IN THE WAITANGI TRIBUNAL

WAI 2575
WAI 1821

IN THE MATTER	of the Treaty of Waitangi Act 1975
AND **IN THE MATTER OF**	the Health Services and Outcomes Kaupapa Inquiry
AND **IN THE MATTER ON**	the Wai 1821 claim by Wikuki Kingi on behalf of himself, Kirikiriroa Marae, the community of Kirikiriroa, and all other urban and community Marae.

MEMORANDUM IN RESPONSE TO
MEMORANDUM- DIRECTIONS DATED 21 DECEMBER 2016

Dated 13 March 2017

WIKUKI KINGI
WAI 1821 - CLAIMANT
P.O. Box 71971
Hamilton East
HAMILTON 3247
Email: wikuki.kingi@gmail.com
Tel: + 021 208 2140

Copy to: tania.wolfgramm@gmail.com

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Waitangi Tribunal
14 Mar 2017
Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL:

The Claimants

1. This Memorandum is for Wai 1821 Claimant, Wikuki Kingi Jnr on behalf of himself, Kirikiriroa Marae, the community of Kirikiriroa; and all other urban and community Marae.

2. For the record, the other two original claimants Wikuki Kingi Snr and Frank Tawhai are deceased.

3. This Memorandum is filed in response to the Memorandum-Directions of his honour, Judge Stephen Clark, dated 21 December 2016 ("Memorandum-Directions") directing Claimants and Claimant counsel file submissions by Monday 13 March 2017, indicating which claimants wish to participate in this inquiry and to provide information as to a preferred inquiry process.

4. We wish to confirm that the Wai 1821 Claimants wish to have their claim heard in the Wai 2575, Health Services and Outcomes Kaupapa Inquiry.

5. The Wai 1821 Claim has not been heard by the Tribunal to date, there is no settlement that would prevent this claim from being heard in this Inquiry and further there is no parallel Inquiry in which this claim could be heard. As such this claim is eligible to participate in the Health Services and Outcomes Kaupapa Inquiry.

The Wai 1821 Claim

Overview

6. The WAI 1821 claim concerns Kirikiriroa Marae and the Community of Kirikiriroa Marae in Kirikiriroa.

7. The claim concerns the recognition of Kirikiriroa Marae as a unique organisation within Kirikiriroa that delivers the widest possible social support services to all sectors of the community within Kirikiriroa.

8. The claim also concerns the ability of Kirikiriroa Marae to deliver those services in a way that will enhance and improve the community of Kirikiriroa, the wellbeing of the people and provides for their health, well-being, social and economic development.

Prejudice

9. The WAI 1821 claimants state that they have been or are likely to be prejudicially affected by the ordinances, acts, regulations, proclamations, notices and other statutory instruments and the policies, practices, acts or omissions of the Crown.

10. The claimants further state that all of the acts, regulations, orders, policies, practices and actions taken, omitted or adopted by or on behalf of the Crown referred to are and remain inconsistent with the words and principles of the Treaty of Waitangi.

Principle Issues

11. The principle issues that the Claimant seeks to have addressed in an Inquiry are set out in their Statement of Claim WAI 1821, but in general are as follows:

    a. In implementing its Health and Social policies and all other service programs the Crown has:

        i. Failed to put in place measures to protect the unique place of Kirikiriroa Marae as an urban Maori organisation in the provision of those services;

        ii. Failed to put in place measures to provide adequate guidance to Kirikiriroa Marae as an urban Maori organisation in the provision of those services;

        iii. Failed to properly consult with Kirikiriroa Marae as an urban Maori organisation in the provision of those services; and

        iv. Failed to properly ensure that a proportional level of funding is provided to Kirikiriroa Marae as an urban Maori organisation

The Inquiry Process

12. We advise that the Claimants are ready to proceed with this Inquiry and view the above matters as priorities in this Inquiry. We anticipate that further research will be required before the hearing phase, but we support that the Inquiry proceed into the casebook phase which identifies the key issues for the Tribunal to address.

13. The Claimants are in a position to provide research in support of this claim. However, funding support is required to facilitate this.

14. The Claimants will abide by the Tribunal's decision as to how this Inquiry is to be conducted but by way of suggestion Counsel suggest that this Inquiry follow a similar process to the Veterans Inquiry.

15. As a first step in progressing forward with this Inquiry we are supportive of a judicial conference, to discuss the above matters, which is proposed to be in early May 2017.

16. The Claimant anticipates that the above matters will be discussed and further recommendations may come to light at the upcoming judicial conference.

Dated at Auckland this 13th Day of March 2017

Wikuki Kingi
Claimant

WAI 1821 - Kirikiriroa Marae

NOTE: Legal Counsel will be appointed by the Claimant by the 31st March 2017, with details provided to the Tribunal following that appointment.