

**IN THE WAITANGI TRIBUNAL**

**WAI 2575**

**WAI 3307**

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

**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 REGARDING HEALTHY FUTURES (PAE ORA)  
AMENDMENT BILL**

**DATED 4 JULY 2025**

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**RECEIVED**

Waitangi Tribunal

**4 Jul 25**

Ministry of Justice  
WELLINGTON

**MAY IT PLEASE THE TRIBUNAL**

1. This memorandum is filed on behalf of the Wai 3307 claimants Ms Kuka and Lady Moxon. The following counsel have also indicated their support: Mahoney Horner Lawyers, Tamaki Legal, Annette Sykes & Co for Wai 1194/1212, Wai 2713 and Wai 2494, Dixon & Co Lawyers for Wai 2003, Bennion Law, Tukau Law and Consultancy, Whaaia Legal and Kaupare Law.
2. On 19 June 2025, we filed a memorandum outlining the Health Minister's public announcement of proposed amendments to the Pae Ora Act. We submitted that the announced changes are clearly designed to further sideline any Maaori voice about their own health.
3. The Healthy Futures (Pae Ora) Amendment Bill (179-1) (**Bill**) was introduced on 2 July 2025. Counsel is concerned, again, that the Crown did not communicate this to the Tribunal within 24 hours as directed.
4. Counsel has reviewed the Bill. In our submission it implements the changes as announced by the Minister. All of the concerns raised in our 19 June 2025 memorandum therefore continue to apply and counsel relies on that memorandum. There are no additional provisions in the Bill that mitigate the concerns previously raised.
5. A table cross referencing the concerns raised in our 19 June 2025 memorandum, to the relevant clauses of the Bill, is set out below:

<b>19 June 2025 Memo</b>	<b>Healthy Futures (Pae Ora) Amendment Bill</b>
HMAC still only advisory, Minister & Health NZ retain decision-making power (paras 3–7).	Clause 31: Amends section 89 — HMAC still only advisory (paras 3–7). Minister & Health NZ retain decision-making power.
HMAC advice “must be taken into account,” but no weighting or obligation to follow it (paras 8–9).	Clause 18: New section 17 — HMAC advice “must be taken into account,” but no weighting or obligation to follow it
IMPBs no longer advise Health NZ directly but only via HMAC (paras 12–13).	Clauses 19–20: Replace sections 29–30 — IMPBs no longer advise Health NZ directly but only via HMAC

Health Charter & Health Sector Principles repealed (paras 14–16).	Clause 9: Repeals section 7; Clause 28: Repeals sections 56–58 — Health Charter & Health Sector Principles repealed
Universal targets (paras 17–18) mask inequities for Maaori.	Clauses 21–23: New section 36A — Universal targets no Maaori-specific equity provision.
Statutory appointment criteria re Te Tiriti removed (paras 19–20).	Clause 12: Amends section 12(3); Clause 32: Amends section 93 — Removes requirement for Te Tiriti knowledge.
Infrastructure focus prioritises buildings over communities (paras 21–22).	Clauses 13–14: Amends sections 13 & 14; Clauses 20–21: New sections 20–21 — Adds infrastructure objective, function, & committee.

6. For ease of reference, counsel has tracked the changes in the Bill onto the Pae Ora (Healthy Futures) Act 2022 (excluding consequential amendments), which is annexed.
7. Counsel is also instructed that the claimants oppose the name change to put the English name before the Maaori, but submit it is not surprising given the Bill further sidelines any Maaori voice about their own health.
8. The claimants once again reiterate their call for the Tribunal to be courageous in looking to the future, and making recommendations which include a New Whare.

**DATED** this 4<sup>th</sup> day of July 2025




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**R N Smail**  
Counsel for the Claimants