

IN THE WAITANGI TRIBUNAL

Wai 2700

CONCERNING

the Treaty of Waitangi Act 1975

AND

Kaupapa inquiry into claims
concerning Mana Wāhine

**MEMORANDUM-DIRECTIONS OF PRESIDING OFFICER CONCERNING
JUDICIAL CONFERENCE AND OTHER MATTERS**

19 May 2020

Introduction

1. This memorandum-directions:
 - (a) confirms video-conferencing arrangements for the judicial conference on Wednesday 27 May 2020;
 - (b) attaches an agenda for the judicial conference;
 - (c) addresses the issue of confidential claims and sensitive evidence; and
 - (d) grants leave sought by David Stone and Catherine Leauga to file an amended statement of claim on behalf of Bella Savage.

Judicial conference

2. On 4 May 2020, I issued memorandum-directions convening a judicial conference on Wednesday 27 May 2020 (Wai 2700, #2.5.18). I indicated that it was likely that this would be held remotely via video conferencing and that further details would be communicated in due course.
3. I now confirm that the judicial conference will take place using Zoom video-conferencing and will commence at 10am. The Registrar will send the Zoom details via email to counsel and unrepresented claimants who have sent an RSVP, or who send one prior to the deadline of Wednesday 20 May 2020 (WT.Registrar@justice.govt.nz).
4. For the purposes of this judicial conference, only claimant counsel, Crown counsel and any unrepresented claimants may participate via Zoom. A livestream of the judicial conference will be available for claimants and all other parties to view the proceedings. A link will be sent out to the distribution list for this inquiry, prior to the judicial conference, in the usual way.
5. The agenda for the judicial conference is attached as **Appendix A**. In the interests of time, submissions received in advance of the judicial conference will be taken as read, although counsel may speak to anything that they wish to highlight or raise new issues that were not covered in submissions.
6. The Tribunal is mindful of the limitations that a judicial conference conducted in this manner may place on the opportunity for all parties to be properly heard. Parties are therefore given the opportunity to file follow-up submissions in writing. Any such submissions should be filed before **midday, Wednesday 3 June 2020**.

Confidential claims and sensitive evidence

7. In memorandum-directions dated 4 May 2020, I invited parties to make submissions regarding the 14 redacted and anonymised claims filed by Janet Mason (Wai 2700, #2.5.18).
8. No opposition was filed in relation to these claims.
9. I have therefore updated the list of claims seeking to participate to include these claims (attached as **Appendix B**). To be clear, this is a list of claims which have confirmed their intention to participate and is not a preliminary or approved list of claims for this inquiry

10. If counsel have any concerns regarding this matter, these should be raised at the judicial conference.
11. We did however receive a memorandum from Tania Te Whenua on behalf of Te Rūnanga o Ngā Toa Āwhina (Wai 2864) regarding the issue of sensitive evidence more generally (Wai 2700, #3.1.210).
12. Counsel notes that this inquiry will canvas a number of issues which will require the filing of sensitive evidence and submits the approach suggested by the Crown does not go far enough to protect the claimant's members from prejudice as Crown employees. Ms Te Whenua therefore proposes that a procedure be adopted to allow claimants to file a complete brief of evidence with the Tribunal, while seeking leave for the Tribunal to serve the Crown and other parties with a redacted version to protect their anonymity.
13. We may wish to hear from the Crown in response to this proposal at the judicial conference.

Leave to file amended statement of claim

14. On 15 May 2020, David Stone and Catherine Leauga filed a memorandum seeking leave to file an amended statement of claim on behalf of Bella Savage (Wai 1789) by 29 May 2020 (Wai 2700, #3.1.209). Counsel submit Ms Savage has only very recently confirmed her intention to participate in this inquiry.
15. The leave sought is granted. The amended statement of claim should be filed by no later than **midday, Friday 29 May 2020.**

The Registrar is directed to send a copy of this direction to counsel for the claimants, Crown counsel and all those on the distribution list for Wai 2700, the Kaupapa Inquiry into claims concerning Mana Wāhine.

DATED at Wellington on this 19th day of May 2020



Judge S F Reeves
Presiding Officer

WAITANGI TRIBUNAL