

Report on stage one of health services and outcomes released



Earlier this year, the Waitangi Tribunal found that the Crown has breached the Treaty of Waitangi by failing to design and administer the current primary health care system to actively address persistent Māori health inequities and by failing to give effect to the Treaty's guarantee of tino rangatiratanga (autonomy, self-determination, sovereignty, self-government).

The Waitangi Tribunal released *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry*. The Health Services and Outcomes Kaupapa Inquiry is an ongoing inquiry into the ways the Crown has responded to health inequities experienced by Māori.

The stage one report addresses two claims concerning the ways the primary health care system in New Zealand has been legislated, administered, funded and held to account by the Crown since the passing of the New Zealand Public Health and Disability Act 2000. The Act laid out a new structure for the health care system centred on the creation of district health boards to deliver health care to distinct populations.

Māori saw great potential in the reforms to primary health care introduced by the Act and the new Primary Health Care Strategy, released in 2002, and were optimistic that the reforms would improve Māori health outcomes. The reforms introduced new statutory and strategic commitments to Māori health, and created primary health organisations, or PHOs, to coordinate delivery of primary health care services. Māori saw PHOs as an opportunity to exercise tino rangatiratanga guaranteed under the Treaty by controlling the design and delivery of primary health care for their communities.

However, all parties in the stage one inquiry, including the Crown, acknowledged the situation has not substantially improved since 2000: Māori continue to experience the worst health outcomes of any population group in New Zealand. The Tribunal found that the reforms ushered in by the Act in 2000 failed to consistently state a commitment to achieving equity of health outcomes for Māori.

The stage one report examines how, despite the promise of the reforms, the Crown fails to properly fund the primary health care sector to pursue equitable health outcomes for Māori, by failing to target funding where it is needed most and failing to ensure money earmarked for Māori health issues is used for that purpose.

The Tribunal found serious Treaty breaches concerning the way the Crown holds the primary health care sector to account and reports on its performance, finding that there were few mechanisms in place to ensure accountability and that those mechanisms that did exist were rarely used in relation to Māori health.

The Tribunal further found the Crown fails to ensure that Māori have adequate decision-making authority and influence when it comes to the design and delivery of primary health care services. It found that the Act's provision for Māori representatives on district health boards does not fully reflect the principle of partnership, and that no other Treaty-consistent partnership arrangements exist at the district health board level. Further, the Crown fails to properly resource and support Māori-controlled PHOs and health providers to deliver quality health care to Māori communities, in breach of the Treaty principles.

Based on its deliberations in this report, the Tribunal has recommended that the Act and its associated policies and strategies be amended to: give effect to the Treaty principles and ensure that those principles are part of what guides the primary health care sector; and include an objective for the health sector to achieve equitable health outcomes for Māori.

The Tribunal has made an interim recommendation that the Crown and the stage one claimants work together to further assess the extent of the problems in primary health care, and co-design a set of solutions. Both claimant groups broadly suggested creating a national, Māori-controlled agency, organisation, or collective, which would have substantial oversight and control of Māori health-related spending and policy. The Tribunal has suggested that these proposals be the starting point for the conversations between the Crown and the parties.

The Tribunal has directed that the Crown and the claimants inform the Tribunal of the progress of these discussions by 20 January 2020. The Tribunal has reserved the right to issue further recommendations in response to the responses from parties.

Research for stage two of the Health Services and Outcomes Kaupapa Inquiry is currently underway.

The Waitangi Tribunal's report is available to download: [Haoura \[PDF, 2Mb\]\(external link\)](#)

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