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Waitangi Tribunal
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Ministry of Justice
WELLINGTON

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KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL **WAI 2915**
WAI 2957

IN THE MATTER OF	The Treaty of Waitangi Act 1975;
AND	
IN THE MATTER OF	The Oranga Tamariki Urgent Inquiry;
AND	
IN THE MATTER OF	Tā Taihākurei Durie for himself and the New Zealand Māori Council and as Chair of Raukawa District Māori Council;
AND	
IN THE MATTER OF	Wiremu Puriri, Chair of Tai Tokerau District Māori Council;
AND	
IN THE MATTER OF	Roimata Minhinnick, Chair of Tamaki ki te Tonga District Māori Council;
AND	
IN THE MATTER OF	Tāne Cook, of Mataatua District Māori Council;
AND	
IN THE MATTER OF	Raewyn Harrison, Deputy Chair of the Tamaki Makaurau Māori Council;
AND	
IN THE MATTER OF	Wi Derek King Huata, Chair of the Takitimu District Māori Council.

MEMORANDUM OF THE NEW ZEALAND MĀORI COUNCIL

REGARDING JURISDICTION

12 Whiringa ā-rangi 2020

WOODWARD LAW OFFICE

Counsel Acting:
Donna M T T Hall
Lyndon Rogers

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E TE KAIWHAKAWĀ, Ā, E NGĀ RANGATIRA KEI TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI, TĒNĀ KOUTOU.

Introduction

1. In response to Woodward Law's memoranda of 14 September 2020, 13 October 2020 and 11 November 2020, Ms Mason has submitted by memoranda of 11 November that:

> **10.** There currently is extant High Court litigation between the Claimant DMCs and the "NZMC" regarding the legitimacy of their respective elections that were held in 2017, and the respective claimed positions. This litigation is currently stayed, pending the outcome of mediation, which was held in July of this year.
>
> **11.** The DMC/NZMC HC Proceedings are synonymous with the dispute that WL is now trying to bring before this Tribunal. It is inappropriate that they do so while these exact issues are currently before the High Court.

2. Ms Mason is simply obfuscating.

3. First, the extant litigation concerns the triennial election/appointment process conducted in 2018, after the relevant NZMC directions were given. That litigation has not been stayed; rather, it has been adjourned. Further, it only concerns five out of 16 Districts. The NZMC continues to lawfully operate, and the relevant dirctions continue to be supported by the 11 Districts in which there is no dispute.

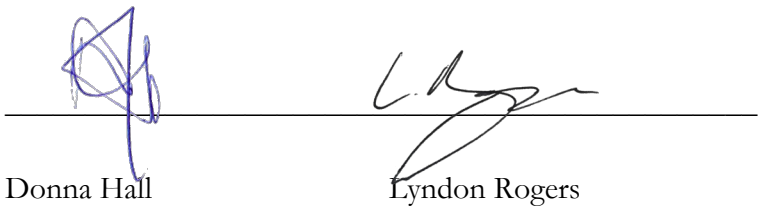
4. As made clear in our previous memoranda, the dispute about leadership in five districts is irrelevant. The NZMC is not asking the Tribunal to determine that issue.

5. NZMC says that whomever can properly represent the five Districts, they are subject to the directions of the NZMC, and they have not complied with those directions.

6. The only High Court proceedings in which this particular issue has been raised is the judgments of Churchman J, which we have previously addrssed. Churchman J, partly in reliance on the NZMC's directions, struck out Mr Paul's and Mr Dargaville's claims. There is no reason why the Tribunal, faced with a materially similar question, should not follow the same approach (noting

of course that there is no suggestion that the claims should be struck out, simply that they need to be brought in the names of the claimants only, not on behalf of a District Māori Council).

Dated at Wellington this 12 Whiringa ā-rangi 2020



Donna Hall Lyndon Rogers

Woodward Law.

Counsel for the New Zealand Māori Council.