

IN THE WAITANGI TRIBUNAL

Wai 2575

CONCERNING

the Treaty of Waitangi Act 1975

AND

the Health Services and
Outcomes Kaupapa Inquiry

**MEMORANDUM-DIRECTIONS OF JUDGE D STONE CONCERNING THE TE
AKA WHAI ORA PRIORITY INQUIRY**

21 Noema 2024

Purpose

1. This memorandum-directions concerns the priority inquiry into the disestablishment of Te Aka Whai Ora (the Maaori Health Authority) within the Health Services and Outcomes Kaupapa Inquiry (Wai 2575).

Procedural background

2. In my 12 November 2024 memorandum-directions, I directed the Crown to file unredacted copies of the following documents by 14 November 2024 (Wai 2575, #2.6.194 at [8]):
 - (a) Department of Prime Minister and Cabinet, “Report of the Cabinet Legislation Committee: Period Ended 23 February 2024” CAB-24-MIN-0044;
 - (b) Ministry of Health, “Briefing to the Incoming Minister of Health” (November 2023);
 - (c) Department of Prime Minister and Cabinet, “Report of the Cabinet 100-Day Plan Committee: Period Ended 22 December 2023” (27 February 2024) CAB-24-MIN-0001;¹
 - (d) Department of Prime Minister and Cabinet, “Report of the Cabinet 100-Day Plan Committee: Period Ended 19 January 2024” (27 February 2024) CAB-24-MIN-0002;²
 - (e) Department of Prime Minister and Cabinet, “Report of the Cabinet Social Outcomes Committee: Period Ended 28 June 2024” (12 August 2024) CAB-24-MIN-0234;³
 - (f) Ministry of Health, “Aide memoire, Invitation to meet with the Hauora Māori Advisory Committee on Monday 12 February 2024 at 5:00pm” (9 February 2024) H2024035780;⁴ and
 - (g) Ministry of Health “Briefing to the Minister: Opportunities to improve Māori health outcomes across your priorities” (20 March 2024) H2024037412.⁵
3. I also directed the Crown to provide the following document by the same date (Wai 2575, #2.6.194 at [9]):
 - (a) The Cabinet direction addressed to Minister of Health Shane Reti, referred to at p 7 of the “Report of the Cabinet 100-Day Plan Committee: Period Ended 19 January 2024” (27 February 2024) CAB-24-MIN-0002.⁶

Crown memorandum filed 15 November 2024

4. On 15 November 2024, the Tribunal received a memorandum from Crown counsel in response to my 12 November 2024 directions (Wai 2575, #3.2.1216).
5. Among other matters, Crown counsel submitted that, for some of the documents sought at [2] above, more time is required to check whether grounds to withhold information still arise and whether the Crown will seek that the Tribunal should vary its direction on those grounds. The Crown submitted that the remaining redacted information is not relevant to

¹ Redacted version is ‘Wai 2575, #M35(a)’ at p 3.

² Redacted version is ‘Wai 2575, #M35(a)’ at p 6.

³ Redacted version is ‘Wai 2575, #M40’ pp 17-18.

⁴ Redacted version is ‘Wai 2575, #M40’ pp 29-31.

⁵ Redacted version is ‘Wai 2575, #M40’ p 44;

⁶ Wai 2575, #M35(a) at [7].

the issues under inquiry and concerns either the broader health portfolios or other portfolios.

6. Counsel stated that, in the time available, they were unable to confirm whether all such information can be supplied to the Tribunal without redaction and the legal grounds for any ongoing redaction sought. Accordingly, counsel sought an extension until 22 November 2024 to obtain further instructions and respond in appropriate detail.
7. Crown counsel advised that, should grounds for continued redaction of information be advanced, the Crown will supply unredacted copies of those documents to the Tribunal on a confidential basis, for the purpose of the Tribunal evaluating the Crown's submissions on this point.

Memorandum-directions of 19 November 2024

8. On 19 November 2024, I addressed some of the matters raised in the Crown memorandum filed on 15 November 2024. However, I signalled that other submissions – including the leave sought to file further submissions by 22 November – will be addressed in forthcoming directions (Wai 2575, #2.6.196).

Decision

9. I confirm that leave is granted for the Crown to file the remaining documents, pursuant to my directions of 12 November 2024 (Wai 2575, #2.6.194), or submissions concerning whether it seeks continued confidentiality of the redacted information contained in the documents at [2] above by **5pm, Friday 22 November 2024**.

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

I HAINATIA i Te Whanganui-aa-Tara i te 21 o ngaa raa o Noema 2024.



Judge Damian Stone
Presiding Officer

WAITANGI TRIBUNAL