WAITANGI TRIBUNAL

Wai 3231

CONCERNING the Treaty of Waitangi Act 1975

AND a claim by Zyrus Rihari on behalf of himself, his whānau, hapū, iwi, whānau whānaui and whāngai

MEMORANDUM-DIRECTIONS OF THE DEPUTY CHAIRPERSON

The Registrar will please enter this matter on the register of claims and give it the next available Wai number. The register should note that the claim was received on 7 December 2022.

The claimant should please take note of the 'Wai' number reference at the top of the page. Please use this claim number in any communication with the Tribunal.

This claim is lodged by Zyrus Ritahi on behalf of himself, his whanau, hapū, iwi, whanau whānui and whāngai, and concerns health care services. The claimant alleges that the Crown has breached the principles of the Treaty of Waitangi by failing to:

- meet obligations such as 'full exclusive and undisturbed possession for their lands and estates, forests, fisheries and other properties' resulting in disproportionate homelessness for Māori;
- act in partnership with Māori, instead further creating disparities in all outcomes for Māori;
- protect Māori in the health system;
- give Māori adequate health care, negatively impacting the health of individuals and wider whānau;
- ensure affordable health care for Māori;
- recognise the full implications of poor health and respond;
- stop racism in the health system in New Zealand which results in poor health for Māori;
- offer the appropriate resources for the health care of rangatahi in New Zealand;
- meets its obligation to take proactive steps to protect Māori whānau from inequitable levels of poor health in housing deprivation and homelessness, members of gang whānau and their children being placed in state care, addictions and substance abuse, crimes against women and children resulting in serious har and death, health, mental illness, depression and suicide, and systematic institutional bias and discrimination;
- allow for partnership to occur in the drafting of policies pertaining the health system in its entirety;
- do the necessary obligations that would cause for equitable outcomes of New Zealands population; and
- allow Māori to act in tino rangatiratanga, instead punishing them further hindering the cycles of poor health, low academic achievement and high incarceration rates of Māori.

The claimant seeks a variety of relief, including recommendations that the Crown:

- support Māori to be partners to the Crown, which can include the development of an authority which acts as a health resource for Māori;
- give Māori exclusive and undisturbed possession, and authority and tino rangatiratanga over their taonga, including their communities and tikanga Māori;
- cooperate and partner with iwi organisations to build local initiatives that have better outcomes for Māori;
- develop policies which are designed to benefit Māori, work for them, and are designed by them; and

- provide adequate resourcing to facilitate for programmes that benefit Māori to run such as kaupapa Māori programmes that support Māori to benefit their health.

The claimant may amend this claim at a later stage. In any case the Tribunal may require the claimant to prepare a fully particularised statement of claim before the claim can be heard.

The Tribunal currently runs district and kaupapa inquiry programmes in which claims are grouped either by district or by kaupapa (thematic) issue. Historical claims are those that raise grievances which arose before 21 September 1992. Contemporary claims have grievances that arose on or after that date. Some claims have both historical and contemporary grievances.

The allegations made in this claim are contemporary in nature. They pertain to health care services as such may be best suited for consideration in the Wai 2575, the Health Services and Outcomes Kaupapa Inquiry.

The claimant should also note that this claim is registered only insofar as it concerns contemporary allegations of Treaty breaches by the Crown.

When the time comes for the claim to be prepared for hearing, the Tribunal will decide whether there are any matters in the present claim that the Tribunal may not inquire into. The claimant needs to be aware that there are some matters that the Tribunal is not allowed to inquire into, such as any Bill that has been introduced into Parliament (unless the Bill has been referred to the Tribunal under section 8 of the Treaty of Waitangi Act 1975). Also, when historical claims are settled, the settlement legislation usually forbids the Tribunal from inquiring further into the matters that have been settled.

The claimant also needs to be aware that the Tribunal does not make settlements. After the Tribunal has completed an inquiry into claims, it writes a report making recommendations to the Crown. It cannot tell the Crown what to do; it may only recommend that the Crown acts to address the negative consequences of its breaches of the principles of the Treaty.

Legal Aid Services provides help for Waitangi Tribunal claimants. For advice on getting a lawyer or receiving funding, please contact Legal Aid Services at their Wellington central office or one of the local offices; the claimant should check their telephone directory for contact details.

Any questions about the contents of this document should be directed to The Registrar, Waitangi Tribunal, DX SX 11237, Wellington; phone (04) 914 3000, fax (04) 914 3001; email wt.registrar@justice.govt.nz.

The Registrar is to send a copy of this direction to the claimant and to:

- Crown Law Office;
- Te Kahui Whakatau (Treaty Settlements), Office for Māori Crown Relations – Te Arawhiti;
- Crown Forestry Rental Trust;
- Legal Aid Services;
- Te Puni Kōkiri; and
- All those on the notification list for Wai 2575, the Health Services and Outcomes Kaupapa Inquiry

DATED at Wellington this 8th day of December 2022

Judge Sarah Reeves
Deputy Chairperson
WAITANGI TRIBUNAL