

**IN THE WAITANGI TRIBUNAL**

Wai 1040

**CONCERNING**

the Treaty of Waitangi Act 1975

**AND**

the Te Paparahi o Te Raki  
Inquiry

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**MEMORANDUM-DIRECTIONS OF JUDGE C T COXHEAD**

9 June 2020

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## Hei tīmatanga kōrero - Introduction

1. This memorandum-directions responds to a memorandum filed with the Waitangi Tribunal Registrar on behalf of the New Zealand Māori Council regarding a request for an early report specific to the Whatitiri Māori Reserves Trustees (“the Poroti Springs Claim”).

## Memoranda filed on behalf of the New Zealand Māori Council

2. On 22 April 2020, the Tribunal received a memorandum filed by counsel Donna Hall and Lyndon Rogers seeking a separate and early report on the Poroti Springs Claim. This claim was heard within the Paparahi o Te Raki Inquiry (Wai 1040). This request is made on the grounds that a separate report would advance the case for all Māori including those of the North, and the claimants seek a determination from the Tribunal that this claim be well-founded with the recommendation that the Crown engages with the Wahatitiri Trustees on the relief to be given.
3. Within the submissions, counsel sought leave to present this to the Tribunal privately and submit that no other party is affected as no objections were raised by any other parties when the claimants made an original application for a separate report for Poroti Springs in 2017. In the event that the Tribunal does consider that the memorandum should be circulated, the claimants sought for paragraphs 6 and 7 to be redacted so that the New Zealand Māori Council is not prejudiced by the disclosure of that information.
4. At the time this memorandum was filed with the Tribunal Registry, the Waitangi Tribunal was operating at Alert Level 4 while COVID19 was at its height. This has had implications for the work of the Tribunal.

## Te huarahi whakamua - Potential way forward

5. I have now considered this request made on behalf of the New Zealand Māori Council and note that there will be implications for other Wai 1040 claimants and the Crown if a separate and early report is granted. The prioritisation of a specific Poroti Springs Report will require a diversion of resources away from the current work being undertaken for the Te Raki o Te Paparahi Report. This diversion of time and resources will inevitably result in a further delay to the publication of the Stage Two Report.
6. In light of the resources and time implications that may be incurred, I need to provide all claimants involved in the Te Paparahi o Te Raki Inquiry and the Crown the opportunity to respond to this memorandum.
7. As requested by the claimants, a redacted version of the memorandum will be distributed to all parties and added to the Inquiry Record (Wai 1040, #3.4.20).
8. Any parties and the Crown who may wish to respond to the memorandum must do so by no later than **midday, Monday 22 June 2020**.
9. I intend to make my determination regarding this request once I have considered all submissions pertaining to this matter. The Tribunal’s decision will be confirmed in further memorandum-directions.

The Registrar is to send this direction to all those on the notification list for Wai 1040, the Te Paparahi o Te Raki Inquiry.

**DATED** at Rotorua on this 9<sup>th</sup> day of June 2020

A handwritten signature in black ink, appearing to read 'C. T. Coxhead', written in a cursive style.

Judge C T Coxhead  
Presiding Officer

**WAITANGI TRIBUNAL**