

**IN THE WAITANGI TRIBUNAL**

**WAI 2575  
WAI 3307**

**IN THE MATTER** The Treaty of Waitangi Act 1975

**AND**

**IN THE MATTER** of the Health Services and Outcomes  
Kaupapa Inquiry (Wai 2575)

**AND**

**IN THE MATTER** of a claim to the Waitangi Tribunal by Janice  
Kuka and Lady Tureiti Moxon in respect of the  
30 June 2024 commencement of the Pae Ora  
(Disestablishment of Maaori Health Authority)  
Amendment Act 2024

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**MEMORANDUM OF COUNSEL FOR THE CLAIMANTS**

**DATED 26 NOVEMBER 2024**

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**RECEIVED**

Waitangi Tribunal

**26 Nov 24**

Ministry of Justice  
WELLINGTON

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**MAY IT PLEASE THE TRIBUNAL**

1. This memorandum of counsel is made on behalf of Ms Janice Kuka and Lady Tureiti Moxon (**the claimants**) in response to the email from the Tribunal dated 22 November 2024 (**the email**).
2. The email related to unredacted versions of documents filed by the Crown on 14 and 22 November as directed by the Presiding Officer (Wai 2575, #2.6.194 & #2.6.194(a)). The email noted that the Presiding Officer had reviewed the documents and does not believe they add any relevant evidence to this inquiry, nor require further submission. Counsel were to indicate any different view by 25 November 2024. Counsel apologises for the late filing of this memorandum and respectfully seeks leave for the same.
3. The claimants instruct that they agree the unredacted documents do not add any relevant evidence. They do not seek to file any submissions except to note that nothing that has been unredacted changes the following facts:
  - 3.1 the very same day the establishment of the Maaori Health Authority was announced, Minister Reti announced that the National party would disestablish the legislation if elected;<sup>1</sup>
  - 3.2 the Crown in disestablishing Te Aka Whai Ora did not consider the findings and recommendations of this Tribunal panel in *Hauora*;<sup>2</sup> and
  - 3.3 The Crown in disestablishing Te Aka Whai Ora did not consider that Te Aka Whai Ora was a success.<sup>3</sup>

Date: 26 November 2024



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**R N Smail**  
Counsel for Wai 3307

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<sup>1</sup> Wai 2575 Update to opening submissions #3.3.095(a), para 33.

<sup>2</sup> Ibid para 34-35.

<sup>3</sup> Ibid para 36-39.