

IN THE WAITANGI TRIBUNAL

**WAI 3006
WAI 3060**

IN THE MATTER of the Treaty of Waitangi Act 1975

A N D

IN THE MATTER a claim into the Crown's failure to provide a sustainable and fair claimant funding regime for kaupapa and urgent Waitangi Tribunal inquiries (Wai 3006)

A N D

IN THE MATTER the Justice system kaupapa Inquiry (Wai 3060)

MEMORANDUM OF COUNSEL

Dated this 12th day of November 2021

RECEIVED
Waitangi Tribunal
12 Nov 2021
Ministry of Justice WELLINGTON



p 09 404 0953
a 91 Hupara Road, RD2 Kaikohe, Northland 0472
e admin@tukaulaw.co.nz
w www.tukaulaw.co.nz

Counsel acting

**Season-Mary Downs
Josey Lang
Jessica Hita**

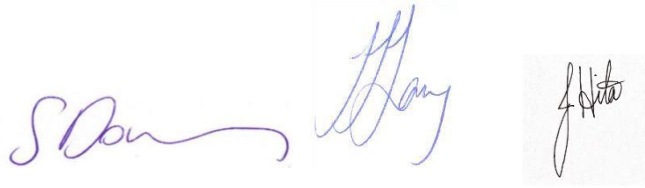
MAY IT PLEASE THE TRIBUNAL:

- 1.0 By way of Memorandum-Directions dated 17 December 2020 the Deputy Chairperson of the Tribunal directed the Crown to report to the Tribunal as to progress on its work on claimant funding for urgent and kaupapa Waitangi Tribunal inquiries.¹ This Memorandum-Direction was issued in relation to the Wai 3006 urgency application regarding claimant funding.
- 2.0 In a Memorandum of Counsel dated 28 January 2021 the Crown advised that discussions with claimants and claimant counsel had been undertaken and noted the appointed project team had started preparing its report regarding claimant funding to the joint Ministers (the Minister for Māori-Crown Relations, the Minister of Justice and the Minister for Māori Development) with the anticipation that the report would be prepared by March 2021.²
- 2.1 The Wai 3006 claim has now been transferred to be heard as part of the Wai 3060 Justice Kaupapa inquiry. The progress and any outcome of the Crown's claimant funding review is directly relevant to the subject matter of the Wai 3006 claim. It has now been eight months since that anticipated deadline, and the claimants have not been informed of the outcome of that review, nor received copies of the report itself.
- 3.0 Counsel therefore respectfully seek a direction from the Presiding Officer of the Wai 3060 Inquiry that the Crown provide an update regarding the report into claimant funding issues and an update on any timeframes for the review process going forward.

¹ Wai 3006, #2.5.8, *Memorandum-Directions of the Deputy Chairperson asking the Crown to report to the Tribunal*, 17 December 2020.

² Wai 3006, #3.1.39, *Memorandum of counsel updating the Tribunal on progress of the project team*, 28 January 2021.

DATED at Pakaraka this 12th day of November 2021



Season-Mary Downs/Josey Lang/Jessica Hita
Counsel for the claimants