IN THE WAITANGI TRIBUNAL

Wai 2700

CONCERNING the Treaty of Waitangi Act 1975

AND the Mana Wāhine Kaupapa Inquiry

MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER REGARDING TŪĀPAPA HEARING FOUR

16 June 2022

Introduction - He kupu arataki

1. This memorandum-directions addresses the following matters regarding tūāpapa hearing four of the Mana Wāhine Kaupapa Inquiry (Wai 2700):

    a) Extension requests to file briefs of evidence.

    b) Leave sought to add new witnesses and file briefs of evidence out of time.

    c) Leave sought for Dr Moana Jackson's brief of evidence to be read by Ani Mikaere.

    d) Leave sought to withdraw witnesses.

    e) Assessment of whether briefs of evidence are in scope for the tūāpapa phase.

Extension requests to file briefs of evidence

2. On 18 March 2022, I confirmed the filing timetable for tūāpapa hearings four and five (Wai 2700, #2.5.70(a)). Briefs of evidence for tūāpapa hearing four were due by 31 May 2022.

3. On 30 May 2022, the following extension requests were sought in relation to filing evidence for tūāpapa hearing four:

    a) Natalie Coates and Joanna Judge to file the brief of evidence of Materoa Dodd on behalf of the Māori Women's (Wai 381) claim and Te Tai Tokerau Mana Wahine (Reid & Evans) (Wai 2260) claim by 7 June 2022 (Wai 2700, #3.1.584).

    b) Tania Te Whenua to file the brief of evidence of Kate Hudson on behalf of the Ngai Tamatea Hapū ki Waiotahe Lands (Wai 1511) claim by 7 June 2022 (Wai 2700, #3.1.585).

4. On 1 June 2022, Dr Bryan Gilling, Daniel Hilton, Henry Foubister and Evangeline Coffey sought an extension to file the evidence of Marianne Parker on behalf of the Te Atatū Lands (Auckland) (Wai 914) claim by 8 June 2022 (Wai 2700, #3.1.592).

5. The leave sought was granted and parties were advised on 1 June 2022 via an e-mail from the Waitangi Tribunal Registrar (the Registrar). Parties were advised that briefs of evidence for tūāpapa hearing four were now due to be filed by 5pm, Tuesday 7 June 2022 and that evidence filed after this time would not be accepted.

6. While this extension was granted, I also note that parties were given significant notice to prepare and finalise this evidence and I fully expect that evidence for tūāpapa hearings five and six will be filed on time.

Leave sought to add new witnesses and file briefs of evidence out of time

7. On 31 May 2022, Annette Sykes, Hinerau Rameka, Camille Houia and Te Maiora Rurehe filed a memorandum on behalf of the Māori Women's Refuge (Simpson and Albert) (Wai 1885), Te Runanga o Kirikiriroa Housing (Tupuhi) (Wai 2807), and the Mana Wāhine (Pihama and others) (Wai 2872) claims, seeking leave to add two further witnesses to present at tūāpapa hearing four and for this evidence to be filed out of time (Wai 2700,

#3.1.587). Counsel advised that the Wai 1885 and 2807 witnesses were unlikely to utilise the full presentation time allocated to them and the additional witnesses would not necessitate further presentation time.

8. The leave sought was granted and parties were advised on 1 June 2022, via email from the Registrar.

Leave sought for Dr Moana Jackson's brief of evidence to be read by Ani Mikaere

9. In the 31 May 2022 memorandum filed by Mses Sykes, Rameka, Houia and Mr Rurehe, counsel also sought leave for Ani Mikaere to read the late Dr Moana Jackson's brief of evidence during the time allocated to him at tūāpapa hearing four (Wai 2700, #3.1.587).

10. The leave sought for Ani Mikaere to read the brief of evidence of Dr Moana Jackson was granted and parties were advised on 1 June 2022, via email from the Registrar.

Leave sought to withdraw witnesses

11. On 26 May 2022, I approved and confirmed the proposed witness list for tūāpapa hearing four (Wai 2700, #2.5.72, #2.5.72(a)).

12. On 7 June 2022, Tavake Afaeki and Siaosi Tofi filed a memorandum on behalf of the Whirinaki Lands and Waters (Hokianga) (Wai 700) claim (Wai 2700, #3.1.594) seeking to withdraw the Wai 700 witness from tūāpapa hearing four and for these witnesses to instead be allocated a presentation slot at tūāpapa hearing six (Wai 2700, #3.1.594).

13. On 9 June 2022, Chris Beaumont filed a memorandum on behalf of the Raketapauma (Descendants of Ropoama Pohe) (Wai 1632) and the Whakatohea and Ngati Muriwai of Omaramutu Lands and Resources (McMurtie) (Wai 2160) claims, seeking leave to withdraw witnesses from presenting at tūāpapa hearing four (Wai 2700, #3.1.596).

14. On 10 June 2022, the following memoranda were received seeking to withdraw witnesses from tūāpapa hearing four and have them present evidence at tūāpapa hearing six:

    a) Eve Rongo, on behalf of the Mana Wāhine (Ngai Tai and Ririwhenua hapū) (Wai 3159) claim (Wai 2700, #3.1.597).

    b) Dr Gilling and Ms Coffey, on behalf of the Te Atatu Lands (Auckland) (Wai 914) claim (Wai 2700, #3.1.598).

    c) Stephanie Roughton and Kathrine Alty, on behalf of The Tongariro Power Development Scheme Lands (Wai 1196) claim. Counsel also sought leave to withdraw and amend the previously filed evidence of Tiaho Pillot, and for Ms Pillot to present her evidence with the other Wai 1196 claimants as a rōpū at tūāpapa hearing six via AVL (Wai 2700, #3.1.599).

15. On 15 June 2022, Mses Roughton and Alty, on behalf of claimant coordinating counsel, filed an update on tūāpapa hearing four and filed the penultimate witness list for tūāpapa hearing five and a finalised witness list for tūāpapa hearing six (Wai 2700, #3.1.600, #3.1.600(a), #3.1.600(b)). Counsel advised that due to the changes to the witness list for tūāpapa hearing four, the timetable has been reduced to three days and the hearing will now conclude on Wednesday 13 July 2022.

16. The leave sought to withdraw the witnesses above from tūāpapa hearing four is granted. I confirm that tūāpapa hearing four will now be convened from **Monday 11 July to Wednesday 13 July 2022**.

17. It is disappointing that so many witnesses who were scheduled to present at tūāpapa hearing four have now withdrawn and that this was communicated to the Tribunal so close to the evidential filing date. This is particularly so given the significant notice to prepare and be ready for this hearing.

18. Any leave granted to present at tūāpapa hearing six will be contingent on there being sufficient time available in that hearing timetable, which is yet to be confirmed. Memorandum-directions dealing with tūāpapa hearings five and six matters will be issued at a later date.

Assessment of whether briefs of evidence are in scope for the tūāpapa phase

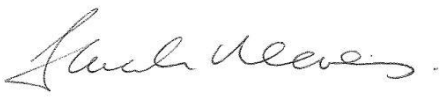
19. On 18 March 2022, I indicated that the Tribunal would confirm whether the evidence filed for tūāpapa hearing four falls within the scope for the tūāpapa phase and that memorandum-directions would be issued regarding this matter on 16 June 2022 (Wai 2700, 2.5.70(a)).

20. The Tribunal has completed its assessment of the evidence filed and I confirm that the nineteen briefs of evidence received are substantially within scope for the tūāpapa phase. While a few of the briefs do touch peripherally on allegations of Te Tiriti breach, these allegations do not form the focus of the evidence. Parties are reminded to address the most relevant parts of their evidence when presenting to the Tribunal.

21. Finally, I would like to thank parties for ensuring that the briefs of evidence filed for tūāpapa hearing four are within scope.

The Registrar is to send this direction to all those on the notification list for Wai 2700, the Mana Wāhine Kaupapa Inquiry.

DATED at Wellington on this 16th day of June 2022.



Judge S F Reeves
Presiding Officer
WAITANGI TRIBUNAL