IN THE WAITANGI TRIBUNAL

WAI 2700
WAI 2717
WAI 2855
WAI 2884
WAI 2917

IN THE MATTER OF	The Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	The Mana Wāhine Kaupapa Inquiry
AND	
IN THE MATTER OF	A claim by Bonnie Jade Kake on behalf of all Māori Women (Wai 2717) A claim by Hana Maxwell concerning mana wāhine and Ngātihau (Wai 2855) a claim by Huhana Lyndon concerning mana wāhine representation in local government (Wai 2917) a claim by Thelma Connor and Kristi Henare on the impact of contemporary land law on Wāhine Māori and Mana Wāhine (Wai 2884)

Memorandum of Counsel regarding Hearing Planning

Dated 25 November 2020

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Waitangi Tribunal
25 Nov 2020
Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL

1. This memorandum is filed on behalf of the following claimants:

    a. A claim by Bonnie Jade Kake on behalf of all Māori Women (Wai 2717);
    b. A claim by Hana Maxwell concerning mana wāhine and Ngātihau (Wai 2855);
    c. A claim by Huhana Lyndon concerning mana wāhine representation in local government (Wai 2884); and
    d. A claim by Thelma Connor and Kristi Henare on the impact of contemporary land law on Wāhine Māori and Mana Wāhine (Wai 2917).
    (the Claimants)

Proposed Tūāpapa Hearing Dates

2. The Tribunal indicated that the first Tūāpapa hearing week would take place in Taitokerau from 3 to 5 February 2020[1] and sought feedback on proposed hearing dates.[2]

3. In response to those directions we provided feedback about the events taking place during the week of 3 to 5 February 2020, many of which are related to Waitangi Day preparations and involve our clients and their communities and others. These dates also clash with a number of significant events planned that week in Taitokerau, including:

    a. Iwi Leaders Forum;
    b. Ruapekapeka Pa Commemoration and Soldiers' Unveiling; and
    c. Waitangi Political Forum.

4. On behalf of the Claimants we expressed the concern that the date indicated by the Tribunal for the first hearing week might be impractical and requested consideration of a date change, perhaps by being postponed until the following week, being 10-12 February 2020.

5. This hearing plan has since been confirmed in directions released on 20 October 2020.[3]

[1] Wai 2700, #2.5.28, (9).
[2] Wai 2700, #2.5.24, (27).
[3] Wai 2700, #2.5.33, (45).

Hearing locations and venues

6. As indicated in the memorandum filed on the 2nd of October, and at the judicial conference, there was support for the Tūāpapa hearing week in Tai Tokerau being hosted at a marae.[4]

Challenges of the current hearing plan

7. The current plan for week one of the Tūāpapa hearings presents significant challenges for the claimant communities we represent.

8. It is difficult to overstate the significance of the events which take place in the week leading up to Waitangi Day, and the corresponding commitments that this places on large numbers of the local hapū and marae and claimant community. Most of those marae which wished to host this hearing week were already committed to other hapū and marae events, again indicating the extent of commitments across the hapū and marae of Tai Tokerau at this time of year.

9. This brings us to another aspect of the planning which presents a challenge to these claimants, namely the hosting of this hearing at the Turner Centre in Kerikeri. While a large and accessible venue, the evidence which is to be presented, its content and the mana of the speakers, would be best served by the opportunity to present this material at one of marae in Tai Tokerau.

10. Because of the combination of timing and location, there is concern amongst these claimants that there is a significant risk that holding this hearing on the dates and at the venue as planned will prevent this significant event from being accessible firstly to potential speakers to address this significant kaupapa, but also to the audience which this kind of kōrero deserves, because of those other commitments.

Alternatives

11. As previously indicated, shifting the hearing to the week following Waitangi Day would alleviate many if not all of these obstacles, depending on Tribunal panel availability. This would also enable the hearing to take place on a Marae.

12. While it may not be ideal to change the sequence of the hearings so that the hearing in Tai Tokerau is not first, the currently scheduled second week; February 24-26,

[4] Wai 2700, #2.5.28, (9).

would avoid all the issues identified.

13. Finally, the third and fourth Tūāpapa hearings are yet to be set down and could fall in July, November or December, as reflected in the Joint Memorandum filed on Wednesday the 18th of November, showing that there may be further sequencing options which better serve the claimant community and hapū of Tai Tokerau.

Dated at Tāmaki Makaurau this 25th day of November 2020

Brooke Loader, Cameron Hockly
Counsel for the Claimants