WAITANGI TRIBUNAL - STATEMENT OF CLAIM – DATED 3 APRIL 2026

The Claimants

1. I, Lynette MacDonald, of Te Waipounamu, whakapapa Māori.
2. I bring this claim on behalf of Whānau MacDonald and other similarly affected whānau Māori who seek equitable access to public mental health services in Waitaha.

The Claim

3. This claim concerns the acts and omissions of the Crown, acting through Health New Zealand | Te Whatu Ora and the Ministry of Health, in relation to the effective disestablishment of Te Korowai Atawhai, a kaupapa Māori advisory service within Specialist Mental Health Services (SMHS) in Waitaha.

Background

4. In or around April 2018, the SMHS "CHANGE" process was initiated within Waitaha. That process initially affirmed the importance of Māori leadership and kaupapa Māori service provision within the mental health system.
5. As part of that process, a number of key Māori roles were recognised and/or established, including:
    - Pou Whirinaki
    - Pou Ako Mātauranga
    - Kaiārahi
    - Te Kaihāpai
    - Te Whānau Kaitautoko
6. These roles were integral to the functioning of Te Korowai Atawhai as a kaupapa Māori advisory and support service within SMHS.

Crown Acts and Omissions

7. Since that time, the Crown has, through a pattern of systemic actions and omissions:
   a. progressively reduced, removed, or failed to resource these Māori roles;
   b. failed to maintain Māori leadership and decision-making authority within Te Korowai Atawhai; and
   c. transferred or allowed the transfer of governance, operational control, and pūtea associated with Te Korowai Atawhai to non-Māori personnel.
8. As a result of these actions and omissions, Te Korowai Atawhai has been constructively disestablished and no longer operates as an effective kaupapa Māori service.

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Evidence of Systemic Failure

9. The ongoing nature and impact of these failures are evidenced by the Section 99 Ministerial Report into Canterbury – Waitaha Adult Inpatient and Associated Mental Health Services, dated August 2025.

10. In particular, Recommendation 18 of that Report recognises the absence of an effective Māori mental health service and recommends that the Crown:

    "establish and invest in a Māori mental health service… led and managed by Māori with both clinical and operational skillsets and operating in partnership with the community…"

11. The need for such a recommendation demonstrates that the Crown has failed to actively protect, sustain, and develop kaupapa Māori services and leadership within the public mental health system in Waitaha.

Breach of Te Tiriti and Crown Policy Frameworks

12. The Crown's actions and omissions are inconsistent with the principles of Te Tiriti o Waitangi.

13. Further, the Crown has failed to act consistently with its own stated policy framework, including the Ministry of Health's Te Tiriti o Waitangi Framework, which requires the health system to give effect to Te Tiriti principles through:
    a. tino rangatiratanga (providing for Māori self-determination and authority in health service design and delivery);
    b. equity (ensuring Māori achieve equitable health outcomes);
    c. active protection (proactively protecting Māori health and wellbeing);
    d. options (ensuring availability of kaupapa Māori services); and
    e. partnership (working in genuine collaboration with Māori).

14. In failing to maintain and resource Te Korowai Atawhai as a kaupapa Māori service, and in allowing its effective disestablishment, the Crown has acted inconsistently with both Te Tiriti o Waitangi and its own policy obligations.

Prejudice

15. As a result of the Crown's acts and omissions, the claimants have been and continue to be prejudicially affected, including by:

    a. reduced access to culturally appropriate and kaupapa Māori mental health services;

    b. loss of tikanga-based support and advocacy within SMHS Waitaha;

    c. diminished whānau engagement in care and decision-making;

    d. inequitable mental health outcomes for Māori; and

    e. the erosion of tino rangatiratanga in the design and delivery of services intended for Māori.

Relief Sought

16. The claimants seek the following findings and recommendations from the Tribunal:

    a. A finding that the claim is well-founded;

    b. A recommendation that the Crown urgently establish and adequately resource a Māori-led mental health service in Waitaha, consistent with kaupapa Māori principles;

    c. Restoration of Māori governance, leadership, and decision-making authority over services intended for Māori within SMHS Waitaha;

    d. The return or allocation of dedicated pūtea under Māori control for the delivery of kaupapa Māori mental health services;

    e. The establishment of independent Māori oversight and accountability mechanisms, including in partnership with **Te Tauraki - Iwi Māori Partnership Board** f**or the Ngāi Tahu Takiwā,** to ensure appropriate governance, monitoring, and alignment with iwi and Māori community priorities; and

    f. Any other recommendations the Tribunal sees fit.

Procedural Matters

17. The claimants seek leave to amend this claim as further information becomes available.

18. The claimants' legal representation is yet to be confirmed.

19. The Tribunal is requested to notify:

- The General Manager, Specialist Mental Health Services (SMHS), Health New Zealand | Te Whatu Ora – Waitaha; and
- The Chief Executive, Ministry of Health.

Contact for Service

20. The claimants can be contacted at:

Ingoa: Lynette MacDonald
Kāinga: 51 Hall Street, Cheviot 7310
Waea: 021 304447

Signed: Lynette MacDonald