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**IN THE WAITANGI TRIBUNAL** **Wai 2750**
**Wai 2697**

**IN THE MATTER OF** The Treaty of Waitangi Act 1975

**AND**

**IN THE MATTER OF** The Housing Policy and Services Kaupapa Inquiry

**AND**

**IN THE MATTER OF** A claim by Reverend Anthony Brooking (Wai 2697)

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**MEMORANDUM OF COUNSEL**
**SEEKING AGGREGATION AND PARTICPATION**
**DATED 13 MARCH 2018**

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RECEIVED
Waitangi Tribunal
*13 March 2018*
Ministry of Justice
WELLINGTON

**Te Mata Law Ltd**
**Barristers and Solicitors**
PO Box 44331
Point Chevalier
AUCKLAND 1246
Tel: 0508-TEMATA (0508-836282)
Counsel Acting:
David Stone | Augencio Bagsic | Brooke Loader | Catherine Leauga | Keith Hopkins
David@tematalaw.co.nz | Gene@tematalaw.co.nz | Brooke@tematalaw.co.nz | Catherine@tematalaw.co.nz | Keith@tematalaw.co.nz

**MAY IT PLEASE THE TRIBUNAL**

1. This memorandum of counsel ("memorandum") is filed on behalf of Wai 2697 a claim by Reverend Anthony Brooking.

2. This memorandum addresses the Tribunal's Memorandum Directions dated 16 November 2017 ("Memorandum Directions") whereby claimants are invited to inform the Tribunal on the following matters: [1]

   (a) who they are and on whose behalf they are bringing their claims;
   (b) whether the eligibility of their claim is affected by participation in previous Tribunal inquiries or by Treaty settlements with the Crown;
   (c) in what manner their housing and mana wahine grievances relate to kaupapa issues that fall within the scope of the respective inquiry;
   (d) which, if any, kaupapa issues they consider should receive priority attention in the respective inquiry; and
   (e) whether they are ready to engage in the preparation of the respective inquiry for the hearing and if not, when they consider the inquiry should commence.

3. Counsel will not be in attendance at the Judicial Conference being held on 13 March 2018 and seeks leave to have these submissions filed on the Wai 2750 record of inquiry.

4. On 18 December 2017 counsel filed the Wai 2697 statement of claim[2] and sought leave to have the claim filed and registered in the Wai 2575 Health Services and Outcomes Kaupapa inquiry ("Wai 2575 inquiry"). In the accompanying memorandum[3] filed with the statement of claim counsel noted that the claim may also be suited for the Housing Policy and Services Kaupapa inquiry ("Wai 2750 inquiry") and that counsel would make further submissions on this as the Wai 2750 inquiry progresses.

[1] Memorandum Directions of the Chairperson concerning Judicial Conferences dated 16 November 2017 at [27].
[2] Wai 2697#1.1.1.
[3] Wai 2697 #3.1.1

5. Counsel has received instructions from the claimant who seeks to have the Wai 2697 claim aggregated into both the Wai 2750 and Wai 2575 inquiries.

*Who they are and on whose behalf they are bringing the claims*

6. The Wai 2697 claim is brought by Reverend Anthony Brooking on behalf of himself and Māori affected by poor health, substance abuse, mental health and homelessness.

*Whether the eligibility of their claim is affected by participation in previous Tribunal inquiries or by Treaty settlements with the Crown*

7. The Wai 2697 claim has not presented in any Waitangi Tribunal inquiry. It is currently registered under the Wai 2575 inquiry.

*In what manner their housing grievances relate to kaupapa issues that fall within the scope of the respective inquiry;*

8. Counsel submit that the Wai 2750 inquiry should commence alongside the Wai 2575 inquiry as although the two inquiries are distinct in their own right, they also share commonalities that can be addressed simultaneously.

9. The matters addressed as part of the Wai 2697 claim falls within the scope of both the Wai 2575 and Wai 2750 inquiries.

10. The housing grievances that form the basis of the Wai 2697 claim concern homelessness and the failure of Crown Ministries to work together to address the socio-economic and health issues which effect homeless Māori. The statement of claim will be amended further to provide particulars on specific housing policies and Crown actions and omissions which are currently affecting homeless Māori.

*Which, if any, kaupapa issues they consider should receive priority attention in the respective inquiry*

11. The Wai 2697 claim seeks prioritisation of homelessness and the socio-economic issues and housing policies which are currently in place and affecting homeless Maori.

*Whether they are ready to engage in the preparation of the respective inquiry for the hearing and if not, when they consider the inquiry should commence*

12. The claimant is ready to engage in the preparation of the Wai 2750 inquiry and envisages that this preparation will include a scoping and research phase, an interlocutory phrase, followed by a substantive hearing phase. Counsel support the forming of a counsel co-ordinating committee to assist in the development of the interlocutory and hearing phase of the inquiry.

**DATED** at Auckland this 13th day of March 2018.

**David Martin Stone**

TO: The Registrar, Waitangi Tribunal; Crown Law Office; and those on the notification list for the Housing Kaupapa Inquiry.