**IN THE WAITANGI TRIBUNAL**

**WAI 2575 – THE HEALTH INQUIRY**

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| *Under:* | The Treaty of Waitangi Act 1975 |
| *And in the matter of:* | A claim to the Waitangi Tribunal under the Treaty of Waitangi Act 1975 in relation to WAI 2575 – The Health Inquiry |
| *by:* | David Ratu<br>***Claimant*** |
| *and:* | the Turehou Māori Wardens ki Otara Charitable Trust |

# MEMORANDUM IN REPLY TO MEMORANDUM DIRECTIONS OF THE PRESIDING OFFICER REGARDING NEXT STEPS IN INQUIRY

Dated 10 March 2017

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Dr Grant Hewison
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RECEIVED
Waitangi Tribunal
***13 Mar 2017***
Ministry of Justice
WELLINGTON

**MEMORANDUM IN REPLY TO**
**MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER REGARDING**
**NEXT STEPS IN INQUIRY**

1. On 21 December 2017, the Presiding Officer of the Waitangi Tribunal kaupapa (thematic) inquiry into claims concerning health services and outcomes issued a Memorandum-Directions regarding next steps in the Inquiry.

2. This Memorandum in Reply responds to that Memorandum-Directions.

3. The Memorandum-Directions of the Presiding Officer asked the claimants to consider following:

> **Directions**
>
> 14. In light of the above discussion, before the claims concerning health issues can proceed to hearing, some preparatory groundwork is essential. The Tribunal needs to know:
>
> (a) Which claimants wish to have their health grievances heard in the Tribunal inquiry; including any questions of eligibility;
>
> (b) What principal 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; and
>
> (e) Whether any other organisations wish to participate as interested parties and on what basis.
>
> 15. Furthermore, the Tribunal wishes to consult with the claimants and the Crown on how they consider the inquiry might best be conducted, in particular:
>
> (a) What existing evidence is likely to be available and what additional evidence from the claimants, expert witnesses and technical research may be required;
>
> (b) What inquiry process the Tribunal should adopt in preparing the evidence, setting the issues, and hearing and reporting on the claims.

4. The Claimant and the Turehou Māori Wardens ki Otara Charitable Trust wish to have their health grievances heard in the Tribunal inquiry, including any questions of eligibility.

5. The principal issues the claimant wishes to bring are set out in their Notice of Claim, dated 13 February 2017.

6. The claimant is ready to proceed.

7. The claimant submits that the issues raised in their Notice of Claim, dated 13 February 2017, should have priority in this Inquiry.

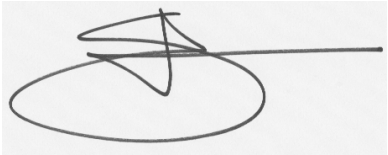
8. The claimant is in discussions with other organisations with an interest in their Claim and this Inquiry and asks that should the Tribunal determine that the Claim can be heard as part of this Inquiry, then those parties will likely wish to participate, either as interested parties giving evidence independently or as witnesses of the claimant.

9. The claimant is aware of a considerable body of existing academic and Crown research on the issues raised by the claimant. The claimant is seeking to frame this research through submissions to the Tribunal, but also intends to call expert witnesses. Nonetheless, it is also likely that further technical research will be required.

10. The claimant submits that a pre-hearing mediation be convened by the Tribunal so that all interested claimants and the Crown might meet with a mediator to set the issues for the Inquiry and adopt timetabling for preparation of evidence, the hearing and reporting on the claims.

11. Should the Tribunal have any further questions, the claimant would be peased to answer those.

DATED at Auckland this 10th day of March 2017.



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Dr Grant Hewison
Legal representative for the claimant