IN THE WAITANGI TRIBUNAL **Wai 2575**
HEALTH SERVICES AND OUTCOMES KAUPAPA INQUIRY **Wai 2425**

IN THE MATTER OF	**the Treaty of Waitangi Act 1975**
AND	
IN THE MATTER OF	**Health Services and Outcomes Kaupapa Inquiry (Wai 2575)**
AND	
IN THE MATTER OF	**a claim by Rosaria Hotere, Jane Hotere, Gill Parker, Miriama Solomon, Denis Hansen, Mereaina Pirihi, Rhonda Hohepa and Willie Taurua for and on behalf of themselves and their whanau (WAI 2425)**

MEMORANDUM OF COUNSEL

Dated this 18th day of April 2017

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Waitangi Tribunal
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MAY IT PLEASE THE TRIBUNAL

1. This Memorandum of Counsel is filed on behalf of Wai 2425, a claim by Rosaria Hotere, Jane Hotere, Gill Parker, Miriama Solomon, Denis Hansen, Mereaina Pirihi, Rhonda Hohepa and Willie Taurua for and on behalf of themselves and their whanau ("the Claimants").

2. The purpose of this Memorandum of Counsel is to respond to the Memorandum-Directions of the Presiding Officer dated 21 December 2016 ("the Directions"), directing claimants wishing to participate in the inquiry to file written submissions addressing the matters set out in paragraphs 14-15 of the Directions.[1]

3. Counsel advise that instructions have only just been received to file this Memorandum of Counsel and therefore Counsel seeks leave to file out of time.

Preparatory groundwork for Inquiry

4. In the Directions, Judge Clark requested all claimants wishing to participate in the Health Services and Outcomes Kaupapa Inquiry file written submissions concerning:

   (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;

[1] Memorandum Directions of the Presiding Officer regarding next steps, dated 21 December 2016 (Wai 2575, #2.5.2, para 14-15)

(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.

5. 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; and

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

6. Counsel will address each matter separately.

Health Grievances to be heard and eligibility

7. In the Memorandum Directions of Judge Issac dated 30 November 2016, approximately 100 claims (which Waitangi Tribunal staff identified as raising health-related grievances) were appended.[2]

8. Waitangi Tribunal staff correctly identified Wai 2425 in that list.

[2] Memorandum Directions of the Presiding Officer regarding next steps, dated 30 November 2016 (Wai 2575, #2.5.1)

9. Counsel advise that the Wai 2425 Claimants wish to have their claim heard in the Wai 2575, Health Services and Outcomes Kaupapa Inquiry.

10. The Wai 2425 claim is an historical claim that is currently being heard in the Te Paparahi o te Raki Tribunal. However, the health issues for Wai 2425 were not traversed before the Paparahi o te Raki Tribunal. There is no settlement that prevents this claim for being heard in this inquiry. There is no parallel inquiry in which the health related claim issues would be heard twice.

11. Accordingly, the Waitangi Tribunal has jurisdiction to hear the health related claims within the Wai 2425 claim.

Principal issues

12. The principal issue that the Claimants wish to bring before the Waitangi Tribunal relate to the provision of healthcare to Māori following the urban migration to Auckland.

Readiness to Proceed

13. The Claimants have instructed that they are ready to proceed with the research phase of the Health Services and Outcomes Kaupapa inquiry.

Matters that should have priority

14. The Claimants have suggested that priority should particularly be directed to claimants that have a need to have their evidence heard urgently.

Other organisations wishing to participate

15. At this point the Claimants are not opposed to other organisations participating as interested parties. However, they seek leave to make further submissions on this issue once the other organisations are identified.

Existing evidence

16. Select committees have reviewed health related issues, Government departments' complete regular evaluations and reports on themselves and their portfolios, other Health related Non-Government Organisation's have completed research – the Claimants hope this information could be made available for the Waitangi Tribunal Inquiry.

Inquiry process

17. The Claimants suggest a similar process to that followed by the Military Veterans Kaupapa Inquiry be followed in the Health Services and Outcomes Kaupapa inquiry.

DATED this 18th day of April 2017

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Eve Rongo

Claimant Counsel