In the Waitangi Tribunal

Wai 2575
Wai 2060

IN THE MATTER OF of The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF The Health Services and Outcomes Kaupapa Inquiry

AND

IN THE MATTER OF A claim by Hinemoa Apetera on behalf of herself, her whanau and the hapu of Te Parawhau and Ngāti Hau (Wai 2060)

Memorandum of Counsel

Dated 21 March 2017

BENNION LAW

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Waitangi Tribunal
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WELLINGTON

MAY IT PLEASE THE TRIBUNAL

1. This memorandum is filed on behalf of Wai 2060, a claim by Hinemoa Apetera on behalf of herself, her whanau, and the hapū of Te Parawhau and Ngāti Hau (the Claimants) and responds to the directions of the Presiding Officer.[1]

2. The directions asked for responses detailing;

    a. Which claimants wish to have their health grievances heard in the Tribunal inquiry; including any issues of eligibility;

    b. The principle issues the claimants wish to bring;

    c. Whether the claimants and the Crown are ready to proceed;

    d. Whether there are matters that should have priority;

    e. Whether any other organisations wish to participate as interested parties and on what basis;

    f. What existing evidence is likely to be available and what additional evidence from the claimants, expert witnesses and technical research may be required; and

    g. What inquiry process the Tribunal should adopt in preparing the evidence, setting the issues, and hearing and reporting on the claims.

The Claimants

3. The Claimants are members of Ngāti Hau and Te Parawhau, wishing to address specific issues relating to the establishment of health services in Whangārei, including Whangārei Hospital, and the delivery of those health services to the members of Ngāti Hau and Te Parawhau. Ngāti Hau also raise specific issues of the impact of the establishment and operation of the Puhipuhi mines on their people, as residents of the local area and employees at the mine.

4. The memorandum of counsel and amended statement of claim filed on the 13th of March 2017 for Wai 2060 provides further details of the Claimants.

Ready to Proceed

5. The Claimants are ready to proceed and wish to be heard as soon as possible.

Matters for Priority

6. The matters that should be given priority are those issues which relate to health services which remain unchanged or largely unevolved since the grievances began. There are issues of this kind with the establishment of the Whangārei Hospital and its continuing operation at the current site.

7. The submissions of Lyall & Thornton are endorsed where they address;

[1] Memorandum-Directions of the Presiding Officer 21 December 2016, Wai 2575 #2.5.2, para 14-15.

a. The connection between health and the whenua, and specifically the extensive land-loss suffered by Māori;[2]

b. Existing evidence that could be of assistance;[3]

c. The proposal for a joint memorandum from Counsel and the Crown on the Tribunal's earlier findings;[4]

d. That the hearings be held around the motu rather than in one or two central locations, especially where the evidence is from tangata whenua;[5].

8. Further instructions, in greater detail, are being obtained from the Claimants and these will supplement this memorandum and be presented at the judicial conference.

9. While an extension was gratefully received allowing filing on the Friday past,[6] further leave is sought to allow this filing after that deadline due to urgent and pressing deadlines relating to the Te Paparahi o Te Raki Inquiry. It is submitted that given the stage of this Inquiry no prejudice could accrue to any party.

Dated at Kawakawa this 21st day of March 2017

Cameron Hockly
Counsel for the Claimants

[2] Memorandum of Counsel of Lyall & Thornton dated 13 March 2017, para 15.
[3] Memorandum of Counsel of Lyall & Thornton dated 13 March 2017, para 23-27.
[4] Memorandum of Counsel of Lyall & Thornton dated 13 March 2017, para 28.
[5] Memorandum of Counsel of Lyall & Thornton dated 13 March 2017, para 34.
[6] Memorandum-Directions of the Presiding Officer 14 March 2017, Wai 2575 #2.5.3, para 4.