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KEI MUA I TE AROARO O TE ROOPUU WHAKAMANA  
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2575

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IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the Health Services and Outcomes  
Kaupapa Inquiry

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MEMORANDUM OF COUNSEL FILING SUPPLEMENTARY BRIEF OF EVIDENCE OF  
BEN O'MEARA

17 Ooksetopa | October 2024

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RECEIVED

Waitangi Tribunal

17 Oct 24

Ministry of Justice  
WELLINGTON



**Te Tari Ture  
o te Karauna**  
Crown Law

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**MAY IT PLEASE THE TRIBUNAL:**

1. The Tribunal initially directed that updating evidence in relation to the independent review of the disability support system should be filed by 6 September 2024.<sup>1</sup> Following an extension, on 9 September 2024 a joint brief of evidence of Ben O’Meara, Melissa Gill and Sarah Palmer (#N17) was filed with a bundle of supporting documents.
2. On 11 October 2024, the Crown sought leave to file supplementary evidence relating to the independent review of the disability support system and indicated that this would likely take place by 17 October 2024.<sup>2</sup>
3. With this memorandum, the Crown files a supplementary brief of evidence of Ben O’Meara which provides further information relating to the independent review of the disability support system. In particular, three further documents were identified in the course of considering a request for information under the Official Information Act and had not been identified during the preparation of the joint brief of evidence. The Crown provides the Tribunal with these three additional documents as a bundle of supporting documents to the supplementary brief of Ben O’Meara.
4. The Crown seeks confidentiality in respect of some limited parts of the document ‘Information request - Independent Review Panel recommendations’ at pages 19, 20 and 26 of the bundle of supporting documents. Confidentiality is sought for the following reasons:
  - 4.1 Parts of the exhibit relates to the financial position of third parties and is subject to an obligation of confidence.
  - 4.2 Parts of the document are commercially sensitive, and release would prejudice the ability of the Crown to effectively carry out commercial negotiations in the public interest.

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<sup>1</sup> Wai 2575, #2.6.185 at [24].

<sup>2</sup> Wai 2575, Crown Closing Submissions filed 11/10/24.

5. Counsel seeks directions from the Tribunal restricting the dissemination of this information, strictly for the purposes of this inquiry only, to counsel who may in turn show it to named claimants where the named claimant is not associated with a provider of DSS services. Where the named claimant is associated with a DSS service provider, the Crown asks that the Tribunal's directions permit description in abstract terms of what is covered by the relevant parts of the document to their claimant client.

17 Ooksetopa | October 2024



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F Dean  
Counsel for the Crown

**TO:** The Registrar, Waitangi Tribunal

**AND TO:** Claimant Counsel