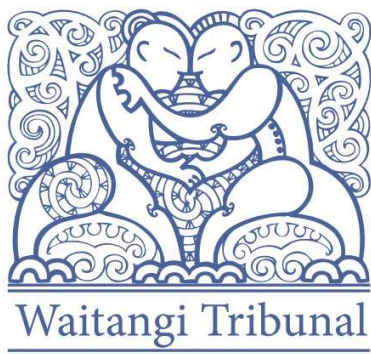


Waitangi Tribunal

Hauwhaikaha Report summary:

Chapter 15 – Fetal Alcohol Spectrum Disorder / FASD

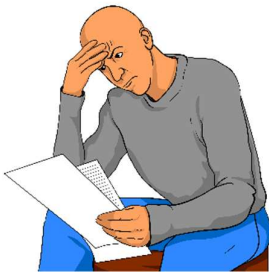


Published: September 2026

Before you begin



This is a long document.



It can be hard for some people to read a document this long.

Some things you can do to make it easier are:



- read it a few pages at a time
- set aside some quiet time to look at it



- have someone read it with you to support you to understand it.



The information in this document may upset some people when they are reading it.



If you are upset after reading this document you can talk to your:

- whaanau / family
- friends.



You can also contact Need to Talk by:

- calling 1737
- texting 1737



It does not cost any money to call / text 1737.

What you will find in here

Page number:



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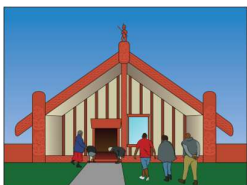
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About this Easy Read



This Easy Read is from the **Waitangi Tribunal**.



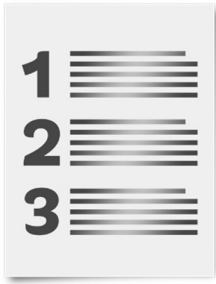
More information about the **Waitangi Tribunal** is on **pages 15 to 16**.



Where it says **we / us** this means the Waitangi Tribunal.



This Easy Read is a **summary** of **Chapter 15 – Fetal Alcohol Spectrum Disorder (FASD)** in the **Hauwhaikaha Report**.



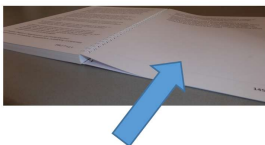
A summary:

- is shorter than the main document
- tells you the important ideas.



Fetal Alcohol Spectrum

Disorder / FASD sometimes happens when a pregnant person drinks alcohol.



You can find out more about FASD on **pages 17 to 18**.



The **Hauwhaikaha Report** is:

- from the **Health Services and Outcomes Inquiry** by the Waitangi Tribunal
- about **claims** that have to do with the disability system.



The **Health Services and Outcomes Inquiry** is about claims made about Aotearoa New Zealand health:

- services
- **outcomes.**

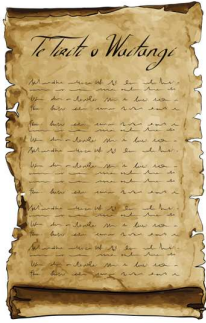


Outcomes means how things turn out for people in life.

For example getting good healthcare can mean being healthier for longer.

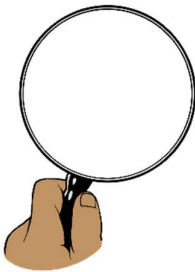


In this document the **Health Services and Outcomes Inquiry** will be called **the inquiry**.



Here a **claim** means someone:

- has told the Waitangi Tribunal that the Government has done something against **Te Tiriti o Waitangi / The Treaty of Waitangi**
- wants the Waitangi Tribunal to look into it.



In this document the word **claimants** means people who have made claims to the Waitangi Tribunal about the disability system.



More information about **Te Tiriti o Waitangi / The Treaty of Waitangi** is on **pages 13 to 14**.



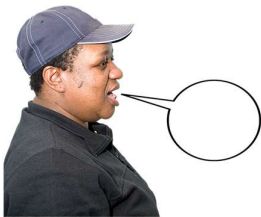
In this document where you see the words **taangata whaikaha Maaori** this means Maaori disabled people.



Te reo Maaori / the Maaori language usually uses **macrons**.

ā ē ī ō ū

Macrons are lines above letters that show you how to say that word.



In te reo Maaori / the Maaori language a macron means to say that letter longer.

Aa ee ii oo uu

The Hauwhaikaha Report uses double letters instead of macrons.

Maaori / Māori

For example Maaori is the same as Māori.



This is so some people can read the words more easily.

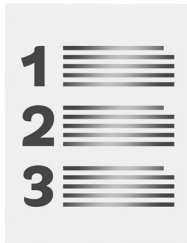


You can read the full Hauwhaikaha Report at this website:

www.bit.ly/Hauwhaikaha



The full report is **not** in Easy Read.

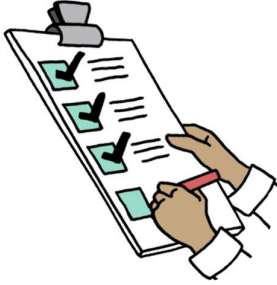


There are summaries of each chapter if you do not want to read the full Hauwhaikaha Report.



The summaries of each chapter are available in Easy Read at this website:

www.bit.ly/Hauwhaikaha-easy



The summary of each chapter gives an outline of:

- important issues
- things that were found out.



The summaries do not include all the:

- **analysis**
- **evidence.**



Here **analysis** means discussion / thinking about what was found out.



Here **evidence** is information about something like:

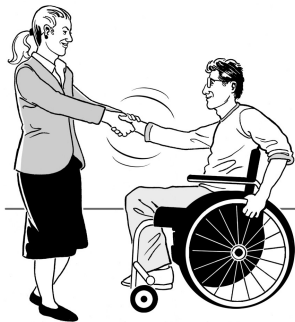
- what people said
- what happened to people
- records / files.

What is Te Tiriti o Waitangi / The Treaty of Waitangi?



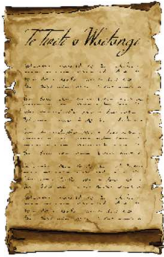
Te Tiriti o Waitangi / The Treaty of Waitangi:

- is an agreement signed between:
 - the Crown
 - and
 - Māori
- was signed in 1840
- is about the:
 - promises made
 - **obligations** for everyone.





Obligations are important things that have to be done.



In this document Te Tiriti o Waitangi / The Treaty of Waitangi will be called **Te Tiriti / The Treaty**.



Where it says the **Crown** in this document this means the **Government**.

What is the Waitangi Tribunal?



The Waitangi Tribunal:

- is a **commission of inquiry**
- listens to claims
- decides if the Government broke a promise made in Te Tiriti / The Treaty
- makes **recommendations** about claims Maaori have made about the Crown.

A **commission of inquiry** is a group of people put together by the Government who learn about things that happened.



Here **recommendations** are advice that would:

- fix a problem
- make things better.

Why are there claims?



Governments of Aotearoa New Zealand have not always kept to the promises made in Te Tiriti / The Treaty.



Māori can go to the Waitangi Tribunal to talk about the Government not keeping the promises made in Te Tiriti / The Treaty.

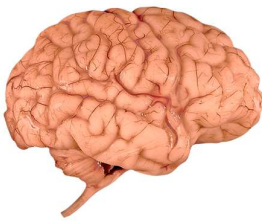
What is FASD?



Fetal Alcohol Spectrum

Disorder / FASD is a

neurodevelopmental disorder that can happen to an unborn baby when a pregnant person drinks alcohol.



Neurodevelopmental disorders

affect how human brains:

- grow
- learn.



Not all pregnant people who drink alcohol will give birth to a baby with FASD.



People with FASD will have FASD their whole lives.



People with FASD may have a hard time with things like:

- their body
- how they behave
- learning
- getting along with other people.



Everyone with FASD:

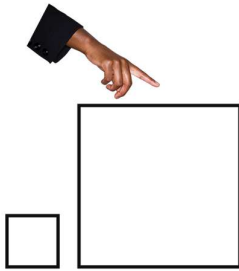
- has different things they find hard
- needs different kinds of support.



Maaori with FASD



Maaori are **disproportionately** affected by harm caused by alcohol like FASD.



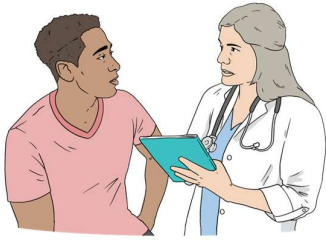
Disproportionately means a group of people is affected by something more than other groups.



We do not know how many Maaori have been harmed by FASD because:

- information about Maaori with FASD has not been collected by the Crown
- FASD can be hard to **diagnose**.





To **diagnose** means a doctor finds out what:

- you are sick with
- health condition you have.



Claimants said they can see there are too many Maaori with FASD because of:

- what people who work with FASD like doctors have said
- what research says.



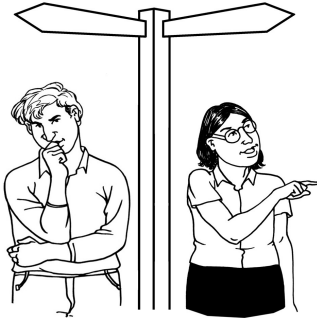
However claimants said there is not enough research done on Maaori with FASD.



The evidence shows there are things we do not know enough about like how many Maaori have FASD.



The things we do not know are called gaps.



The gaps make it harder for the Crown to:

- make good policy about FASD
- understand the needs of:
 - people with FASD
 - whaanau / family of people with FASD.



Research can help us estimate / work out how many Maaori are likely to have FASD.



1 thing we looked at was children in **state care** who may have FASD.

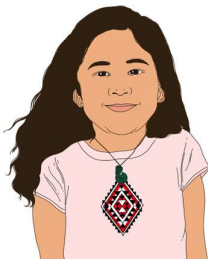


Here **state care** means the Government is in charge of caring for children.



About half the children who come into state care likely have FASD that has not been:

- diagnosed yet
- treated.



Over half of the children in state care are Maaori.



Research shows that Maaori women often drink more in pregnancy than other groups of people.

The Alcohol Healthcare claim



The Alcohol Healthcare claim was **presented** in the first hearing of the inquiry in March 2022.



Here **presented** means to show something to the inquiry.

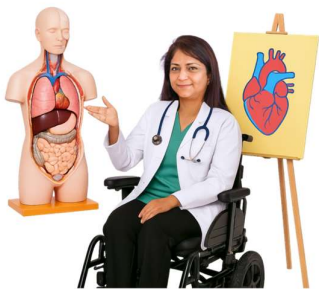
Evidence was presented at the hearing by 8 witnesses.



Witnesses are people who can speak about something because they know about it.



These witnesses included **specialists** in FASD.



Here a **specialist** is someone who has:

- had training in FASD
- experience in working with FASD.

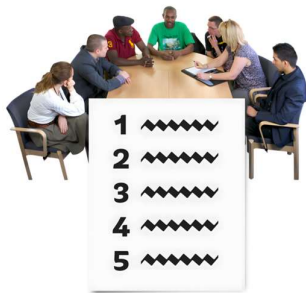


These witnesses also included people who have experienced the effects of FASD like:

- a person with FASD
- whaanau / family member of a person with FASD.



The Crown has said it knows that there are some problems to do with how FASD affects Maaori.



We said that to work on fixing the problems there needs to be **mediation** between:

- the Crown
- claimants.



Mediation is where 2 groups who have had a hard time trying to fix a problem together meet with each other to talk about how to fix the problem.



The Crown and claimants agreed on some things that should be done to improve how the Crown supports Maaori with FASD.



In June 2023 a FASD hui / meeting was held at Parliament.



A FASD Maaori advisory group called Te Kaahui Taurikura Roopuu was announced during the hui.



Te Kaahui Taurikura Roopuu will work out what the Crown should be looking at when working on how FASD affects Maaori.



The claimants found mediation could be useful for other times **Kaupapa Maaori** organisations need to talk about things with the Crown.



Kaupapa Maaori means Maaori ways of doing things.



The claimants said:

- the mediation was useful in reaching some of their goals

but



- there are other problems that have not been fixed.



Some of these problems are that:

- Maaori still experience **prejudice**
- a lot more work still needs to be done to make things better for Maaori with FASD
- a lot of things still need to change in the health system to make things better for Maaori with FASD.





Here **prejudice** is a bad thing that happens because of something the Crown:

- did
- failed to do.

Diagnosing and preventing FASD in Maaori



It can be hard to diagnose FASD if doctors do not know:

- if someone has been drinking during pregnancy
- how much someone has been drinking during pregnancy.



FASD is not usually noticed until **developmental milestones** are:

- slower in happening
- missed.





Developmental milestones are things humans should do as they grow up like learning to:

- walk
- talk.



The claimants said the Crown has not provided funding for FASD diagnosis that is:

- enough money
- able to be used into the future.



Not having the right funding has caused the prejudice experienced by people with FASD to keep happening.



Experts said FASD services need more funding to create FASD assessments that are:

- accessible
- **culturally safe.**



Culture is a way of:

- thinking that a group shares
- doing things as a group.



Here **culturally safe** means the assessment:

- respects the culture of the person taking the assessment
- is safe for people of all cultures.

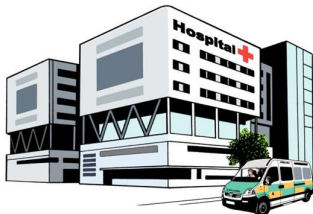


Witnesses have said that without funding for better diagnosis:

- people may be diagnosed with the wrong thing
- whaanau / family may be treated unfairly.



The Crown said there are only a small number of **publicly available** specialists that can give a diagnosis.



Publicly available means people in New Zealand can see the specialist for free through their local hospital.



The Crown says it knows there is not enough good information for parents / caregivers of people with FASD.



Non-government organisations / groups that are not part of the Government often supply the information instead.



In April 2024 **The Fetal Alcohol Spectrum Disorder (FASD) Diagnostic Guidelines for Aotearoa (New Zealand)** were released.



In this document **The Fetal Alcohol Spectrum Disorder (FASD) Diagnostic Guidelines for Aotearoa (New Zealand)** will be called the **FASD Guidelines**.



Here **diagnostic guidelines** guide a doctor in what to look for when diagnosing a patient they think has FASD.



The FASD Guidelines are for professionals who:

- do assessments for FASD
- tell people they have FASD.



In May 2024 Te Whatu Ora started training 30 staff on the FASD Guidelines.



These staff worked in **Child Development Services** with Whaikaha – Ministry of Disabled People.



Child Development Services is part of DSS that supports disabled children who are not meeting their developmental milestones.



In this document **Child Development Services** will be called CDS.



The Crown gave us updates about FASD getting more funding.



Even with these updates we are worried that more long-term funding is needed for:

- prevention / stopping FASD from happening
- diagnosis.



The evidence shows Aotearoa New Zealand does not have information about preventing FASD that:

- works for Maaori
- has been designed with Maaori.





Both claimants and witnesses shared their experiences with diagnostic services that:

- were not good enough
- ended with people being told the wrong diagnosis.

Disability Support Services for Maaori with FASD



People who are **only diagnosed with FASD** cannot currently use **Disability Support Services**.



Only diagnosed with FASD means someone does not have any health conditions other than FASD.



Disability Support Services is the part of the Government that manages funding for the needs of disabled people.

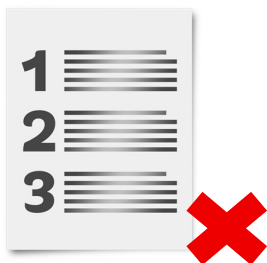


People have asked for many years
for better support / services for:

- people with FASD
- whaanau / families of people with FASD.



The support that has been asked for
includes letting people who only have
a diagnosis of FASD use Disability
Support Services.



The Report of the Disability Rights
Commissioner and Children's
Commissioner to the Prime Minister
has said that there is no good reason
for people with FASD not to have
access to Disability Support Services.



The report said that people with FASD meet the **criteria** for Disability Support Services funding.



Here **criteria** means a list of things that need to be true for someone to use DSS.



The **United Nations Committee on the Rights of Persons with Disabilities** looked at New Zealand in August 2022.



The **United Nations Committee on the Rights of Persons with Disabilities** looks at how countries are doing on meeting their obligations under the **United Nations Convention on the Rights of Persons with Disabilities**.



The **United Nations Convention on the Rights of Persons with Disabilities** is a law lots of countries have agreed to.



The United Nations Convention on the Rights of Persons with Disabilities is also called the **UNCRPD**.

It says what governments must do to make sure disabled people get the same rights as everybody else.



The Committee said it thought New Zealand should change Disability Support Services criteria to include FASD.



In June 2023 the Crown accepted what the UN Committee said with some changes.



The Crown said that to make these changes there will need to be:

- decisions made by Cabinet
- funding decisions.



The Crown said that there is:

- no government funded DSS for adults who only have FASD
- support for children who only have FASD through CDS.





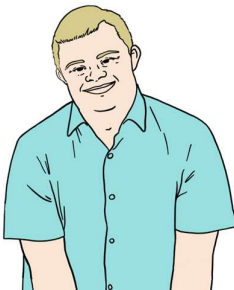
CDS will support children with FASD until they are 16 years old if they have:

- developmental delays
- learning disability
- physical disabilities / disabilities to do with their body
- sensory disabilities / disabilities to do with the senses like touch
- autism.



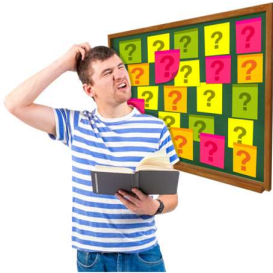
CDS provides:

- assessments
- FASD diagnosis
- **early intervention support.**





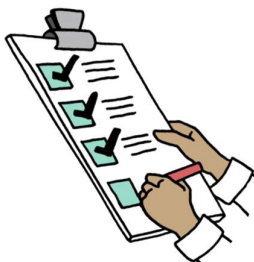
Early intervention support offers developmental / learning support for children until the end of their first year of school.



The Crown says it does not know how many children who have been exposed to alcohol before they were born have been seen by CDS.



The Crown also says people with the highest needs are more likely to access CDS.



Children can access CDS if they have been diagnosed with FASD.



Children can also access CDS if:

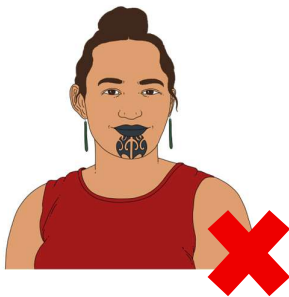
- they might have FASD

and

- they need support to meet developmental milestones.

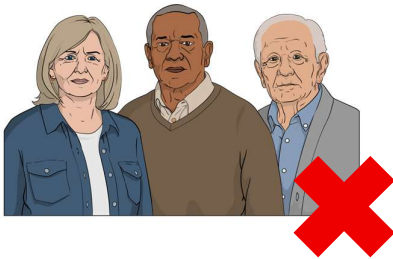


During the inquiry the Crown said it was already doing a review of who could use DSS.



Māori who only have FASD still cannot use DSS even with all the evidence.

Has the Crown partnered well with Maaori to respond to FASD?



The claimants said that the response to FASD from the Crown has not been done together with Maaori.



They noted that Maaori with FASD need strong cultural connections.



Claimants said that Maaori deserve Maaori ways of doing things for:

- prevention / stopping things from happening
- assessment
- diagnosis
- care.





Claimants also said that Maaori need **resources** to support them to understand FASD in te ao Maaori / the Maaori world.



Resources means things like:

- time
- information
- people to do the work.



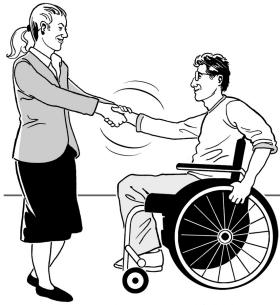
Talking with Maaori communities about FASD is important.



These talks need to happen in an honest way because of how badly people think about:

- pregnant people drinking alcohol
- FASD.





The Crown showed evidence that the Ministry of Health is working with Maaori on making responses to FASD better.



It said this includes the mediation that is being done with the claimants.



We are pleased with both groups for doing this mediation process together.



The Maaori and Crown relationship around FASD is still new.



We want to remind everyone of the need to provide good support to taangata whaikaha Maaori groups like Te Kaahui Taurikura Roopuu.



This will support them to work on good ways of supporting Maaori with FASD.

Tribunal findings



The Crown has to make sure that culturally appropriate health services are accessible.



We think that there are not currently enough:

- services for people with FASD
- staff working in FASD.



What we have now will not work for the future.



We agree with the claimants that more long-term funding is needed for:

- prevention
- diagnostic services
- FASD education
- **workforce** development
- community-led supports
- culturally appropriate services for Maaori.



Here **workforce** means all the people who do the same kind of job.



Not having enough accessible services for people with FASD is in **breach** of the **principle** of **active protection**.



Here **in breach** means:

- rules have not been followed
- things have not been done like they were promised.



Here **principles** are ideas / beliefs that tell people:

- about what Te Tiriti / The Treaty means to people now
- the obligations the Government has to Maaori.



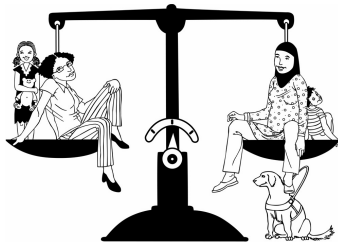
The principles come from the words of Te Tiriti / The Treaty.



Here **active protection** means the Crown has to protect things that are important to Maaori.



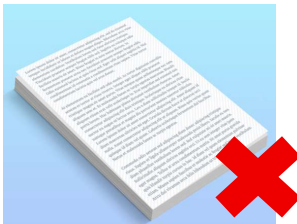
Taangata whaikaha Maaori should have **fair and equitable** access to services.



Fair and equitable access means Maaori can access the same services as everyone else.



We did not see a good reason for FASD to be left out of DSS access.



There is also no evidence to support leaving FASD out of DSS.



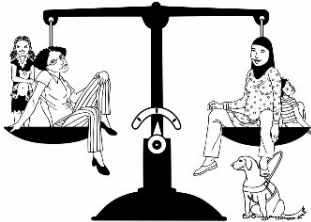
We say that this is in breach of the principles of:

- active protection
- **equity.**



Equity means taangata whaikaha
Maaori:

- are treated fairly
- get what they need to live a good life
- get the same things as other people.





The Crown also needs to make sure it:

- knows about **inequity**
- does something about inequity.



Inequity means people:

- are treated in unfair ways
- do not get what they need to live a good life
- do not get the same things as other people.



The evidence shows gaps in the information we have about how many Maaori have FASD.



This means we do not know just how bad the inequity is.

This is in breach of the principle of equity.



There is a **duty of good faith** between:

- Maaori

and

- the Crown.



Duty of good faith means both groups will work together to support what each other needs.

This means they must talk with each other to find out what they think about things.



The Crown has a bigger duty to:

- protect taangata whaikaha Maaori:
 - health
 - wellbeing
- work on lowering the bad health problems that happen more to Maaori than to non-Maaori.



This can be done through good disability policy / rules.



The Crown has failed for a very long time to work with taangata whaikaha Maaori in designing FASD supports.



The duty of the Crown should not rely on the **good will** of people who work in Government.



Good will means people choosing to do the right things because they want to.



The Crown has not let Maaori work with it in what it is doing now about FASD.



This is in breach of the principle of partnership.



This information has been written by the Waitangi Tribunal.

Make it Easy
Kia Māmā Mai



It has been translated into Easy Read by the Make it Easy Kia Māmā Mai service of People First New Zealand Ngā Tāngata Tuatahi.

People First NZ
Ngā Tāngata Tuatahi



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