

I TE RŌPŪ WHAKAMANA  
I TE TIRITI O WAITANGI

WAI 3300, WAI 3060, WAI  
2575, WAI 2607, WAI 3015, WAI  
3310, WAI 3308, WAI 3307,  
WAI 682

KEI RARO I TE MANA O te ture o te Tiriti o Waitangi 1975

Ā

I TE TAKE O te pakirehua, Constitutional (Wai 3300)

Ā

I TE TAKE O te pakirehua, Justice System (Wai 3060)

Ā

I TE TAKE O te pakirehua, Health Services and Outcomes  
(Wai 2575)

Ā

I TE TAKE O te pakirehua, Emissions Trading Scheme (Wai  
2607)

Ā

I TE TAKE O te pakirehua, Education (Wai 3310)

Ā

I TE TAKE O te pakirehua, Ministry of Social Development  
(Wai 3015)

Ā

RECEIVED Waitangi Tribunal
13 Dec 23
Ministry of Justice WELLINGTON

**I TE TAKE O**

te pakirehua, Ngāi Te Rangi Coalition  
Government (Wai 3308)

**Ā**

**I TE TAKE O**

te pakirehua, Te Aka Whai Ora Urgent Claim (Wa  
3307)

**Ā**

**I TE TAKE O**

tētahi kereme nā Rewiti Paraone rātou ko Kevin  
Prime, ko Erima Henare, ko Pita Tipene ko  
Waihoroi Shortland mō Te Rūnanga o Ngāti Hine  
me ngā uri o Torongare and Hauhaua (Wai 682)

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## **HE MANATŪ RŌIA**

I tēnei rā, i te 13 o Hakihea 2023

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**Ngā rōia**

**Dr Season-Mary Downs**  
**Chelsea Terei-Tipene**  
**Heather Jamieson**

## KIA WHAKAAE MAI TE ROPU WHAKAMANA I TE TIRITI:

### Introduction

1. This Memorandum of Counsel is filed on behalf of Te Rūnanga o Ngāti Hine (Wai 682). The purpose of this memorandum is to notify parties of Ngāti Hine's intention to:
  - (a) File and/or amend statements of claim for the kaupapa inquiries listed below in relation to the Crown policies discussed; and
  - (b) Seek to participate in urgent inquiries into claims not covered by a kaupapa inquiry, including but not limited to the Wai 3308 Ngāi Te Rangi Coalition Government and Wai 3307 Te Aka Whai Ora urgent claims.

### Intention to amend statements of claim

2. Ngāti Hine have reviewed the Coalition Government's Agreement<sup>1</sup> and 100-day plan<sup>2</sup> and consider that there are prima facie 25 policies (at least) which undermine their mana, rangatiratanga, and the agreements contained in te Tiriti. These policies have been aligned to the relevant kaupapa inquiry below:
  - (a) Wai 3300 - Constitutional Kaupapa Inquiry:
    - (i) The Government will work to improve outcomes for all New Zealanders with public services delivered to people according to their need, and not advance policies that seek to ascribe different rights and responsibilities based on race or ancestry;
    - (ii) A Treaty Principles Bill will be introduced and supported to a select committee;

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<sup>1</sup> [Election 2023: National, ACT and NZ First's Coalition agreement | Newshub](#).

<sup>2</sup> [Beehive website, Releases \(29 November 2023\) Coalition Government unveils 100-day plan 100 Day Plan \(1\).pdf \(beehive.govt.nz\)](#).

- (iii) Waitangi Tribunal legislation will be amended to refocus the scope, purpose and nature of the Tribunal's inquiries back to the original intent of that legislation;
  - (iv) The Government will review legislation – except where it relates to full and final Treaty settlements – that includes reference to the principles of the Treaty of Waitangi. Reference to the principles will be replaced with words that explain what Parliament intends, in the context of that legislation, or will be removed;
  - (v) The Government will stop all work on *He Puapua*;
  - (vi) The Government will ensure all public service departments have their primary name in English, except for those specifically related to Māori; and
  - (vii) The Government will require the public service departments and Crown Entities to communicate primarily in English – except those entities specifically related to Māori.
- (b) Wai 3060: Justice System Kaupapa Inquiry:
- (i) The Government will abolish the previous government's prisoner reduction target;
  - (ii) The Government will stop taxpayer funding for section 27 cultural reports;
  - (iii) The Government will introduce legislation to provide Police with additional powers to tackle gangs. That legislation will:
    - (A) Ban gang patches and insignia in public places;
    - (B) Give Police the power to issue dispersal notices in requiring gang members to immediately leave a public area;

- (C) Allow Police to issue Consorting Prohibition Notices to stop known gang offenders committing serious offences;
  - (D) Give Police power to issue Firearms Prohibition Orders making it illegal for a gang member with serious convictions to enter certain premises where firearms are present, and give Police increased search powers for people who are subject to such an Order;
- (iv) The Sentencing Act will be amended to ensure appropriate consequences for offenders. This will include making gang membership an aggravating factor in sentencing;
  - (v) The “three strikes” rule for serious repeat criminals will be restored, with a tighter definition of offences that qualify as strikes;
  - (vi) To deter young people from a life of crime, the Government will create a new Young Serious Offender category and establish Young Offender Military Academies;
  - (vii) Firearms legislation will be reviewed, including rewriting the Arms Act 1983 for greater protection of public safety and to simplify regulatory requirements. The Firearms Registry will be reviewed to see whether it is improving public safety.
- (c) Wai 2575 - Health Services and Outcomes Kaupapa Inquiry:
    - (i) The Māori Health Authority will be disestablished. There will be no co-governance of public services and emphasis will shift to the frontline rather than the back office. Services will be delivered on need, using a range of effective providers, including iwi and community

groups who have the best reach into the communities they serve;

- (ii) Repeal amendments to the Smokefree Environments and Regulated Products Act 1990 and regulations;
- (iii) Begin work to repeal the Therapeutics Products Act 2023.

(d) Wai 2607 – Emissions Trading Scheme, Wai TBC – Environmental issues:

- (i) By 2030, the Government will implement a fair and sustainable pricing system for on-farm agricultural emissions. As part of the Emissions Trading Scheme, 100 per cent recognition of on-farm sequestration will be introduced;
- (ii) The Government will repeal the Three Waters legislation and restore council ownership and control with stronger central government oversight, and strict rules for water quality and ongoing investment.

(e) Wai 3300 – Education:

- (i) The curriculum will be rewritten with clear requirements on what needs to be covered each school year in reading, writing, maths and science, and the curriculum will be focused on academic achievement, not ideology;
- (ii) Partnership schools will be reintroduced and state schools will be allowed to become partnership schools;
- (iii) In tertiary education, Te Pūkenga will be disestablished with control over polytechnics restored to the regions they serve.

(f) Wai 3015 – Ministry of Social Development:

- (i) 90-day trials for all businesses will be brought back to encourage employers to give workers a go; and
  - (ii) The Fair Pay agreement legislation will be repealed.
- 3. Counsel are concerned there are additional prejudicial policies contained in the Coalition Agreement, for example, the removal of s 7AA of the Oranga Tamariki Act 1989 and the amendment of s 58 of the Marine and Coastal Area (Takutai Moana) Act 2011. Counsel will seek to examine and include policies for inquiry where relevant.
- 4. Counsel will endeavour to file claims and/or amended statements of claim by 19 January 2023.

**I TĒNEI RĀ**, i Tūranganui-a-Kiwa, te rā 13 o Hakihea 2023



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Dr Season-Mary Downs/Chelsea Terei-Tipene/Heather Jamieson  
**Ngā rōia mō ngā kaikereme**