

MAY IT PLEASE THE TRIBUNAL

1. This memorandum of counsel is filed on behalf of Allan Brown, the named claimant for Wai 3103 (“the claimant”).
2. This memorandum is filed in response to Memorandum-Directions dated 5 November 2024 (“the Memorandum-Directions”).¹
3. Parties who have issues relating to education services that fall within the themes provided by the Tribunal at paragraph 15² are invited to file confirming their participation in the inquiry by 5 pm, Tuesday 19 November 2024.

Wai 3103 claim

4. The Wai 3103 claim is filed by retired firefighter Allan Brown of Ngāti Kahungunu and has been filed in the Wai 2575 inquiry concerning the disproportionate harm to Māori caused by fire, as well as the lack of support for Kaupapa Māori education in relation to fire safety.³
5. Counsel seeks leave for the Wai 3103 claim to be aggregated and to participate in the Wai 3310 Inquiry and for the pleadings that relate to the transfer of Mātauranga Māori, to be heard in the Wai 3310 Inquiry. The remainder of the claim regarding the wider issue of the negative effect on the Hauora of Māori due to fire and accidental injury on Māori, can remain to be heard in the Wai 2575 Health inquiry.

Submissions

6. The Kaupapa Māori education around safety for Māori Tamariki and whānau are claim issues which can more appropriately be heard in the Wai 3310 Inquiry.
7. The Wai 3103 claim has not yet been inquired into in any inquiry so there is nothing preventing it from being heard in both the Wai 3310 and Wai 2575 inquiries.

¹ Wai 3310 #2.5.05

² Wai 3310 #2.5.05 at 15.

³ Wai 3103 #1.1.1(a)

8. Regarding priority matters demanding early attention, Counsel advises the Wai 3103 claim does not involve priority matters.
9. Referring to readiness to proceed, the claimant may seek to further particularise the claim, and is otherwise ready to proceed in-keeping with all filing directions issued by the Tribunal.

Dated at Tamaki-makaurau – Auckland this 19th day of November 2024



David Stone

Harry Clatworthy

Counsel for the claimant

TO: The Registrar, Waitangi Tribunal; Crown Law Office; and those on the notification list for the Wai 3310, the Education Services and Outcomes Kaupapa Inquiry