

BEFORE THE WAITANGI TRIBUNAL

WAI 2575
WAI 3307
WAI 1194
WAI 1212
WAI 2713
WAI 2494

IN THE MATTER OF

the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

a claim by **Janice Kuka** and **Lady Tureiti Moxon** on behalf of themselves, the. governors, managers, staff and Maaori cared for by **Maaori PHOs** and **Maaori Providers** with GP clinics concerning the disestablishment of **Te Aka Whai Ora** (Wai 3307)

AND

IN THE MATTER OF

a claim by **Colleen Skerrett-White**, **Timitapo Hohepa**, and **Te Ariki Derek Morehu** on behalf of the hapuu of **Ngaati Te Rangiunuora** and the iwi of **Ngaati Pikia** (Wai 1194 and Wai 1212)

MEMORANDUM OF COUNSEL FILING BRIEFS OF EVIDENCE

Dated this 18th day of October 2024

RECEIVED

Waitangi Tribunal

21 Oct 24

Ministry of Justice
WELLINGTON



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AND

IN THE MATTER OF

a claim by **Hineraumoa Te Apatu** on behalf of
Te Ruunanga o Aotearoa Toopuuutanga Tapuhi
Kaitiaki o Aotearoa (**Wai 2713**)

AND

IN THE MATTER OF

a claim by **Donna Awatere-Huata** of Ngaati Porou,
Ngaati Whakaue and Ngaati Hine, on behalf of
herself and all Maaori (**Wai 2494**)

TĒNĀ E TE TARAIPUNARA:

Introduction

1. This Memorandum of Counsel is filed for and on behalf of the following claims and claimants:
 - 1.1 **Wai 1194/1212** – a claim by Colleen Skerrett-White, Timitapo Hohepa and Te Ariki Derek Morehu for and on behalf of Ngaati Te Rangiunuora and Ngaati Pikiāo.
 - 1.2 **Wai 2713** – a claim by Hineraumoa Te Apatu and Kerri Nuku for and on behalf of Te Ruunanga o Tooputanga Kaitiaki o Aotearoa – the New Zealand Nurses Organisation (NZNO).
 - 1.3 **Wai 2494** – a claim by Donna Awatere-Huata of Ngaati Whakaue, Ngaati Porou, Ngaati Hine for and on behalf of her whaanau, hapuu, iwi and Maaori.

 (“the Claimants”).

Background

2. In Memorandum-Directions dated 1 Oketopa 2024,¹ His Honour, Judge Stone outlined the next steps in the Te Aka Whai Ora Priority Inquiry and confirmed that the Tribunal will proceed to inquire into and report on the processes and steps the Crown has taken in the disestablishment of Te Aka Whai Ora as a standalone and separate issue. Inquiry into the disestablishment of Te Aka Whai Ora will be conducted on the papers.²

Filing evidence

3. Counsel recently became aware that evidence relied upon in our closing submissions filed on 14 October 2024 relied had yet to be filed on the Wai 2575 record of inquiry.
4. In anticipation of the hearing week for Wai 3307 that was vacated,³ counsel had engaged members of the claimant community to prepare evidence on the impacts that have occurred as a result of the disestablishment of Te Aka Whai Ora. Ms Mapihi Raharuhi, Chair of Te Rūnanga of Ngāti Pikiāo, had completed and executed evidence on the 20th of August 2024.

¹ Wai 2575, #2.6.191.

² At [47].

³ #Wai 2575, #2.6.183 *Memorandum-Directions of Judge D Stone Concerning the Te Aka Whai Ora Priority Inquiry* dated 21 August 2024.

5. Dr Heather Came and Professor Tim McCreanor also advised counsel that their current academic writing would be most relevant to the disestablishment issue. They have jointly provided a brief of evidence⁴ and an affidavit⁵ already filed regarding the disestablishment of Te Aka Whai Ora.
6. Counsel therefore seek leave to have the following documents relevant to the Te Aka Whai Ora priority inquiry filed on the Wai 2575 ROI on behalf of the Claimants:
 - 6.1 The Brief of Evidence of Ms Mapihi Raharuhi.
 - 6.2 The Joint Brief of Evidence of Dr Heather Came and Professor Tim McCreanor.
 - 6.3 Appendix A to the Joint Brief of Evidence of Dr Heather Came and Professor Tim McCreanor.
7. Counsel sincerely apologise for the delay in filing this evidence and submit that no resulting prejudice arises on any other party.

DATED at Rotorua/Wellington on this 18th day of October 2024



Annette Sykes



Maia Te Hira

Counsel for the Claimants

⁴ Wai 2575, #M36.

⁵ Wai 2575, #M25.