>104</sup> Wai 2750, #C19, (51).

they pointed out that those records need to be taken, and are not currently taken.<sup>105</sup>

122. When asked about turnaway records, Ms Ablett-Hampson and Ms McKenzie provided the following response:

“Where a person approaches MSD for assistance, staff will make a note of the nature of that enquiry in the person’s client record. Those notes are time stamped in our Client Management System. *Not all enquiries result in an application for assistance, therefore, the Ministry does not formally record the total number of enquiries. MSD keeps formal records concerning every application for assistance that is submitted.* Once an application is submitted, MSD must make a decision to grant or decline assistance, and it is those decisions that are recorded. All applicants have a right to request a formal review if they don’t agree with a decision MSD have made. This is known as a review of decision.”<sup>106</sup>

123. Ms Paul pointed out that the research and data gathering by the government was inconsistent and required further research to understand the true scale of the issue in Tamaki Makaurau but also nation-wide.<sup>107</sup>
124. Ms Johanson pointed out that at the time of the hearing there were just 64 transitional housing placements for non-Oranga Tamariki rangatahi in Tāmaki Makaurau.<sup>108</sup>
125. Ms Johanson also produced a table received from an OIA request which showed that in 2020 there were 5,340 distinct people aged 16 to 24 that used these Grants.<sup>109</sup>

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<sup>105</sup> Wai 2750, #4.1.6, 244, 249-251, and also Wai 2750 #C14, 7.

<sup>106</sup> Wai 2750 #D20(g), 18-19.

<sup>107</sup> Wai 2750, #C4, (43), see footnote 19.

<sup>108</sup> Wai 2750, #4.1.6, 171.

<sup>109</sup> C19(b), Table Five, 9.

## **Kāinga Ora – Homes and Communities**

### ***Historical Crown Policy, Engagement and Consultation***

#### *The predecessor to Kāinga Ora - Housing New Zealand Corporation*

126. During its tenure, HNZ did not develop Māori-specific policies, and there were few initiatives that were implemented to assist rangatahi who were homeless.
127. McKenzie stated that from its inception in 2000, HNZ recognised that significant work was needed to recognise the housing needs of Māori, and to develop solutions to meet their needs.<sup>110</sup> In 2000, a staff-based Te Hou Ora group initiated a Māori Capability Plan.<sup>111</sup> There is no evidence of Māori engagement during the development of the plan.
128. In 2004 a Māori Capability Committee was established, that included “people from the Māori housing sector,”<sup>112</sup> but still, there is no evidence that adequate wide consultation with Māori was undertaken.
129. In 2006 the Government said it would transform its priorities for the next 10 years, guided by three “themes” which included “Families – Young and Old.” The Government expected HNZ to consider these themes when delivering housing, and services related to housing.<sup>113</sup>
130. Between 2006 and 2008 HNZ had a programme of action to deliver on the Government’s priorities and contribute towards the delivery of the *New Zealand Housing Strategy*.<sup>114</sup>
131. *Te Au Roa: Into the Future: Housing New Zealand Corporation Maori Strategic Plan 2007-2012*, was subsequently developed.<sup>115</sup> There is no evidence that Māori were involved in its development, however one of the key outcomes was to “partner with iwi, Māori and key stakeholders to enable the development of affordable Māori housing and sustainable communities.”<sup>116</sup>
132. However, there is a glaring omission from their strategy of the time, which failed to acknowledge Te Tiriti, and did not include any Māori-specific or rangatahi-specific directives.<sup>117</sup>

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<sup>110</sup> Wai 2750, #D3, *Brief of evidence of Andrew McKenzie, Chief Executive, Kāinga Ora* 49, [146].

<sup>111</sup> Wai 2750, #D3, *Andrew James McKenzie*, [148].

<sup>112</sup> Wai 2750, #D3, *Andrew James McKenzie*, [149].

<sup>113</sup> Wai 2750, #D3, *Andrew James McKenzie*, [25].

<sup>114</sup> Wai 2750, #D3, *Andrew James McKenzie*, 10, [26].

<sup>115</sup> Wai 2750, #D3, *Andrew James McKenzie*, 49, [150].

<sup>116</sup> Wai 2750, #D3, *Andrew James McKenzie*, 49, [152].

<sup>117</sup> Wai 2750, #D23, *Crown common bundle of documents index*, 9.



133. In March 2009, the then acting Minister of Housing wrote to HNZ explaining the Government's social objectives for housing and services related to housing.<sup>118</sup> Those objectives did not include a focus on youth homelessness.<sup>119</sup> It is no surprise that as a result of those government objectives, HNZ did not take any steps to provide initiatives that would alleviate youth homelessness.<sup>120</sup>
134. In July 2009, HNZ commissioned a review of HNZ's strategic direction, and that review highlighted several policy settings that were limiting its ability to house those with the greatest need with a limited state housing resource.<sup>121</sup>
135. The briefing does not detail the interpretation of 'those with the greatest need', and although the briefing does reference 'vulnerable people', it does not go so far as to define the meaning of that term either. There is no express reference to rangatahi, or youth, and only a single reference to Māori – during a demographics overview of state house tenants.<sup>122</sup> Counsel consider that rangatahi experiencing or facing the possibility of homelessness should fit into the category of the most vulnerable.
136. On 10 March 2010 the Acting Minister of Housing wrote to HNZ to outline the Government's expectations for the 2010 – 2011 financial year, and again this did not include any reference to rangatahi homelessness.<sup>123</sup>
137. A further strategic plan was produced for the period of 2010 to 2015 with the intent of developing a new approach for engaging with Māori.<sup>124</sup> There is no evidence that Māori were involved in the development of this strategic plan, and even more concerning is that Kāinga Ora has acknowledged that: "Kāinga Ora has been unable to find any evidence that this intention was progressed by HNZ."<sup>125</sup>
138. As described by McKenzie, "[t]he policy settings for NZHC 2010 to 2016 was, in general, not a period of significant growth for HNZC."
139. In 2016 the focus of HNZ shifted to increasing the supply of emergency and transitional housing, and contributing to the affordability and

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<sup>118</sup> Wai 2750, #D3, *Andrew James McKenzie*, 11, [30].

<sup>119</sup> Wai 2750, #D3, *Andrew James McKenzie*, 11, [30.1] – [30.5].

<sup>120</sup> Wai 2750, #D3, *Andrew James McKenzie*, 15, 16, [31].

<sup>121</sup> Wai 2750, #D3, *Andrew James McKenzie*, 15, [32].

<sup>122</sup> *Briefing for the Minister of Housing 2011* [KAI.003.1673] referenced in Wai 2750, #D23, *Crown common bundle of documents index*, 2698.

<sup>123</sup> Wai 2750, #D3, *James McKenzie*, 15, 16, [33] – [37].

<sup>124</sup> Wai 2750, #D3, *Andrew James McKenzie*, 49, [151].

<sup>125</sup> Wai 2750, #D3, *Andrew James McKenzie*, 50, [153].

accessibility of housing, but again, these initiatives were not to assist rangatahi.<sup>126</sup>

140. After McKenzie's appointment as Chief Executive of HNZ in 2016, the focus of HNZ shifted to include increasing the supply of emergency and transitional housing and contributing to the affordability and accessibility of housing.<sup>127</sup> Yet still, no initiatives or programmes were created to address rangatahi homelessness.
141. An organisational shift occurred in 2018 as a consequence of a Ministerial direction that signalled large-scale structural reform for HNZ. It was during this time that HNZ was renamed Kāinga Ora.<sup>128</sup> It was also the first year that the Minister of Housing and Urban Development set out the Government's expectation that HNZ "take into account the Crown's Treaty of Waitangi obligations and commitments."<sup>129</sup>
142. From 2018, Kāinga Ora was intended to play a central role in the delivery of the Government's priorities, including ending homelessness.<sup>130</sup> However its empowering legislation, the Kāinga Ora Act,<sup>131</sup> does not recognise homelessness generally, nor does it acknowledge rangatahi homelessness, so it does not form part of its fundamental policy base.
143. In the financial years of 2018 and 2019, the Minister of Housing and Urban Development flagged in the Government's letter of expectations the intention to make changes to the system for the delivery of state housing, with the aim of placing the tenant and the tenant's needs at the centre of Government's efforts. The Minister indicated that there would be an accelerated delivery of increased supply of state and affordable housing and indicated the structural reform of the delivery of state housing and the Government's other housing functions, anticipating the creation of Kāinga Ora.<sup>132</sup>
144. Subsequently, HNZ's response was to conduct a number of pilots and reviews of the system.<sup>133</sup>
145. Kāinga Ora's *Document of Strategic Intent* does not reflect directives that address the issue of rangatahi homelessness, and although Kāinga Ora

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<sup>126</sup> Wai 2750, #D3, *Andrew James McKenzie*, 25, [61].

<sup>127</sup> Wai 2750, #D3, *Andrew James McKenzie*, 25, [61].

<sup>128</sup> Wai 2750, #D3, *Andrew James McKenzie*, 28, [72].

<sup>129</sup> Wai 2750, #D3, *Andrew James McKenzie*, 51, [158].

<sup>130</sup> Letter of Expectations, 11 November 2019 3 [HUD.005.0984] *referred to in* Wai 2750, #D3, *Andrew James McKenzie*, 39, [100].

<sup>131</sup> Kāinga Ora—Homes and Communities Act 2019.

<sup>132</sup> Wai 2750, #D3, *Andrew James McKenzie*, 28, [72].

<sup>133</sup> Wai 2750, #D3, *Andrew James McKenzie*, 30, [74].

recognise that 39% of their clientele are under 18 years old,<sup>134</sup> Kāinga Ora has no specific policies or programmes to assist rangatahi who are homeless.<sup>135</sup>

146. There has been a constant churn of policies and structure in HNZ. During these changes, there have been numerous but occasional ways that Māori have been able to be engaged to contribute to policy development and accountability. However that engagement and input from Māori is compromised by the short period that those policies remain in place.
147. The evidence demonstrates that the HNZ and Kāinga Ora have constantly morphed their policies over time. Given the churn of organisational structures and policies, HNZ/Kāinga Ora have suffered from a lack of stability of its policies and programming, and a lack of delivery on policies and programmes once they had been set out. This instability has made it difficult to assess and monitor organisational outcomes. That instability also becomes a greater burden on Māori as that input and consultation should, in theory, take place with each new re-branding and re-shaping of policy.

### **Current Settings**

#### *Kāinga Ora: Strategic intent*

148. In October 2018 the Government announced the creation of Kāinga Ora, merging HNZ and the Kiwibuild Unit.<sup>136</sup> Kāinga Ora was designed to consolidate key urban development roles and functions across the public sector to deliver urban development more strategically and at pace.<sup>137</sup>
149. Although McKenzie states that the Kāinga Ora – Homes and Communities Act 2019 requires Kāinga Ora to understand, support and enable the aspirations of Māori,<sup>138</sup> neither this Act, nor the Urban Development Act 2020,<sup>139</sup> contain specific provisions to account for the vulnerability of rangatahi.
150. McKenzie explained that: “As a Crown agent, Kāinga Ora is also required to give effect to the Crown Entities Act 2004 (the Crown Entities Act). The Crown Entities Act governs the relationship between Kāinga Ora and the

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<sup>134</sup> Wai 2750, #D3, Andrew James McKenzie, 44, [124].

<sup>135</sup> Wai 2750, #D3(a), Appendix A Kāinga Ora policies or programmes for which evidential fact sheets have been filed.

<sup>136</sup> Wai 2750, #D3, Andrew James McKenzie, 33, [81].

<sup>137</sup> Wai 2750, #D3, Andrew James McKenzie, 33, [82].

<sup>138</sup> Wai 2750, #D3, Andrew James McKenzie, 35, [89] – [90].

<sup>139</sup> Wai 2750, #D3, Andrew James McKenzie, 36, [93].

*Crown. Crown agents are the least autonomous category of Crown entities in that they must give effect to Government policies.*<sup>140</sup>

151. The Crown Entities Act requires Kāinga Ora to produce a Statement of Intent,<sup>141</sup> restricts how it may borrow, invest,<sup>142</sup> and establish subsidiaries,<sup>143</sup> and permits the responsible Minister for Kāinga Ora to give directions to Kāinga Ora.<sup>144</sup>
152. Kāinga Ora are not yet empowered under statute to develop and deliver on policy that delivers programmes to address the homelessness of rangatahi.
153. As Kāinga Ora are not statutorily required to develop policy to address rangatahi homelessness, nor has the Minister directed Kāinga Ora to do so, it is not likely that this issue will be adequately addressed by Kāinga Ora.
154. McKenzie explained that Kāinga Ora is now expected to play a central role in the delivery of the Government's housing priorities, particularly around ending homelessness, reporting to MSD and other agencies in response to the delivery of the HAP,<sup>145</sup> and that this was recorded as the Minister of Housing's highest priority for Kāinga Ora for 2019/20.<sup>146</sup>
155. Kainga Ora's Statement of Intent recognises youth issues as a "social impact" of their operating context, acknowledging that "addressing housing costs, availability and quality will be an important part of the Government's commitments to end homelessness, reduce child poverty, and improve the wellbeing of children and young people in New Zealand."<sup>147</sup> Although this is recognised, there is no strategic direction specifically addressing the issue of rangatahi homelessness.
156. Kāinga Ora's Annual Report for 2019/2020 indicated that 39% of Kāinga Ora tenants are tamariki and rangatahi under the age of 18 years,<sup>148</sup> although there is no evidence to show how many of these rangatahi were living with whānau, or how many were under the care of OT.

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<sup>140</sup> Wai 2750, #D3, *Andrew James McKenzie*, 38, [98].

<sup>141</sup> Crown Entities Act, section 139 referred to in Wai 2750, #D3, *Andrew James McKenzie*, 38, [98].

<sup>142</sup> See, generally, Part 4 Crown Entities Act referred to in Wai 2750, #D3, *Andrew James McKenzie*, 38, [98].

<sup>143</sup> Crown Entities Act, section 97 referred to in Wai 2750, #D3, *Andrew James McKenzie*, 38, [98].

<sup>144</sup> Crown Entities Act, section 103 referred to in Wai 2750, #D3, *Andrew James McKenzie*, 38, [98].

<sup>145</sup> Aotearoa New Zealand Homelessness Action Plan: Phase One 2020-2023 (February 2020), developed by the Ministry of Housing and Urban Development, [HUD.005.0161], see Wai 2750, #D3, *Andrew James McKenzie*, 38, [100].

<sup>146</sup> Letter of Expectations, 11 November 2019 3 [HUD.005.0984] referred to in Wai 2750, #D3, *Andrew James McKenzie*, 39, [100].

<sup>147</sup> Tauāki Whakamaunga Atu, Statement of Intent 2019/23, Kāinga Ora – Homes and Communities [KAI.002.7202], referred to in Wai 2750, #D23, *Crown common bundle of documents index*, 5.

<sup>148</sup> Wai 2750, #D3, *Andrew James McKenzie*, 44, [124].

157. Although Kāinga Ora currently have a strong whānau-centred approach, a review of the Kāinga Ora policies or programmes for which evidential fact sheets have been filed set out no specific policies or programmes to directly assist homeless rangatahi other than assistance as a member of their whānau.<sup>149</sup>

#### *Te Anga Whakamua*

158. *Te Anga Whakamua* is Kāinga Ora's interim Māori Housing Strategy document while its Māori Strategy is being developed.<sup>150</sup> It identifies five focus areas that were approved by the Kāinga Ora Board in August 2020, which included homelessness with a "particular focus on at risk groups at critical points as they transition from the care of government (such as prison, hospital or OT care).<sup>151</sup>

159. Five focus areas were identified in *Te Anga Whakamua*, which was approved by the Kāinga Ora Board in August 2020.

160. A number of interventions were developed, these included;

- a) increasing supply through transitioning housing,
- b) stable housing,
- c) improving quality of homes, and
- d) support for wāhine leaving prison, and for returned overseas offenders who are homeless through preventative initiatives such as the Te Waka Urungi Intensive Tenancy Management service.<sup>152</sup>

#### *Increasing home ownership – Community Group Housing*

161. McKenzie explained that currently, Kāinga Ora provide a range of services that are aimed at increasing home ownership.

162. Of the many programmes described by McKenzie, Community Group Housing (CGH) is the only programme that is targeted at youth, albeit one more specifically aimed at youth at risk and families in need of refuge. This programme was developed so that Kāinga Ora could provide housing solutions to community groups that offered a variety of services to these vulnerable New Zealanders.<sup>153</sup>

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<sup>149</sup> Wai 2750, #D3(a), *Appendix A Kāinga Ora policies or programmes for which evidential fact sheets have been filed*.

<sup>150</sup> Wai 2750, #D10, *Crown bundle of Evidential Fact Sheets for Kāinga Ora*, 2.

<sup>151</sup> Wai 2750, #D22, *Te Ariki John Pihama*, 8, [19].

<sup>152</sup> Wai 2750, D022, *Brief of evidence of Te Ariki John Pihama, Deputy Chief Executive – Māori Kāinga Ora – Homes and Communities*, 9-10, [20].

<sup>153</sup> The full list includes: those with physical, intellectual and psychiatric disabilities, those with alcohol or drug issues, youth at risk, ex-prisoners reintegrating back into the community, and women and families that were in need of refuge.

163. As of 3 March 2021, McKenzie stated that CGH managed 1,532 properties (5,249 beds) and that in 2019/2021 the programme added 42 homes to their portfolio.<sup>154</sup>
164. This initiative is focussed on addressing housing needs for whānau, rather than rangatahi who are experiencing homelessness.

#### *Kāinga Ora's Covid-19 Response*

165. Although Kāinga Ora launched a number of initiatives to address issues arising from homelessness as a result of Covid-19, Kāinga Ora does not currently have any policies nor provide any programmes that specifically address rangatahi homelessness.<sup>155</sup>
166. McKenzie has acknowledged that Kāinga Ora faces a number of challenges going forward, particularly concerning transitional housing, funding and supporting wellbeing.<sup>156</sup>
167. These challenges have not yet been met by an adequate response by the Crown through its policies, programmes and initiatives addressing homelessness.

#### ***Engagement and Monitoring; Consultation with Māori***

168. Although Kāinga Ora have recognised that it would be inappropriate for strategic documents such as Te Anga Whakamua to be developed without full or meaningful engagement with Māori,<sup>157</sup> the level of engagement has been selective, targeted and too late in the policy development stage to be considered full and proper engagement and consultation with Māori.
169. Te Ariki Pihama explained that engagement was undertaken with three tira (cohorts) which included iwi leaders, Māori housing experts and internal/inter-agency teams.<sup>158</sup>
170. However, the initial phase of engagement for the development of Te Anga Whakamua featured only internal and inter-agency teams. During this phase they explored Māori values, engagement, health and wellbeing, Te Tiriti o Waitangi and Mātauranga Māori.<sup>159</sup> Surely at this phase it would

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Refer to Wai 2750, Wai 2750, #D3, *Andrew James McKenzie*, at 47, [139]; see also Wai 2750, #D12 *Evidential Fact Sheets for Te Tūāpapa Kura Kāinga*, 2.

<sup>154</sup> Wai 2750, #D3, *Andrew James McKenzie*, 48, [140].

<sup>155</sup> Wai 2750, #D3, *Andrew James McKenzie*, 67 – 70.

<sup>156</sup> Wai 2750, #D3, *Andrew James McKenzie*, 70.

<sup>157</sup> Wai 2750, #D22, *Te Ariki John Pihama*, 7, [16].

<sup>158</sup> Wai 2750, #D22, *Te Ariki John Pihama*, 13, [35].

<sup>159</sup> Wai 2750, #D10, *Crown bundle of Evidential Fact Sheets for Kāinga Ora*, 5.

have been more appropriate to involve a high level of Māori engagement, but this was not the case.

171. The second phase of engagement consisted of a series of six in person and Zoom hui<sup>160</sup> with a selective and targeted group of organisations and Māori housing providers.<sup>161</sup>
172. It is a view shared across the majority of claimants that the level of engagement offered during the development of the Crown's strategic documents was insufficient.
173. This example demonstrates how the Crown does not canvas a broad enough group or allow access and input for those Māori and Māori groups seeking to have their views known.
174. It is important to note also that it is of particular significant to have those that are actively involved in this area in their communities, contributing feedback on programmes of this kind. Often those people are time poor, and providing a contribution in the way of attending engagement hui or reviewing policy is a significant contribution.
175. The expectation from the government that those experts in their field and agents in their communities could or should contribute needs to come with appropriate funding to cover basic costs at least, if not suitable remuneration for the time required to provide that valuable input.
176. As noted earlier, the more policies are changed or re-designed, the more engagement from these members of the Māori communities, placing a more onerous duty on them to continually provide input and advice as to how these policies could best serve and assist Māori.

### ***Claimant Evidence***

177. The evidence of Ms Johanson from Lifewise, and Ms Browne and Mr Lemon from Kāhui Tū Kaha, was that Kāinga Ora were not supplying them the properties that they need in order to house the rangatahi accommodation need that they see, forcing them to instead source that housing from private suppliers.<sup>162</sup>

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<sup>160</sup>Wai 2750, #D10, *Crown bundle of Evidential Fact Sheets for Kāinga Ora*, 5 states that these agencies included Kāinga Ora, MHUD, MSD, New Zealand Māori Council, Te Puna Wai Working Group, Ngāti Whatua Orakei, Tuwharetoa Settlement Trust, Ngai Tahu Holdings, Te Runanga o Te Rarawa, Ngāti Kahungunu Iwi Inc, Te Ati Awa, Te Korowai Aroha o Aotearoa Nga Waiariki, Ngāti Apa, Te Atihaunui a Paparangi, Nga Waiariki, Ngāti Apa, Te Atihaunui a Paparangi Te Kumete o Paerangi (Ngāti Rangi Commercial arm), Tātau Tātau o Te Wairoa Trust, Te Runanga o Ngāti Manawa, Te Runanga A Iwi o Ngāpuhi, Ngāti Uenukukopako Iwi Trust, Ngai Tahu Holdings, Rangitane o Tamaki nui a Rua Inc, Ngaa Rangatahi a iwi, Te Putake Ltd, Royal Associates Architects Ltd, Jefferies Law, Te Hau Ora o Ngāpuhi, Te Kotahitanga o Te Atiawa, Te Matapihi, and Visions Of A Helping Hand Charitable Trust.

<sup>161</sup> Crown Discovery Documents, *List of Attendees* [KAI.002.9312].

<sup>162</sup> Wai 2750, #B55, (16), and Wai 2750, #C19, (19).

178. Ms Paul pointed out that there were, as at July 2020, some 716 rangatahi Māori on the public housing register (of a total of 1,245 young people).<sup>163</sup> Those numbers show a legitimate and significant number of rangatahi needing specialised assistance and a lack of representation of that need in the organisation's policies.

## **Ministry of Housing and Urban Development, Te Tūāpapa Kura Kāinga**

### ***Historical Crown Policy, Engagement and Consultation***

179. The Supported Accommodation for Youth (SAFY) programme was implemented in 2015 to provide housing for rangatahi on the social housing register however the number placements is miniscule when compared to the number of rangatahi who are currently experiencing homelessness.<sup>164</sup>

180. The Government developed the Supported Accommodation for Youth (SAFY) as part of the 2014-17 Government's Social Housing Reform Programme.<sup>165</sup>

181. SAFY was introduced in 2015 and is still active and is administered by HUD.<sup>166</sup>

182. This programme was initiated by providers and there is no evidence to show consultation and engagement with Māori during the development of this programme. It also lacks ongoing input on policy objectives and outcomes.<sup>167</sup>

183. In his evidence, Crisp explained that this programme was targeted at 16–19-year-olds with an aim of temporarily housing youth from the Housing Register, and supporting them into training, education and long-term sustainable housing.<sup>168</sup>

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<sup>163</sup> Wai 2750, #C4, (29), (51) of the statement of evidence, footnote 25, Ms Paul relies here on the Public Housing Register Dashboard 24 July 2020, Youth Clients aged 21 and younger, see also Wai 2750, #C19(a), Appendix A to the evidence of Jacqueline Paul and Bianca Johanson, document K, 152, similarly material is available at #3.1.224(a), The Public Housing Report, Snapshot for Whānau Māori, April 2020.

<sup>164</sup> Wai 2750, #D12, *Crown bundle of Evidential Fact Sheets for Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development*, 1.

<sup>165</sup> Wai 2750, #D12 *Evidential Fact Sheets for Te Tūāpapa Kura Kāinga*, 1.

<sup>166</sup> Wai 2750, #D12 *Evidential Fact Sheets for Te Tūāpapa Kura Kāinga*, 1.

<sup>167</sup> Wai 2750, #D12 *Evidential Fact Sheets for Te Tūāpapa Kura Kāinga*, 2.

<sup>168</sup> Wai 2750, #D1(b), *Appendix B Policies and programmes for which evidential facts sheets have been provided*, 7.



184. He explained that SAFY also aimed to provide a path for youth that did not expose them to the welfare system and subsequent welfare dependence.<sup>169</sup>
185. SAFY, he explained, was delivered by community providers, and that the service provided young people with a range of support from learning basic living skills to help them access other support in the community, such as Youth Service.<sup>170</sup>
186. The SAFY service is a current programme which shows promise towards genuinely providing a solution to issues experienced by rangatahi who are homeless. However, it fails to connect with programmes Māori providers are offering or could offer on a larger scale in order to address the need.

*Engagement strategy 2011-2021*

187. His Honour asked the Ms Crisp in writing why “the draft Māori engagement strategy completed between November 2011 and January 2021 was not progressed” to which the answer was; “We are unable to confirm why this was not progressed. It is possibly to do with the disestablishment of the DBH and the transferral of work during the creation of the Ministry of Business, Innovation and Employment.”<sup>171</sup>
188. Such an answer or explanation is far from satisfactory and shows the extent to which engaging with Māori has failed to be a priority for at least the last decade.

*The Development of the Homelessness Action Plan*

189. As a result of the Cross-Party Inquiry into Homelessness in 2016, recommendations were made to increase youth housing and services.<sup>172</sup>
190. This led to the development of the Homelessness Action Plan released in February 2020.<sup>173</sup>

**Current Settings**

*Supported Accommodation for Youth Programme (SAFY)*

191. Kāhui Tū Kaha currently provides 12 places to rangatahi who are homeless, under the SAFY programme. These rangatahi are generally in

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<sup>169</sup> Wai 2750, #D1(b), *Appendix B Policies and programmes for which evidential facts sheets have been provided*, 7.

<sup>170</sup> Wai 2750, #D1(b), *Appendix B Policies and programmes for which evidential facts sheets have been provided*, 7.

<sup>171</sup> Wai 2750, #D1(f), 21.

<sup>172</sup> Wai 2750, #D1, *Andrew Nelson Crisp*, 53.

<sup>173</sup> Wai 2750, #D7(a), *Appendix A to Brief of evidence of Jeremy Luke Steele: Aotearoa/New Zealand Homelessness action plan phase one 2020-2023*.

receipt of MSD's Youth Payment,<sup>174</sup> however these places are not specifically allocated to rangatahi Māori.<sup>175</sup> As noted above already, that number of places is insufficient to address the homelessness of rangatahi and youth that this organisation encounters.<sup>176</sup>

#### *Homelessness Action Plan*

192. The HAP states that the government recognises the vulnerability of rangatahi, and the impact that homelessness can have on them.<sup>177</sup>
193. It was recognised during the HAP's development that some immediate actions, and longer-term actions, needed to be put in place to prevent and reduce homelessness.<sup>178</sup> The "immediate actions" were to be put in place in 2020 and progressively rolled out, "longer-term actions" were to be developed from 2020-2023.<sup>179</sup>

#### *Local Innovation and Partnership Fund*

194. The Crown highlighted that one of the long-term actions brought forward under the HAP included further responses for cohorts at-risk of homelessness with an initial focus on "rangatahi/young people" and Pacific peoples.<sup>180</sup> Under the HAP, the Local Innovation and Partnership Fund was initiated to respond to youth homelessness.<sup>181</sup>
195. However, this fund is limited to providing "a small increase in the number of youth-specific Transitional Housing services since 2016 and HUD continues to support the Supported Accommodation for Youth places in Tāmaki Makaurau provided by Kāhui Tū Kaha."
196. Steele stated that organisations such as Manaaki Rangatahi are aware of the existence of the fund<sup>182</sup>but as Ms Johanson confirmed, Manaaki Rangatahi had received no financial support through that fund or any other government fund.<sup>183</sup>
197. Budget 2021 provided no direct and specific funding allocation for initiatives to address rangatahi housing and homelessness.<sup>184</sup>

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<sup>174</sup> It is noted in #D1(b) that Youth Payment is for rangatahi aged 16 or 17 who could not live with their parents or guardians and are not supported by them or anyone else.

<sup>175</sup> Wai 2750, #D1(b) *Appendix B Policies and programmes for which evidential facts sheets have been provided*, 7, 8.

<sup>176</sup> Wai 2750, #B55, (16), and Wai 2750, #C19, (19).

<sup>177</sup> Wai 2750, #D7(a), *Appendix A Aotearoa/New Zealand Homelessness action plan phase one 2020-2023*, 24.

<sup>178</sup> Wai 2750, Wai 2750, #D7, *Jeremy Luke Steele*, 9, [32].

<sup>179</sup> Wai 2750, Wai 2750, #D7, *Jeremy Luke Steele*, 9, [32].

<sup>180</sup> Wai 2750, #D1, *Andrew Nelson Crisp*, 25, [97.2].

<sup>181</sup> Wai 2750, #D1, *Andrew Nelson Crisp*, 53.

<sup>182</sup> Wai 2750, #4.1.7, *Transcript of Hearing Week 3*, 70.

<sup>183</sup> Wai 2750, #4.1.6, 212.

<sup>184</sup> Wai 2750, #D1(d) *Appendix to the Brief of Evidence of Andrew Nelson Crisp: Budget 2021*.

198. Steele provided supplementary evidence to detail specific progress being made by MHUD to address youth homelessness in 2021. He explained that: “Work is currently underway to urgently increase the accommodation and support options for rangatahi through Transitional Housing. Te Tūāpapa Kura Kāinga has engaged with some providers including from the Manaaki Rangatahi collective to begin to identify and progress opportunities.”<sup>185</sup>
199. In addition to this, Steele stated that specific progress was being made through allocations of funding through the Local Innovation and Partnership Fund in 2021, of which two applications through RainbowYouth (Auckland) and One Double Five Whare Awhina (Whangarei) focus on youth-oriented initiatives.<sup>186</sup>
200. The strategic intention of this Local Innovation and Partnership fund is stated to be for the following cohorts; “Māori, Pacific Peoples, women, rangatahi/young people, migrants and refugees, older people, the rainbow community, and disabled people.”<sup>187</sup>
201. Given the stated scope of this fund, it cannot be categorised as a targeted fund or project for rangatahi and because it is a contestable fund<sup>188</sup> there is no assurance that any given portion of this will go towards addressing rangatahi needs.
202. Steele’s view is that progress had been made on HAP initiatives, including (but not limited to) the launching the Local Innovation and Partnership Fund, which has continued to increase transitional housing with 1,000 places being delivered as of February 2021.<sup>189</sup>
203. This response is too little, too late, is insufficiently focussed or targeted to be able to described as providing help for the many rangatahi who are experiencing homelessness.

#### *Other Programmes*

204. HUD also provide two more funding streams which would seem to be suitable to targeting assistance for rangatahi, these are the Transitional Housing and Sustaining Tenancies programmes.
205. Both can deliver housing assistance to individuals or whānau, and by their nature would seem to be suitable to bringing rangatahi out of

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<sup>185</sup> Wai 2750, #D7(c), *Supplementary evidence of Jeremy Steele*, 7, [25].

<sup>186</sup> Wai 2750, #D7(c), *Supplementary evidence of Jeremy Steele*, 7, [27]

<sup>187</sup> Wai 2750, #D1(h), 1, see also #D12, Tab 17.

<sup>188</sup> Wai 2750, #D1(h), 1.

<sup>189</sup> Wai 2750, #D7, *Jeremy Luke Steele*, 10,[34].

homelessness into a system that provides stable housing. These funding streams are not available automatically to CHPs, Transitional Housing is available to social service providers with Level 3 Social Sector Accreditation, Sustaining Tenancies is available through “partnering” arrangements that begin with an ‘Invitation to Partner’ from HUD.<sup>190</sup>

206. These variations and complexities of the different funding arrangements and conditions show the many hurdles which the Māori organisations must engage with in order to secure access to the funding.

207. While an increase on earlier years, the last year of funding for Transitional Housing provided just 10.5% to Māori providers, despite them being 25% of the 49 providers.<sup>191</sup> For Sustaining Tenancies there are 12 Māori providers, 21 other providers, and Māori providers received just 20% of the funding for the first three year period.<sup>192</sup>

#### *HUD’s Covid Response to Youth Homelessness*

208. Steele stated that in July 2020, Cabinet noted that officials would bring forward the development of further responses for cohorts at risk of homelessness, particularly for rangatahi, to respond to emerging needs and build on the COVID-19 response.<sup>193</sup>

209. However, Steele also acknowledged that to progress many of these longer-term actions, further policy development and engagement will be needed with key stakeholders, including Māori and Iwi providers and people with lived experience of homelessness, and Ministerial decisions as well as additional funding.<sup>194</sup>

#### ***Engagement and Monitoring; Consultation with Māori***

##### *Supported Accommodation for Youth Programme (SAFY)*

210. That Crown explained that there has not been monitoring and evaluation built into the SAFY programme by HUD, but rather that Kāhui Tū Kaha have provided regular monthly reporting to the Contract Management Team within HUD of the occupancy of the SAFY property.<sup>195</sup>

211. Concerning quantitative and qualitative data to demonstrate this programme, Kāhui Tū Kaha aimed to provide 12 places to young people

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<sup>190</sup> Wai 2750, #D1(h), 2. See also the Evidential Factsheet #D12, Tab 30 for Transitional Housing and #D12, Tab 29 for Sustaining Tenancies.

<sup>191</sup> Wai 2750, #D1(h), 2.

<sup>192</sup> Wai 2750, #D1(h), 2-3.

<sup>193</sup> Wai 2750, #D7, *Jeremy Luke Steele*, 15, [57].

<sup>194</sup> Wai 2750, #D7, *Jeremy Luke Steele*, 15, [58].

<sup>195</sup> Wai 2750, #D12, *Evidential Fact Sheets for Te Tūāpapa Kura Kāinga*, 3.

generally in receipt of Youth Payment.<sup>196</sup> As at 30 December 2020 there were 9 people residing in the SAFY accommodation that was operated by Kāhui Tū Kaha.<sup>197</sup>

212. This initiative was developed by a Ministry to supposedly address the vulnerability of rangatahi who are homeless, however the number of placements provided is underwhelmingly low compared when compared to the number of rangatahi experiencing homelessness, which demonstrates that the Crown has failed to meet this immediate need.
213. The witnesses from Kāhui Tū Kaha, Ms Browne and Mr Lemon, gave evidence that the placements they have are full and the need is far in excess of those 9 or 12 they are funded for, and that they have found dissatisfaction with obtaining funding or resourcing to house more rangatahi under this system.<sup>198</sup>

#### *MAIHI Framework*

214. The generic submissions on the MAIHI framework are adopted here regarding the monitoring of policies and input from Māori.
215. A number of additional comments are made here in relation to the specific issue of rangatahi homelessness.
216. There appears to be limited input from Māori in terms of strategic decision-making about the MAIHI framework. Mrs Calcott-Cribb stated that the determination of priority areas to reduce homelessness was made by Ministers, with no reference to wider consultation with Māori.<sup>199</sup>
217. This framework consists of several performance measures and indicative outputs for investment, so that He Kūkū ki te Kāinga and He Taupae has been developed to focus on projects within the scope set out in the framework and meeting funding criteria inclusive of (but not limited to):

*“Te kounga - Quality of proposal:* Providing the best possible outcomes for whānau Māori.

*Te hiahia - Where needs are:* The project is focused on our most vulnerable communities and will address the housing needs and aspirations of whānau Māori in the locality.”<sup>200</sup>

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<sup>196</sup>Wai 2750, #D1(b), *Appendix B List of policies and programmes for which evidential facts sheets have been provided.*

<sup>197</sup> Wai 2750, #D12, *Evidential Fact Sheets for Te Tūāpapa Kura Kāinga*, 3.

<sup>198</sup> Wai 2750, #B55, (20 – 21).

<sup>199</sup> Wai 2750, #D6, *Kararaina Rowena Calcott-Cribb*, 18, [70].

<sup>200</sup> Wai 2750, #D6, *Kararaina Rowena Calcott-Cribb*, 18, [71].

218. The current reporting of MAIHI outcomes does display sufficient information to be able to determine clear correlation between the implementation of its programmes and positive outcomes for rangatahi.
219. Steele has explained that the next public progress report will be more detailed as more information is gained about how the actions are working, with evidence of outcomes and further data and evidence on homelessness. The next report will be published in September 2021.<sup>201</sup>

#### *HAP Monitoring*

220. Steele indicated that in terms of accountability, public reporting on the HAP and efforts to reduce and prevent homelessness will be published every 6 months, with the first published in September 2020 and a second public report in March 2021. However, data on youth homelessness is not included as an indicator on these public reports.<sup>202</sup>
221. Steele commented that: “that all actions of the HAP that have been put in place would be monitored, reviewed, evaluated, and reported on regularly. Outcomes will be measured and reported on regularly, and, along with improvements to data on homelessness, this will help to measure impact made across the HAP. This will assist government, providers, and support services to better understand how effective an action is, why it was effective, and what actions work well for different people. It will take time to measure progress against the key outcomes.”<sup>203</sup>
222. Steele explained that in the first half of 2021, Ministers have agreed for Crown agencies to prioritise progressing advice that would address gaps in homelessness measures for rangatahi, working across Te Tūāpapa Kura Kāinga including Te Kahui Kāinga Ora, MSD, OT and Ara Poutama Aotearoa - Department of Corrections. He stated that Te Tūāpapa Kura Kāinga would also be working with Te Matapihi and Community Housing Aotearoa as the Homelessness Sector Services to make sure any advice is informed by the expertise of the sector.<sup>204</sup>

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<sup>201</sup> Wai 2750, #D7(c), *Supplementary evidence of Jeremy Steele*, 12, [46].

<sup>202</sup> Wai 2750, #D7, *Jeremy Luke Steele*, 10, [37].

<sup>203</sup> Wai 2750, #D7, *Jeremy Luke Steele*, 13, [46].

<sup>204</sup> Wai 2750, #D7(c), *Supplementary evidence of Jeremy Steele*, 8, [28] - [29].

### **Tuatoru: Claimant Evidence**

223. A table summarising the evidence presented by claimants and claimant witnesses on this issue is supplied with these submissions as Appendix A.
224. We note that these submissions address the issues of homelessness for rangatahi at a generic or Inquiry level, and that the specific interpretation of the claimant evidence may vary to that stated by counsel for those claims, although it is hoped that is rarely the case.
225. The evidence of the many claimant witnesses demonstrates that the issue of rangatahi homelessness is present across Aotearoa and is not isolated to Tāmaki Makaurau or the larger centres alone.
226. We note that much of the evidence in this Inquiry relates to vulnerable whānau needing housing and support to avoid homelessness, and it is both logical and intuitive to conclude that this evidence also demonstrates vulnerable rangatahi, albeit those that are able to have their needs addressed as part of that whānau. Failure to provide suitable support for whānau will only expose those rangatahi within the whānau to greater risk and negative outcomes in the future.
227. The circumstances rangatahi face when not living with their whānau are profoundly different. Those support networks need to be designed with assistance that will first restore their individual capacity, their individual health and wellbeing to the point that those whānau too may benefit and those individuals might even be able to contribute to the health of their whānau also.
228. Claimant evidence covered Tāmaki Makaurau, North Auckland and Warkworth, Tauranga and the Bay of Plenty, Fielding, Wellington and Rotorua.
229. That evidence also came from those present in organisations dealing directly with rangatahi facing homelessness, including;
  - a. Kāhui Tū Kaha (Te Rūnanga o Ngāti Whatua);
  - b. Manaaki Rangatahi;
  - c. Vision West;
  - d. Lifewise Trust;
  - e. Manurewa Marae;
  - f. Te Puea Memorial Marae;

- g. Tiny and Lynley Dean, Rotorua;
  - h. Kai Iwi Pa, Fielding;
  - i. the Waka of Caring, Manurewa; and
  - j. the State Housing Action Network, Tauranga.
230. The evidence of Ms Paul and Ms Johanson also endorsed the research on youth homelessness in Kirikiriroa<sup>205</sup> and Palmerston North.<sup>206</sup>
231. All of these witnesses and organisations provided first-hand accounts of the shortfall of assistance in funding and capacity that they have to assist with homelessness amongst rangatahi.
232. A number of witnesses provided expert or high level first-hand evidence addressing the issues with the provision of assistance and help available to rangatahi at an institutional level, including;
- a. Dr Shiloh Groot;<sup>207</sup>
  - b. Jacqueline Paul;<sup>208</sup>
  - c. Bianca Johanson;<sup>209</sup> and
  - d. Dr Kate Amore, Dr Philippa Howden-Chapman, Jenny Ombler and Helen Viggers.<sup>210</sup>
233. Those witnesses provided key statements as to the ongoing issues and the solutions needed, including;
- a. Further and more detailed research and data;
  - b. Better record keeping by MSD and OT;
  - c. Tailored wrap-around support services;
  - d. Increase in the number of safe and secure beds/rooms/houses available to rangatahi, and culturally appropriate housing solutions centred around a whānau approach;
  - e. Broadening the parameters so organisations can assist OT rangatahi seeking help; and

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<sup>205</sup> Wai 2750, #C19(a), 64-119, Research by Dr Anna Casey-Cox, "*Youth Homes: Building the Village*."

<sup>206</sup> Wai 2750, #C19(a), 16-63, Research by Olivia Douglas and Amy Viles "*Young people facing Housing Deprivation in Palmerston North: A Crisis?*"

<sup>207</sup> Wai 2750, #C12.

<sup>208</sup> Wai 2750, #C4.

<sup>209</sup> Wai 2750, #C19.

<sup>210</sup> Wai 2750, #C14.



- f. Strengthening the partnership between Ministry and iwi, hapū, whānau, and Māori organisations.

### ***The Evidence of 'R'***

234. The first-hand account of the experience of homelessness was provided in an anonymised brief of evidence from 'R'.<sup>211</sup> The way the evidence was written shows that despite this being her personal ordeal, it had been reviewed in an almost academic fashion, showing incredible personal insight and reflection on her experience.
235. 'R' ranks homelessness in three tiers;
  - a. those that sleep outside in makeshift shelter;
  - b. those that stay at friends' houses, garages, tents or caravans, where the accommodation available is very temporary; and
  - c. those that have access to accommodation that is up to a minimum standard for a longer period of time but where there is no certainty that it will continue, like boarding houses, women's refuges, motels.<sup>212</sup>
236. R's account shows how organised the homeless population can be, their ability to support each other and the level of distrust for aloof government agencies that are not invested and committed to their greater wellbeing.
237. This evidence shows that the assistance to rangatahi needs to come without judgment or conditions, to ensure that they know what is available, how to get it, and that if and when they want to stop sleeping rough or in a transient way, that they can access those options.
238. R suggested that what was needed to better reach these rangatahi was tailored assistance, better research and community-based solutions.<sup>213</sup>

### ***The Evidence from Manurewa-Based 'Waka of Caring'***

239. Debbie Munroe and Troy Olliver gave evidence showing the extent of local need in Manurewa of local homeless youth needing food and support.
240. The assistance they offer is not just limited to provision of food, but also helping the homeless as advocates when needing support from health, housing or financial support providers.<sup>214</sup>

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<sup>211</sup> Wai 2750, #C5(a).

<sup>212</sup> Wai 2750, #C5(a), 2.

<sup>213</sup> Wai 2750, #C5(a), 17-18.

<sup>214</sup> Wai 2750, #B39, (20).

241. It cannot really be overstated how hard it is for homeless youth to access the government-led housing support and assistance.
242. The programme that was established by Debbie started by operating out of her own home, and then in December 2019 she was provided with a rent-free building in Manurewa to utilise as their drop in centre by an anonymous donor. In the first month in this space, Waka of Caring saw and provided help to 2,202 people, with food parcels for 169 whanau and meals for 778.<sup>215</sup> Now they regularly help 135 people per day,<sup>216</sup> with children coming with their parents,<sup>217</sup> as well as rangatahi that they know to be sleeping rough on the street.<sup>218</sup>

### ***The Evidence of Dr Shiloh Groot***

243. Dr Shiloh Groot emphasised the connection between housing instability and the impact on education and community support networks.<sup>219</sup>
244. Dr Groot focussed on whānau based solutions, which these submissions agree, are the top priority or best form of solution and support,<sup>220</sup> such a structure to the support would also allow the solutions to be locally driven and strengths based, intergenerational in impact and collective in scope.<sup>221</sup> These submissions argue that Māori providers and local community based providers are best positioned to know the local need, how to reach those communities and the individuals within them, and provide sustained assistance.
245. Dr Groot's evidence supports the view of 'R' and suggests that government providers are often regarded with suspicion by those that are vulnerable, living with homelessness or the threat of it, especially where there is the chance of "committal for compulsory treatment."<sup>222</sup>
246. Dr Groot talks about barriers to access of "having to constantly meet the information requirements and conditions set out by Crown housing services are beyond onerous in already stressful conditions."<sup>223</sup>
247. Dr Groot also takes the view that the Crown has a "preoccupation with housing initiatives as the solution to homelessness (as exemplified by the HAP) ignores how Māori came to be over-represented in homeless

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<sup>215</sup> Wai 2750, #B39, (28).

<sup>216</sup> Wai 2750, #B39, (41).

<sup>217</sup> Wai 2750, #B39, (44)

<sup>218</sup> Wai 2750, #B39, (100)

<sup>219</sup> Wai 2750, #C12, (8, 18)

<sup>220</sup> Wai 2750, #C12, (9a)

<sup>221</sup> Wai 2750, #C12, (18)

<sup>222</sup> Wai 2750, #C12, (21)

<sup>223</sup> Wai 2750, #C12, (11)

populations”<sup>224</sup> and goes on to suggest that the issue is the homelessness which emerges as a result not from lack of housing, but that this comes as a result of employment insecurity, income insecurity, and rights insecurity.<sup>225</sup>

248. That evidence also showed the current state of rental market issues, racism and discrimination which Māori face, and the extent to which rising rents making finding a home to rent to be prohibitively expensive and difficult in addition to the racial profiling that goes on.<sup>226</sup>
249. During the presentation of the evidence and in response to questions Dr Groot elaborated further on some of these issues.
250. When asked, “How would having a Te Ao Māori starting point to define homelessness, how would that assist with the shaping of policy as a starting point?”<sup>227</sup>
251. Dr Groot responded saying “I think definitions are useful for organising our thoughts around the issue but its application is incredibly important as well...I think it would be critical when guiding a response to homelessness given the direct impact or the disproportionate burden that Māori have borne as a result of discriminatory acts of the Crown and inactivity of previous governments.”<sup>228</sup>
252. When asked “about what Māori providers need in terms of support of in terms of funding, in terms of policy settings, and would you consider a more broad definition of homelessness would enable those Māori providers, coming at it from a kaupapa Māori approach, would that give them greater capacity to address the need within their communities?”, Dr Groot responded “Absolutely.”<sup>229</sup>
253. Dr Groot was asked “And why do you say that?” to which she responded:
- “I think there’s a tendency to want to measure the issue in order to provide more statistical evidence for funders, to compel action, but without a broad understanding, those many intersecting areas that drive homelessness will continue to impact it and we will narrow our responses and our effectiveness as a result.”<sup>230</sup>

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<sup>224</sup> Wai 2750, #C12, (12)

<sup>225</sup> Wai 2750, #C12, (12a-c)

<sup>226</sup> Wai 2750, #C12, (15).

<sup>227</sup> Wai 2750, #4.1.6, 108.

<sup>228</sup> Wai 2750, #4.1.6, 108.

<sup>229</sup> Wai 2750, #4.1.6, 108.

<sup>230</sup> Wai 2750, #4.1.6, 108.

254. Dr Groot was asked, “[W]ould you agree that it would provide or would give those providers greater capacity and flexibility to go out to their community, and like you say in here, not just find and address the need on the street but reach people before they hit that point?” and she agreed, “Yes, it would.”<sup>231</sup>
255. Dr Groot went on to point out that “coherency across the system is necessary, but Māori providers are more likely to be at the cold(sic) front, but not all Māori will want to engage with Māori services. So it needs to be a humanistic approach across should be central and can be drawn from and definitely should be drawn from te ao Māori that offers manaakitanga.”<sup>232</sup>
256. Dr Groot, in response to questions about what constituted kaupapa Māori suggest that: “Kaupapa Māori is leadership, a Crown proposal usually subsumes that leadership.”<sup>233</sup>

***The Evidence of Jacqueline Paul***

257. Ms Paul suggested that one interpretation of the Tiriti guarantee of “tino rangatiratanga o ō rātou kāinga” could include housing security.<sup>234</sup>
258. The evidence of Ms Paul outlined that the statistics and estimates held by HUD are that 7,644 rangatahi are suffering severe housing deprivation, and that rangatahi Māori make up more than half of the homeless population amongst youth.<sup>235</sup>
259. The 2013 census recorded that 1.1% of the youth population (11,706 young people), were homeless,<sup>236</sup> and 5,885 of those were in Tāmaki Makaurau.<sup>237</sup>
260. The situation in Tāmaki Makaurau was confirmed as dire in research conducted in 2018, showing that 45% of the homeless were under 18 years old, and 43% of all those homeless were Māori, despite being only 11% of the city’s population.<sup>238</sup>
261. Ms Paul pointed out, and it is clear from the data before this Tribunal, that there are various definitions of youth across different government

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<sup>231</sup> Wai 2750, #4.1.6, 109.

<sup>232</sup> Wai 2750, #4.1.6, 110.

<sup>233</sup> Wai 2750, #4.1.6, 112.

<sup>234</sup> Wai 2750, #C4, (47).

<sup>235</sup> Wai 2750, #C4, (33), see footnotes 11 and 12.

<sup>236</sup> Wai 2750, #C4, (33), see footnote 13.

<sup>237</sup> Wai 2750, #C4, (33), see footnote 14.

<sup>238</sup> Wai 2750, #C4, (34), see footnote 15.

agencies, which makes the gathering and comparison of data more difficult, and limits the effectiveness of those policies.<sup>239</sup>

262. The evidence provided by Ms Johanson below shows the use of the Emergency Housing Special Needs Grants in 2020 by those aged 16-24. Ms Paul points out that between September 2016 to January 2020, 23,403 Māori households relied on this grant.<sup>240</sup>
263. Rangatahi are also able to register for public housing, and as at July 2020 there were 1,245 young people on that register, 716 of those were Rangatahi Māori.<sup>241</sup>
264. This data shows up in the Emergency Housing Dashboard and the Public Housing Register Dashboard for Youth Clients aged 21 and under.<sup>242</sup> This is also an example of variation in the ages of data recorded for those treated as youth or young people. Here, in the HUD records, the age of youth or young people is 21 or younger, whereas elsewhere such as in Oranga Tamariki material and data, youth or young people are defined as those who are 25 years or younger.
265. Mr Crisp was asked in writing by His Honour if he could “clarify what you mean Māori adults under the age of 29 were 56.1% of Māori who moved?” Mr Crisp responded “56.1% of Māori adults surveyed aged 15 years and over who had moved in the previous two years (either domestically or from overseas) were aged 15 to 29 years of age.”<sup>243</sup>
266. In that example they were including Māori aged 15 as adults, and referring to a period where they were as much as two years younger, meaning the period being referred to could include those just 13 or 14 years of age.

*Lack of Support from MSD: Youth Services*

267. Ms Paul produced material about the Youth Services section which she had received from Mel Harrington, the National Manager of this section of MSD.<sup>244</sup>
268. The original material and correspondence with Ms Harrington was also filed post hearing.<sup>245</sup>

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<sup>239</sup> Wai 2750, #C4, (43), see footnote 19 citing Dr Teorongonui Josie Keelan.

<sup>240</sup> Wai 2750, #C4, (50), see footnote 26.

<sup>241</sup> Wai 2750, #C4, (29), (51) of the statement of evidence, footnote 25, Ms Paul relies here on the Public Housing Register Dashboard 24 July 2020, Youth Clients aged 21 and younger, see also Wai 2750, #C19(a), Appendix A to the evidence of Jacqueline Paul and Bianca Johanson, document K, 152, similar material is available at #3.1.224(a), The Public Housing Report, Snapshot for Whānau Māori, April 2020.

<sup>242</sup> Wai 2750, #C19(a), Appendix A to evidence of Jacqueline Paul and Bianca Johanson, document J and K, 151-152.

<sup>243</sup> Wai 2750, #D1(f), 15.

<sup>244</sup> Wai 2750, #C4, (29), (51) of the statement of evidence, 17-20, and footnote 25.

<sup>245</sup> Wai 2750, #3.2.116 Appendix B to Memorandum filed post hearing.

269. The Crown filed a memorandum which set out Ms Harrington's confirmation that this material was accurate and provided some further detail.<sup>246</sup> Regrettably, that evidence came in as a memorandum the last working day before the Crown evidence hearing week, and neither Ms Harrington nor anyone else from Youth Services presented evidence in this Inquiry.
270. In fact evidence about the Youth Services section of MSD is markedly absent from the MSD material produced.

***The Evidence of Bianca Johanson***

271. The evidence of Bianca Johnson focussed squarely on rangatahi homelessness and comes from direct involvement in this area as the Rangatahi Strategy and Development Coordinator within the Rangatahi Housing Team at Lifewise Trust as well as the co-ordinator of the Manaaki Rangatahi collective.
272. Ms Johanson confirmed that 80-90% of the rangatahi they see are Māori.<sup>247</sup> The majority of them are not Oranga Tamariki clients.<sup>248</sup>
273. Lifewise facilities are funded for those rangatahi transitioning out of Oranga Tamariki, which is approximately 30 units.<sup>249</sup> This leaves less than approximately 10 units for those not registered with Oranga Tamariki, which is far too little to address the need they see.<sup>250</sup>
274. Lifewise also offer a Transitional Housing Support program but the terms of the Lifewise funding agreement mean that they can only provide this assistance to those coming out of Oranga Tamariki care, and only those in the low to medium need category.<sup>251</sup>
275. The view of Ms Johanson was that in order to have basic shelter rangatahi need to have their own space, a bedroom at the least, and that transient accommodation or couch-surfing did not offer this.<sup>252</sup>
276. Ms Johanson pointed out that much of rangatahi homelessness is hidden because they are still attending school, going to work, doing courses where they can, while they move from place to place, staying with friends or wherever they can find a bed to sleep in.<sup>253</sup>

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<sup>246</sup> Wai 2750, #3.2.132.

<sup>247</sup> Wai 2750, #C19, (5).

<sup>248</sup> Wai 2750, #C19, (8).

<sup>249</sup> Wai 2750, #C19, (8).

<sup>250</sup> Wai 2750, #C19, (8).

<sup>251</sup> Wai 2750, #C19, (18).

<sup>252</sup> Wai 2750, #C19, (7).

<sup>253</sup> Wai 2750, #C19, 2.

277. The other assistance that they offer to rangatahi is limited to the hours they can open, which is 8:30am-5pm. Those services are not funded to run around the clock, and so those rangatahi present for support and assistance during the day must go fend for themselves each evening, where there is more risk.<sup>254</sup>
278. Within the two-month period of the 2020 lockdown Lifewise had to turn away 100 rangatahi due to lack of capacity to provide assistance for them.<sup>255</sup>
279. In all of Tāmaki Makaurau there are only 100 youth housing beds/spaces available, 80 of those are dedicated to those on the Oranga Tamariki register, leaving just 20 of those beds for other rangatahi.<sup>256</sup>
280. Lifewise have 9 residential units for emergency transitional housing which are available for non-Oranga Tamariki registered rangatahi, but even under the heading of emergency, it takes at least two weeks to be accepted and allocated.<sup>257</sup>

*Emergency Motel Accommodation not suitable*

281. Ms Johanson and others talked about the poor conditions of emergency accommodation available at motels, and their unsuitability for rangatahi.<sup>258</sup>
282. There is a lack of post-emergency assistance. Ms Johanson also pointed out the issues rangatahi face with the mainstream rental market, being the cost of rent and the lack of legal status to sign a lease unless 18 years or older.<sup>259</sup>

*Manaaki Rangatahi*

283. Manaaki Rangatahi are youth homelessness collective that advocates on behalf of rangatahi, bringing together various organisations and teams, including housing providers, funding providers and social service providers to advocate about youth homelessness. Manaaki Rangatahi support providers to access funding support however funding is always intermittent and unstable.<sup>260</sup> These are the issues of have contestable funding settings for crucial work like this.<sup>261</sup>

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<sup>254</sup> Wai 2750, #C19, (19)

<sup>255</sup> Wai 2750, #C19, (14).

<sup>256</sup> Wai 2750, #C19, (20).

<sup>257</sup> Wai 2750, #C19, (24).

<sup>258</sup> Wai 2750, #C19, (24-26).

<sup>259</sup> Wai 2750, #C19, (27).

<sup>260</sup> Wai 2750, #C19, 6.

<sup>261</sup> Wai 2750, #C19, (36).

284. These groups through Manaaki Rangatahi have developed a Rangatahi Housing Strategy. They presented this to the government, but have been told it was not suitable.

*The Homelessness Action Plan*

285. Despite the Government's stated objective of ending child poverty and homelessness there is no specific plan for rangatahi in the HAP.<sup>262</sup> There has also been a dearth of research due to the previous Government's lack of investment into research in this area.<sup>263</sup>

*Ministry Social Development*

286. The first place that rangatahi stop is at the offices of MSD to get assistance, Ms Johanson suggested that workers at MSD do not ask about rangatahi housing situations, and that this needs to change so that rangatahi without a place to stay are triaged and placed in emergency accommodation and given access to wraparound support.<sup>264</sup>

*Current Data - The OIA*

287. As a result of information released when requested we now know the extent of the numbers of rangatahi using emergency accommodation.

288. That OIA sought the number of people aged 16-24 using emergency housing based on the number of Emergency Housing Special Needs Grants ("Grants") issued by MSD.

289. Those numbers released show across the board that Māori are more in need of this assistance, and it shows the cost to the government of providing that assistance.

290. Table Five showed that in 2020 there were 5,340 distinct people aged 16 to 24 that used these Grants.<sup>265</sup>

291. Table Four showed that across the four three-month periods of 2020, the majority of those receiving these Grants were Māori;

- a. For the three months to March, 738 of 1287 were Māori (57%);
- b. For the three months to June, 1248 of the 2076 were Māori (60%);
- c. For the three months to September, 1320 of 2187 were Māori (60%);

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<sup>262</sup> Wai 2750, #C19, (41-46).

<sup>263</sup> Wai 2750, #C19, (44).

<sup>264</sup> Wai 2750, #C19, (51).

<sup>265</sup> C19(b), Table Five, 9.



- d. For the three months to December, 1134 of the 1B899 were Māori (59%).<sup>266</sup>
292. The cost of this support across those quarters were;
- a. For the three months to March \$8,265,889;
  - b. For the three months to June, \$12,911,958;
  - c. For the three months to September, \$13,510,899;
  - d. For the three months to December, \$14,142,963.<sup>267</sup>
293. All of the detail provided in the response given shows that there was greater need for assistance than was reflected in the period to March 2020, but that only emerged when the National lockdown was put into effect.
294. That detail does not show the extent of need amongst rangatahi younger than 16 though, of which there is a known need but the numbers remain unclear.
295. During the presentation of the evidence Ms Johanson provided an update on the status of placements available in Tāmaki Makaurau currently and those sought by the end of 2023.
296. At the time of the hearing there were 64 transitional housing placements for rangatahi in Tāmaki Makaurau.<sup>268</sup>
297. That has only been available since 2017.<sup>269</sup>
298. The goal is 228 supported accommodation placements by the end of 2023 financial year.<sup>270</sup>

***The Evidence of Tipene Lemon and Barbara Browne***

299. These witnesses noted that disability health services were not available to people where they had not been enrolled with a service provider before their 18<sup>th</sup> birthday, cutting them off from assistance, and failing to recognise that their childhood had been too chaotic for them to be enrolled in during their early years.<sup>271</sup>
300. Similarly, their evidence was that a lack of a residential address was a barrier to receiving mental health respite services, a setting which will

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<sup>266</sup> C19(b), Table Three, 7.

<sup>267</sup> C19(b), Table One, 5.

<sup>268</sup> Wai 2750, #4.1.6, 171.

<sup>269</sup> Wai 2750, #4.1.6, 172.

<sup>270</sup> Wai 2750, #4.1.6, 174.

<sup>271</sup> Wai 2750, #B55, (19).

prevent any rangatahi experiencing homelessness to be able to access that assistance.<sup>272</sup>

301. These witnesses also spoke of a number of incidents where Oranga Tamariki-registered young women have left emergency accommodation provided by Kāhui Tū Kaha to give birth, and returned with only the whenua, the baby having been uplifted and results in those young women conditions deteriorating, a return to addictions moving to transient living arrangements.<sup>273</sup> These witnesses emphasised the lack of additional support during a clearly vulnerable and difficult period, and the lack of recognition of the need for holistic care that manages the wellbeing of both baby and mother.<sup>274</sup>
302. Ms Browne emphasised during the presentation of this evidence that Kāinga Ora has a standard contract that they won't budge on, trying to get 80 houses but have to guarantee tenants won't be a nuisance, but "Our people are inevitably going to be a nuisance to the neighbours."<sup>275</sup>
303. Despite these challenges and difficulties, Ms Browne pointed out that they had been able to provide accommodation for 844 people during lockdowns, 51% of those have been Māori.<sup>276</sup>

#### ***The Evidence from Kāinga Oranga of the University of Otago***

304. The evidence from the Kāinga Oranga group from the University of Otago Dr Kate Amore, Dr Philippa Howden-Chapman, Jenny Omblor and Helen Viggers focussed on the full homelessness population and issue and did not specifically address rangatahi homelessness.
305. These witnesses made it clear that it was their view, supported by academic research, that government support prioritises and favours large providers and Pākehā-driven programs rather than Māori led organisations.<sup>277</sup>
306. Their view is that "Māori-led organisations have been disadvantaged by pre-existing inequities in resourcing, as they have not had the resources and infrastructure necessary to secure ongoing and new funding. This has led to entrenchment of inequitable funding for larger Pākehā-led

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<sup>272</sup> Wai 2750, #B55, (19).

<sup>273</sup> Wai 2750, #B55, (20).

<sup>274</sup> Wai 2750, #B55, (20-21).

<sup>275</sup> Wai 2750, #4.1.5, 244.

<sup>276</sup> Wai 2750, #4.1.5, 246-247.

<sup>277</sup> Wai 2750, #C14, 7, under 'Non-governmental agency support'.

organisations that are more likely to have stemmed from the mental health, faith-based, charitable, or community housing sectors.”<sup>278</sup>

307. The issue of data collection and the work the government needs to do to identify the extent of the problem did come up during questions from the Tribunal and Crown. It was in response to those questions that these witnesses identified issues with the MSD approach to the issue of rangatahi homelessness.

#### *Turn Away Records*

308. Dr Amore and Dr Howden-Chapman raised the issue of turn away records, those that appear and try to register for assistance, for public housing, for housing support from MSD, they pointed out that those records need to be taken, and are not currently taken.<sup>279</sup> This is a significant gap in the approach of the government currently, as keeping those records would assist agencies to know what was needed, what was sought, and what happened to them when that assistance was not available or not provided. It would also give an understanding, in the event there was a referral on to other agencies about whether that assistance was eventually provided.

#### **Findings Sought**

309. The claimants seek findings that the Crown has failed to;
- a. establish and progress a stable set of policies aimed at delivering schemes which address rangatahi homelessness;
  - b. monitor and research the scale of the issue of rangatahi homelessness;
  - c. monitor and record the engagement of rangatahi with government agencies in the form of “turn-away records” where rangatahi engage with those agencies but leave without assistance;
  - d. engage with Māori on the development, monitoring and delivery of policies that address Rangatahi homelessness in a Tiriti compliant manner;
  - e. provide sufficient funding to address rangatahi homelessness;
  - f. provide sufficient support, funding and otherwise, to Māori organisations first and foremost, but also to other community groups, to address rangatahi homelessness;

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<sup>278</sup> Wai 2750, #C14, 7, under ‘Non-governmental agency support’.


<sup>279</sup> Wai 2750, #4.1.6, 244, 249-251, and also Wai 2750 #C14, 7.

- g. stop the increase in rangatahi homelessness;
- h. provide rangatahi appropriate housing and support, especially in the provision of emergency housing at motels; and
- i. to ensure the availability and viability of kaupapa Māori solutions to rangatahi homelessness were protected.

#### **Recommendations Sought**

310. The claimants seek recommendations that the Crown;
- a. increase funding to address rangatahi homelessness, in particular to Māori organisations;
  - b. increase the prioritisation of and funding for specialised rangatahi housing;
  - c. avoid, wherever and whenever possible, placing individual rangatahi or rangatahi that are not with members of their whānau, in emergency housing, and to instead place them in rangatahi focussed housing;
  - d. needs to strengthen and embed the system for engaging with Māori for the development of and monitoring of policies that relate to rangatahi homelessness and housing;
  - e. provide flexibility to Māori organisations to address homelessness and housing insecurity (and use funding for those purposes) in a way that is guided by tikanga and a te ao Māori approach to the issues;
  - f. provide greater financial and administrative assistance to Māori organisations seeking to become CHPs, and ongoing assistance to Māori CHPs so they can address the compliance standards required;

**Dated at Tāmaki Makaurau this Tuesday the 21<sup>st</sup> day of September 2021**



The image shows two handwritten signatures in black ink. The first signature is 'Cameron Hockly' and the second is 'Brooke Loader'. Both signatures are written in a cursive style. Below the signatures is a horizontal line.

**Cameron Hockly, Brooke Loader**