

IN THE WAITANGI TRIBUNAL

Wai 1040

CONCERNING

the Treaty of Waitangi Act 1975

AND

Te Paparahi o Te Raki Inquiry

MEMORANDUM-DIRECTIONS OF JUDGE C T COXHEAD

28 February 2023

Request for leave to make further closing submissions following recent court judgments concerning tikanga

Joint claimant request to file further closing targeted submissions

1. On 23 November 2022, claimant counsel Bryce Lyall, Linda Thornton, and Hannah Swedlund submitted a joint memorandum seeking leave to make additional submissions on 'recent, relevant and significant decisions of the courts concerning tikanga' (Wai 1040, #3.4.46 at [2]). The leave is sought on behalf of the following claims:
 - a) The Puketōtara Block (Wai 421) claim;
 - b) The Tarairei IE2 Block (Wai 593) claim;
 - c) The Great Barrier Island, Little Barrier Island, Mokohīnau Group of Islands (Wai 678) claim;
 - d) The Inland Kerikeri (Wai 869) claim;
 - e) The Kororipo Lands and Resources (Wai 1247) claim;
 - f) Kauwhata, Rangi and Wharetōtara (Wai 1383) claim;
 - g) Ngā Uri o Tupoto Inc & Ngāti Toro (Wai 1507) claim;
 - h) Ngāti Hine, Ngāti Kawau, Ngāti Kawhiti and Nga Uri o Te Pona (Taniwha) (Wai 1666) claim;
 - i) Te Rae Trust (Wai 1725) claim;
 - j) Hapū o Te Rohe Pōtae o Whangaroa (Kīngi) (Wai 1832) claim;
 - k) Te Whiu and Kin Hapū (Wai 1890) claim;
 - l) Taniwha and Others Lands (Wai 2010) claim;
 - m) Porotī Lands (Norris) (Wai 2058) claim;
 - n) Ngā Uri o Te Pona Waahi Tapu (Taniwha) (Wai 2149) claim;
 - o) The Ngā Uri o Maki-nui Lands (Kapea and Beazley) (Wai 2181) claim;
 - p) Mohinui Waiōmio Development Scheme and other lands (Karaitiana) (Wai 2368) claim; and
 - q) The Kaikohe Aerodrome (Smith) (Wai 2373) claim
2. Counsel submit the Court decisions are relevant to 'Issue One: Tino Rangatiratanga, kāwanatanga and autonomy: political engagement between Māori and the Crown', and 'Issue 14: Te Reo Māori, Wāhi Tapu, Taonga and Tikanga', in the Tribunal Statement of Issues for this Inquiry (Wai 1040, #1.4.2, pp 4 & 39).
3. Counsel submit that submissions following from these Court decisions would be 'targeted and directly relevant' to the matters before the Wai 1040 Tribunal. Counsel outlined that they did not wish to delay the Tribunal report and suggested the Tribunal hear from both claimant and Crown counsel on the decisions prior to the release of its report. They requested a chambers conference to discuss the request.

Next steps

4. Parties will be aware that since this request was received, the Tribunal on 23 December 2022 released a pre-publication version of Tino Rangatiratanga me te Kāwanatanga: Part 1 of the Report on Stage 2 of the Te Paparahi o Te Raki Inquiry.

5. To inform my decision on the next steps for this matter, I would like the Crown's view of the request. Counsel for the Crown are directed to advise this by **5pm, Tuesday 28 March 2023**.

The Registrar is to send this direction to all those on the notification list for Wai 1040, the Te Paparahi o Te Raki inquiry.

DATED at Tāmaki Makaurau, this 28th day of February 2023



Judge C T Coxhead
Presiding Officer

WAITANGI TRIBUNAL

