IN THE WAITANGI TRIBUNAL

Wai 3218

CONCERNING the Treaty of Waitangi Act 1975

AND an application for an urgent hearing by Matthew Te Pou on behalf of himself and Te Waimana whānau who are being denied housing

MEMORANDUM-DIRECTIONS OF THE CHAIRPERSON

1. On 8 November 2022, the Tribunal received a memorandum of counsel for the applicant, seeking to update the Tribunal one week later following a meeting between the applicant and the Ministry of Social Development (Wai 3218, #3.1.6). This was followed by a memorandum of counsel for the Crown noting they were still taking instructions and seeking to file in response to the applicant's memorandum by 15 November 2022 (Wai 3218, #3.1.7).

2. In memorandum-directions of 14 November 2022, I granted these requests and directed the Crown to file in response to the applicant's memorandum by 15 November 2022. The applicant was to provide an update on discussions with the Crown and inform the Tribunal whether an adjournment was sought by 18 November 2022 (Wai 3218, #2.5.6).

Memorandum for the Crown

3. On 16 November 2022, the Tribunal received a memorandum of counsel for the Crown seeking a direction that the Crown report back to the Tribunal on progress with the subject matter of the urgency application by 16 December 2022 (Wai 3218, #3.1.8).

4. Counsel note Ministers have directed officials from the Ministry of Housing and Urban Development, Te Puni Kōkiri and the Ministry of Social Development to progress this matter and meet with the applicant with a view to resolving the subject matter of the claim.

5. They submit the issues in the claim clearly concern the relationships between the parties (both between Ngāi Tūhoe and the Crown and also among Te Waimana, Te Uru Taumatua and the Crown). The best approach that is likely to be enduring and consistent with whakawhanaungatanga is that the parties attempt to resolve the matters among themselves. Counsel submit that five weeks is necessary for this.

6. Further, the claim and evidence reveal inaccuracies and possibly misunderstanding and miscommunication between the parties. The Crown considers it is desirable to address this through discussion with the applicant, rather than evidence and submissions.

7. Senior officials are therefore writing to the applicant to propose two hui for the first week of December:

    (a) Firstly, the Crown will meet with the applicant and relevant whānau first-hand to discuss the issues.

    (b) Secondly, the Crown will hold a wider hui (including Te Uru Taumatua, Te Waimana and other Tūhoe hapū) concerning the He Taupae engagement protocols governing the exchange of information between the Crown and Tūhoe, housing issues across the rohe and issues concerning relevant Crown funding and programmes.

Memorandum for the applicant

8. On 18 November 2022, the Tribunal received a memorandum of counsel for the applicant opposing the adjournment (Wai 3218, #3.1.9).

9. A hui took place on 17 November 2022 where the Minister for Social Development advised the applicant more time was needed. Counsel submit the Ministry of Social Development has had almost two months to address the issues in the claim and the 15 houses identified as a priority.

10. Further, the hui involving Te Uru Taumatua protocols requires a wider group discussion and independent facilitation, which may not be realistic for early December. Counsel notes that there is a sense that the matters of the claim will stretch into 2023.

11. Counsel suggest the Crown responds to the urgency application, followed by evidence and submissions of both parties. In the interim and in good faith, the Crown should convene the hui involving the Ministry of Social Development, the Ministry for Housing and Urban Development and Te Puni Kōkiri. Counsel note their proposed approach may be suspended or deferred depending on the outcome of this hui.

Direction

12. Having considered the memoranda of the parties, I grant leave for the Crown to report back on the hui and the progress of the matters in the claim by **midday, Friday 16 December 2022.**

The Registrar is to send this direction to all those on the notification list for Wai 3218, Te Waimana Housing claim.

DATED at Gisborne this 6th day of December 2022

Chief Judge Isaac
Chairperson
WAITANGI TRIBUNAL