

IN THE WAITANGI TRIBUNAL

Wai 2575

CONCERNING

the Treaty of Waitangi Act 1975

AND

the Health Services and  
Outcomes Kaupapa Inquiry

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MEMORANDUM-DIRECTIONS OF PRESIDING OFFICER CONCERNING POST-  
ROUNDTABLE SUBMISSIONS AND CHRONOLOGY

12 September 2017

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1. This memorandum-directions acknowledges the Tribunal's receipt of submissions following roundtable discussions between inquiry parties and indicates the next steps for Wai 2575, the Health Services and Outcomes Kaupapa Inquiry.

### **Introduction**

2. On 26 May 2017, claimants, interested parties, their counsel and Crown counsel were directed to work together to address issues concerning inquiry scope, focus, priorities and inquiry process, and to then file a memorandum setting out what agreement had been reached (Wai 2575, #2.5.8). I also directed the Crown to file a chronology of key events, policies and legislation relevant to the development of health services from 1840 to 2017. Both were to be filed by midday on Monday 4 September. An extension was granted to allow these to be filed by midday on Wednesday 6 September (Wai 45, #2.5.10).

### **Memoranda received**

3. We have now received memoranda from:
  - (a) David Martin Stone, Augencio Bagsic and Catherine Leauga, on behalf of claimant and Crown counsel (as listed in Appendix A of that memorandum) (Wai 2575, #3.1.81, #3.1.81(a) and (b));
  - (b) Donna Hall and Genevieve Davidson on behalf of the New Zealand Māori Council and the claimants for Wai 2631, Wai 2630, Wai 2632, Wai 2637, Wai 2639, Wai 2625 and Wai 2636 (Wai 2575, #3.1.82);
  - (c) Gerald Sharrock on behalf of the claimants for Wai 121, Wai 1450, Wai 2108, Wai 884, Wai 1841 and Wai 2179 (Wai 2575, #3.1.83);
  - (d) Mark McGhie on behalf of the claimants for Wai 1072 and Wai 2628 (Wai 2575, #3.1.84);
  - (e) Crown counsel on behalf of the Crown and the claimants for Wai 1315, Wai 2499, Wai 2655, Wai 421, Wai 874 and Wai 1247 (Wai 2575, #3.1.85);
  - (f) Linda Thornton and Bryce Lyall on behalf of the claimant for Wai 1666 (Wai 2575, #3.1.86);
  - (g) Peter Johnson and Daniel Hunt on behalf of the claimant for Wai 2109 (Wai 2575, #3.1.87);
  - (h) Tom Bennion, Lisa Black and Emma Whiley on behalf of claimants for Wai 507, Wai 1775 and Wai 126 (Wai 2575, #3.1.88); and
  - (i) Darrell Naden and Stephanie Roughton on behalf of claimants for Wai 2382 (Wai 2575, #3.1.89).
4. In addition we have received a memorandum from Crown counsel accompanied by a chronology of key events, policies and legislation relevant to the development of health services since 1840 (Wai 2575, #3.1.80 and #3.1.80(a)).
5. I direct the Registrar to place these on the record of inquiry for Wai 2575, the Health Services and Outcomes Kaupapa Inquiry, and distribute them to all parties.

## Next steps

6. We thank the parties for their willingness to work together thus far and for their submissions. The Tribunal notes the following:
  - (a) That Te Ora is preparing a thematic overview of the health system and its impacts on Maori health;
  - (b) That the Crown can provide further background information about the current functioning of the New Zealand health system, including information about the management of the health system and funding flows;
  - (c) That the Crown can produce agreed data sets; and
  - (d) That the Crown is willing to commission an independent expert or panel to prepare a background paper on historical issues and the history of Maori health on the 1840s to the 1990s (Wai 2575, #3.1.85 at [39]-[41] and [43]).
7. We are interested in the above proposals, however, in the first instance we direct counsel for Wai 1315 (Ms Smail), Wai 2499 (Ms Walker), Wai 2655, Wai 421, Wai 874 and Wai 1247 (Mr Lyall) and Crown counsel update the Tribunal no later than **midday, Friday 13 October 2017** with more details as to what is proposed.
8. We also note that there has been a willingness on the part of the majority of parties/counsel to work co-operatively thus far. The indication we have received is that the parties will continue their collective efforts to develop an inquiry process, as outlined at paragraph 11 of the joint memorandum of counsel dated 6 September 2017 (Wai 2575, #3.1.81). It would be useful to the Tribunal to receive an update on those discussions by **midday, Friday 10 November 2017**.
9. The Tribunal has recently received a number of bibliographies filed by the parties. In addition there is an existing body of health related research already held by the Waitangi Tribunal. I agree that a thematic summary of that research needs to be undertaken now. This will assist the Tribunal to identify particular areas where further commissioned research may be necessary. I direct that the Tribunal be updated by **midday, Friday 8 December 2017** concerning the pre-casebook review.
10. The inquiry panel will convene to consider the ideas and submissions that have been made to date. The timing of that discussion will depend upon member availability. It is expected that further memorandum-directions will then be issued.

The Registrar is to send this direction to all those on the notification list for Wai 2575, the Health Services and Outcomes Kaupapa Inquiry.

**DATED** at Hamilton this 12<sup>th</sup> day of September 2017

A handwritten signature in black ink, appearing to be 'S R Clark', written in a cursive style.

Judge S R Clark  
Presiding Officer  
**WAITANGI TRIBUNAL**