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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

29 Haratua | May 2025

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**Te Tari Ture  
o te Karauna**  
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RECEIVED

Waitangi Tribunal

29 May 25

Ministry of Justice  
WELLINGTON

**MAY IT PLEASE THE TRIBUNAL:**

1. This memorandum addresses a number of matters relating to the ongoing part two hearing of the Tribunal's inquiry into the disestablishment of Te Aka Whai Ora.

*Follow up filing*

2. The Crown understands it is expected to provide follow up filing by Wednesday 4 June 2025 on the following matters, which arose from the examination of Deputy-Director of Maaori Health Mr John Whaanga:
  - 2.1 the cost savings referenced in Mr Whaanga's brief of evidence (#M34(d)) at paragraph [9];
  - 2.2 the number of FTE currently in Te Pou Hauora Maaori;
  - 2.3 what formal engagement there has been between the Ministry of Health (other than Te Pou Hauora Maaori) and the Health Assurance Unit on its work;
  - 2.4 the monitoring of Maaori health against Whakamaua: Māori Health Action Plan 2020-2025; and
  - 2.5 advice provided by Te Pou Hauora Maaori on the inclusion of a Treaty framework in developing the Government Policy Statement on Health 2024-27.

*Incorrect footnote referenced*

3. Counsel have identified that the footnote references in Appendix Two of the brief of evidence of Mr Whaanga are incorrect, due to a misalignment with page numbers marked in the bundle of documents. Correct footnotes are set out in the table below, and the Crown will file a version of the brief with corrected footnotes as soon as possible.

<b>Relevant footnote reference</b>	<b>Correction</b>
Footnote 35	See JW-24 at 15. (#M34(b) at 246.)
Footnote 36	See JW-24 at 16. (#M34(b) at 247.)

Relevant footnote reference	Correction
Footnote 37	See JW-24 at 16. (#M34(b) at 247.)
Footnote 38	See JW-24 at 16. (#M34(b) at 247.)
Footnote 39	See JW-24 at 18. (#M34(b) at 249.)
Footnote 40	See JW-24 at 21. (#M34(b) at 252.)
Footnote 41	See JW-24 at 29. (#M34(b) at 260.)
Footnote 42	See JW-24 at 27. (#M34(b) at 258.)

*New Zealand Medical Journal editorial*

4. Crown counsel file with this memorandum the editorial “Ethnicity is an evidence-based marker of need (and targeting services is good medical practice)” from the September 2024 in the New Zealand Medical Journal raised by counsel for the Crown in the cross-examination of claimant witness Elana Curtis.

29 Haratua | May 2025




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C Linkhorn / F Dean  
Counsel for the Crown

**TO:** The Registrar, Waitangi Tribunal

**AND TO:** Claimant Counsel