WAITANGI TRIBUNAL

Wai 3586

CONCERNING the Treaty of Waitangi Act 1975

AND a claim by Lynette MacDonald on behalf of herself, whānau MacDonald and other similarly affected whānau Māori seeking equitable access to public mental health services in Waitaha

MEMORANDUM-DIRECTIONS OF THE DEPUTY CHAIRPERSON

The Registrar will please enter this matter on the register of claims and give it the next available Wai number. The register should note that the claim was received on 7 April 2026.

The claimant should please take note of the 'Wai' number reference at the top of the page. Please use this claim number in any communication with the Tribunal.

This claim is lodged by Lynette MacDonald on behalf of herself, whānau MacDonald and other similarly affected whānau Māori seeking equitable access to public mental health services in Waitaha and concerns the disestablishment of Te Korowai Atawhai, a kaupapa Māori advisory and support service within Specialist Mental Health Services (SMHS) in Waitaha. The claimant alleges that the Crown has breached the principles of the Treaty of Waitangi by:

- progressively reducing, removing, or failing to resource a number of key Māori roles within SMHS;
- failing to maintain Māori leadership and decision-making authority within Te Korowai Atawhai;
- transferring or allowing the transfer of governance, operational control and pūtea associated with Te Korowai Atawhai to non-Māori personnel;
- failing to maintain and resource Te Korowai Atawhai as a kaupapa Māori service and, in turn, allowing its effective disestablishment;
- failing to act consistently with its own stated policy framework, including the Ministry of Health's Te Tiriti o Waitangi Framework; and
- failing to actively protect, sustain, and develop kaupapa Māori services and leadership within the public mental health system in Waitaha.

The claimant seeks a variety of relief, including recommendations that the Crown:

- urgently establish and adequately resource a Māori-led mental health service in Waitaha, consistent with kaupapa Māori principles;
- restores Māori governance, leadership, and decision-making authority over services intended for Māori within SMHS Waitaha;
- return or allocate dedicated pūtea under Māori control for the delivery of kaupapa Māori mental health services; and

- establish independent Māori oversight and accountability mechanisms, including in partnership with Te Tauraki – Iwi Māori Partnership Board for the Ngāi Tahu Takiwā, to ensure appropriate governance, monitoring, and alignment with iwi and Māori community priorities.

The claimant may amend this claim at a later stage. In any case the Tribunal may require the claimant to prepare a fully particularised statement of claim before the claim can be heard.

The Tribunal currently runs district and kaupapa inquiry programmes in which claims are grouped either by district or by kaupapa (thematic) issue. Historical claims are those that raise grievances which arose before 21 September 1992. Contemporary claims have grievances that arose on or after that date. Some claims have both historical and contemporary grievances.

The allegations made in this claim are contemporary in nature. They pertain to mental health services and as such may be best suited for consideration in Wai 2575, the Health Services and Outcomes Kaupapa Inquiry.

The claimant should also note that this claim is registered only insofar as it concerns contemporary allegations of Treaty breaches by the Crown.

When the time comes for the claim to be prepared for hearing, the Tribunal will decide whether there are any matters in the present claim that the Tribunal may not inquire into. The claimant needs to be aware that there are some matters that the Tribunal is not allowed to inquire into, such as any Bill that has been introduced into Parliament (unless the Bill has been referred to the Tribunal under section 8 of the Treaty of Waitangi Act 1975). Also, when historical claims are settled, the settlement legislation usually forbids the Tribunal from inquiring further into the matters that have been settled.

The claimant also needs to be aware that the Tribunal does not make settlements. After the Tribunal has completed an inquiry into claims, it writes a report making recommendations to the Crown. It cannot tell the Crown what to do; it may only recommend that the Crown acts to address the negative consequences of its breaches of the principles of the Treaty.

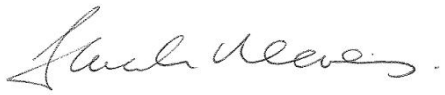
Legal Aid Services provides help for Waitangi Tribunal claimants. For advice on getting a lawyer or receiving funding, please contact Legal Aid Services at their Wellington central office or one of the local offices; the claimant should check their telephone directory for contact details.

Any questions about the contents of this document should be directed to The Registrar, Waitangi Tribunal, DX SX 11237, Wellington; phone (04) 914 3000, fax (04) 914 3001; email wt.registrar@justice.govt.nz.

The Registrar is to send a copy of this direction to the claimant and to:

- Crown Law Office;
- Te Kahui Whakatau (Treaty Settlements), Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau;
- Crown Forestry Rental Trust;
- Legal Aid Services;
- Te Puni Kōkiri;
- Ministry of Health;
- Health New Zealand;
- Te Tauraki; and
- all those on the notification list for Wai 2575, the Health Services and Outcomes Kaupapa Inquiry.

DATED at Wellington this 2nd day of October 2026



Judge Sarah Reeves
Deputy Chairperson
WAITANGI TRIBUNAL