

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 CROWN
RESPONSE**

3 July 2020

Introduction

1. This memorandum-directions addresses next steps in light of the joint memorandum of claimant counsel filed on 19 June 2020 (Wai 2700, #3.1.227) and the Crown response filed on 30 June 2020 (Wai 2700, #3.1.228).

Next steps

Joint memorandum of claimant counsel

2. On 19 June 2020, Natalie Coates and Tara Hauraki of Kāhui Legal filed a joint memorandum with support from McCaw Lewis, Tamaki Legal, Annette Sykes & Co, Te Nahu Legal Ltd, Wackrow Williams & Davies, Hockly Legal, Loader Legal, Lyall & Thornton, Te Haa Legal, Te Mata Law, Oranganui Legal, Afeaki Chambers, Te Aro Law Ltd, Tukau Law, Dixon & Co, Mahony Horner Lawyers and Ranfurly Chambers (Wai 2700, #3.1.227).
3. With the memorandum, counsel filed:
 - (a) a proposal for the contextual hearings process (Wai 2700, #3.1.227(b));
 - (b) an update and proposal for inquiry scope (Wai 2700, #3.1.227(c)); and
 - (c) terms of reference for a claimant research committee (Wai 2700, #3.1.227(d)).
4. Counsel advised that these documents were filed in draft due to ongoing discussions with the Crown and that a joint position was hoped to be achieved within the next week.

Crown memorandum

5. On 30 June 2020, Liesle Theron, Matewai Tukapua and Sarah Gwynn filed a memorandum on behalf of the Crown in response to the joint memorandum of claimant counsel and accompanying proposals (Wai 2700, #3.1.228).
6. They advised that the Crown is still reviewing the three documents and intends to respond to the papers on the tūāpapa hearings and the research committee by 10 July 2020. In regard to the paper on scope, counsel advised that the Crown would like to take into account the exploratory scoping report (also referred to as the Chief Historian's 'pre-casebook discussion paper' (Wai 2700, #2.5.13)) currently being undertaken by Tribunal staff before responding. This paper is not due to be completed until the end of July 2020.

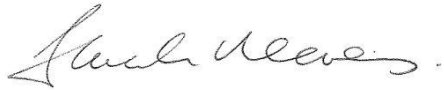
Tribunal response and decision

7. I thank claimant counsel for the comprehensive proposals and material filed. It is encouraging to see this level of claimant collaboration and engagement so early in the inquiry.
8. Regarding the Crown response, I do not consider that it is necessary for the Crown to wait for the exploratory scoping report in order to respond to the issue of scope as proposed by claimant counsel. This would cause unnecessary delays in enabling the Tribunal to finalise and confirm the scope and move to the next procedural steps for progressing the inquiry.
9. Therefore, I direct the Crown to respond to all three proposals by **midday, Friday 10 July 2020**.

10. Following this, I will issue memorandum-directions addressing matters arising from the judicial conference including, but not limited to, the inquiry scope, the proposals filed by claimant parties and the next procedural steps for the inquiry.

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 3rd day of July 2020

A handwritten signature in black ink, appearing to read 'S F Reeves', with a stylized flourish at the end.

Judge S F Reeves
Presiding Officer

WAITANGI TRIBUNAL