

WAITANGI TRIBUNAL

Wai 58

CONCERNING

the Treaty of Waitangi Act 1975

AND

the Whangaroa Lands and Fisheries claim

MEMORANDUM-DIRECTIONS OF THE DEPUTY CHAIRPERSON

The Registrar is directed to add to Wai 58 an amended statement of claim received on 13 May 2022, and to record its date of receipt in the register of claims.

This amendment seeks to add further allegations to the claim concerning the justice system. These allegations include that the Crown has breached the principles of the Treaty of Waitangi by:

- preferring legal political and statutory systems over Māori tikanga and options based on te ao Māori;
- depriving Māori of their land rather than providing the promised protection;
- through the Māori Land Court, failing to adequately seek the owners of Māori whenua;
- failing to protect the whenua from alienation in favour of local bodies;
- failing to protect the property rights, mana and rangatiratanga of Māori women who, under those Crown systems lost ownership of their land when they married Pākehā;
- failing to provide a criminal justice system that prevents disproportionate and harmful effects on Māori;
- allowing New Zealand Police officers to single out and target Māori as a result of their discretion as well as institutional racism, bias and discrimination;
- failing to protect Māori from discrimination while incarcerated;
- failing to create a legal aid system which takes into account te ao Māori and adequately provides funding for Māori when engaging with the justice and legal system, particularly in the criminal justice system;
- failing to support legal aid duty lawyers in providing quality services to Māori through the time and funding constraints of the legal aid grant schedules;
- failing to adequately resource the courts to allow Māori to engage in a quality criminal justice process which upholds natural justice;
- allowing Māori in prisons to be severely mistreated by wardens and prison staff; and
- creating a system in which the New Zealand Police are not adequately held accountable for their words and actions, particularly in the treatment of Māori.

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

The claimants seek a variety of relief, including recommendations that the Crown:

- develop and co-design practices and policies with Māori to benefit, uplift or maintain the mana of Māori who are engaged at any point in the justice system including:

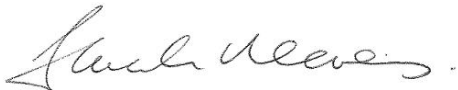
- recognising Māori methods and concepts of justice, which should be legalised and valued;
- recognising the significance of whakawhanaungatanga within the criminal justice system, particularly when engaging with duty lawyers and probation officers; and
- adequate funding and resourcing for lawyers, particularly duty lawyers, to properly connect with and represent Māori before the criminal courts;
- cooperate and work in partnership with iwi organisations to build local initiatives that have better outcomes for Māori who have been in contact with the criminal justice system; and
- adequately resource and facilitate kaupapa Māori programmes that aim to reduce offending and re-offending.

The amendment is to be entered on Wai 58, the Whangaroa Lands and Fisheries claim, as document #1.1.1(I).

The Registrar is to send a copy of this direction to the claimants and give notice of the amendment to those on the notification list for:

- Wai 58, the Whangaroa Lands and Fisheries claim; and
- Wai 3060, Te Rau o te Tika: the Justice System inquiry.

DATED at Wellington this 30th day of June 2022



Judge Sarah Reeves
Deputy Chairperson

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