WAITANGI TRIBUNAL

Wai 3119

CONCERNING	the Treaty of Waitangi Act 1975
AND	a claim by William Stephens on behalf of the whānau of Shargin Atarea Stephens

MEMORANDUM-DIRECTIONS OF THE DEPUTY CHAIRPERSON

The Registrar will please enter this matter on the register of claims and give it the next available Wai number. The register should note that the claim was received on 1 April 2022.

The claimant should please take note of the 'Wai' number reference at the top of the page. Please use this claim number in any communication with the Tribunal.

This claim is lodged by William Stephens on behalf of the whānau of Shargin Atarea Stephens, and concerns policing. The claimant alleges that the Crown has breached the principles of the Treaty of Waitangi through:

- the New Zealand Police fatally shooting Shargin Atarea Stephens;
- the New Zealand Police disproportionately wounding or killing Māori, and specifically Māori men;
- the New Zealand Police negatively stereotyping when using weapons;
- the New Zealand Police who carry out armed operations being trained in a way that does not include teaching officers sufficiently about culturally sensitive de-escalation; and
- the Independent Police Conduct Authority failing in its investigation into the fatal shooting of Shargin Atarea Stephens on a variety of counts.

The claimant seeks a variety of relief, including recommendations that the Crown:

- makes a full, public and unreserved apology for actions and omissions found to be in breach of te Tiriti; and
- pays full and comprehensive compensation to the claimants for those breaches of te Tiriti.

The claimant may amend this claim at a later stage. In any case the Tribunal may require the claimant to prepare a fully particularised statement of claim before the claim can be heard.

The Tribunal currently runs district and kaupapa inquiry programmes in which claims are grouped either by district or by kaupapa (thematic) issue. Historical claims are those that raise grievances which arose before 21 September 1992. Contemporary claims have grievances that arose on or after that date. Some claims have both historical and contemporary grievances.

The allegations made in this claim are contemporary in nature. They pertain to the justice system and as such may be best suited for consideration in Wai 3060, the Justice System kaupapa inquiry.

The claimant should also note that this claim is registered only insofar as it concerns contemporary allegations of Treaty breaches by the Crown.

When the time comes for the claim to be prepared for hearing, the Tribunal will decide whether there are any matters in the present claim that the Tribunal may not inquire into. The claimant needs to be aware that there are some matters that the Tribunal is not allowed to inquire into, such as any Bill that has been introduced into Parliament (unless the Bill has been referred to the Tribunal under section 8 of the Treaty of Waitangi Act 1975). Also, when historical claims are settled, the settlement legislation usually forbids the Tribunal from inquiring further into the matters that have been settled.

The claimant also needs to be aware that the Tribunal does not make settlements. After the Tribunal has completed an inquiry into claims, it writes a report making recommendations to the Crown. It cannot tell the Crown what to do; it may only recommend that the Crown acts to address the negative consequences of its breaches of the principles of the Treaty.

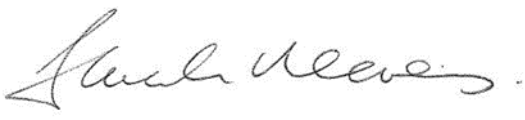
Legal Aid Services provides help for Waitangi Tribunal claimants. For advice on getting a lawyer or receiving funding, please contact Legal Aid Services at their Wellington central office or one of the local offices; the claimant should check their telephone directory for contact details.

Any questions about the contents of this document should be directed to The Registrar, Waitangi Tribunal, DX SX 11237, Wellington; phone (04) 914 3000, fax (04) 914 3001; email wt.registrar@justice.govt.nz.

The Registrar is to send a copy of this direction to the claimant and to:

- Crown Law Office;
- Te Kahui Whakatau (Treaty Settlements), Office for Māori Crown Relations – Te Arawhiti;
- Crown Forestry Rental Trust;
- Legal Aid Services;
- Te Puni Kōkiri;
- The New Zealand Police;
- The Independent Police Conduct Authority; and
- All those on the notification list for Wai 3060, the record of inquiry for the Justice System kaupapa inquiry.

DATED at Wellington this 5th day of April 2022



Judge Sarah Reeves
Deputy Chairperson
WAITANGI TRIBUNAL