

WAITANGI TRIBUNAL

Wai 3131

CONCERNING

the Treaty of Waitangi Act 1975

AND

a claim by Rysell Griggs on behalf of herself and her whānau

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 2 May 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 Rysell Griggs on behalf of herself and her whānau, and concerns the justice system. The claimant alleges that the Crown has breached the principles of the Treaty of Waitangi by failing to:

- design and implement a policy that consistently provides for claimant funding across kaupapa and urgent inquiries, thereby failing to ensure the claimant can participate effectively in kaupapa and urgent inquiries;
- provide adequate processes and funding for the Māori Land Court;
- provide adequate legislation, policies and practices for the Māori Land Court;
- ensure the recognition and protection of tikanga in Māori Land Court legislation, policies and practices;
- provide a culturally appropriate criminal justice system for Māori;
- ensure cultural competency in the organisations and actions involved in the justice sector;
- encourage development of tikanga Māori in New Zealand Police policy, practice and statute;
- adequately address the disproportionate representation of Māori in negative statistics relating to the justice system;
- protect the claimant and rangatahi Māori from being targeted by police officers;
- provide equitable access to justice to the claimant;
- provide options outside of the criminal justice system for dealing with cultural issues;
- adequately consult and partner with the claimant, as Māori, in the development and administration of the justice system;
- ensure adequate representation of Māori and Māori perspectives in the justice system;
- adequately recognise and protect tikanga in legislation, policies, processes and practices in the administration of justice;
- provide culturally relevant options and interventions outside the mainstream justice system;
- provide and protect kaitiakitanga and other tikanga process in the civil courts; and
- adequately consult with the claimant before it implemented legislation to remove the Privy Council.

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

- provide a sincere and public apology to the claimant for its actions and omissions in relation to the claimant's allegations;
- develop, in partnership with the claimant, a consistent and transparent claimant funding policy to ensure full participation in kaupapa and urgent inquiries;
- ensures the above policy includes that the Crown provide for claimant costs on an upfront basis; and
- make changes to legislation, policy and practices to address the claimant's concerns.

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, Te Rau o Te Tika: the Justice System kaupapa inquiry.

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.

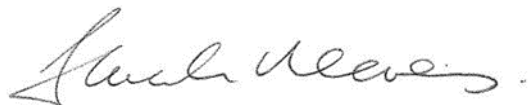
Any questions about the contents of this document should be directed to The Registrar, Waitangi Tribunal, DX SX 11237, Wellington; phone (04) 914 3000, fax (04) 914 3001; email wt.registrar@justice.govt.nz.

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;
- Ministry of Justice;
- Department of Corrections;

- New Zealand Police; and
- all those on the notification list for Wai 3060, Te Rau o Te Tika: The Justice System kaupapa inquiry.

DATED at Wellington this 5th day of May 2022

A handwritten signature in black ink, appearing to read "Sarah Reeves". The signature is fluid and cursive, with a small dot at the end.

Judge Sarah Reeves
Deputy Chairperson

WAITANGI TRIBUNAL