IN THE WAITANGI TRIBUNAL

Wai 3300

CONCERNING	the Treaty of Waitangi Act 1975
AND	the Constitutional Kaupapa Inquiry

MEMORANDUM-DIRECTIONS OF THE CHAIRPERSON COMMENCING A KAUPAPA INQUIRY INTO CLAIMS CONCERNING THE CONSTITUTION, SELF-GOVERNMENT AND ELECTORAL SYSTEM

22 December 2022

Introduction

1. In this memorandum-directions I commence a Tribunal kaupapa inquiry into claims concerning the constitution, self-government and electoral system. I also appoint a presiding officer and panel to conduct the inquiry.

Commencing a kaupapa inquiry into claims concerning the constitution, self-government and electoral system

2. The Waitangi Tribunal's kaupapa inquiry programme provides a pathway for the hearing of nationally significant claims that affect Māori as a whole or a section of Māori in similar ways. In my memorandum of 1 April 2015, I indicated that it would comprise 11 inquiries and set out the order in which they would commence. Included in that programme was an inquiry into claims concerning the constitution, self-government and electoral system.

3. In my 2019 memorandum updating the kaupapa inquiry programme, I signalled that the constitutional inquiry would commence next. To minimise overlaps with constitutional-related claims being heard in active district inquiries, particularly Te Paparahi o Te Raki (Wai 1040), the constitutional kaupapa inquiry was put on hold. Today, only two district inquiries – Porirua ki Manawatū (Wai 2200) and North-Eastern Bay of Plenty (Wai 1750) – are still in hearing. The Tribunal also commenced Te Rau o te Tika: the Justice System inquiry (Wai 3060) in August 2021 following a reprioritisation of the kaupapa inquiry programme in the Tribunal's *Strategic Direction 2020*.

4. The Tribunal has signalled since 2019 that the constitutional kaupapa inquiry was on the horizon. As the remaining two district inquiries are progressing steadily, it is timely to commence the inquiry. Accordingly, I now formally initiate the Constitutional Kaupapa Inquiry.

Appointing an inquiry panel

5. To steer the waka of this important inquiry and pursuant to clause 5(1)(a)(ii) of the second schedule to the Treaty of Waitangi Act 1975, I appoint Deputy Chief Judge Caren Fox, a judge of the Māori Land Court, as Presiding Officer for the kaupapa inquiry into claims concerning the constitution, self-government and electoral system.

6. Alongside Deputy Chief Judge Fox, I also appoint pursuant to clause 5(1)(b) of the second schedule to the Treaty of Waitangi Act 1975, Derek Fox, Dr Grant Phillipson, Prue Kapua and Kevin Prime as members of the Tribunal panel for the inquiry.

Next steps

7. The Presiding Officer will issue memorandum-directions on the next steps for the inquiry in due course to deal with scope, claim eligibility and other matters.

8. The inquiry will be known as the Constitutional Kaupapa Inquiry and its combined record of inquiry identifier is designated as Wai 3300.

The Registrar is to send this direction to all claimants, the Crown and publish it on the Tribunal's website.

DATED at Gisborne this 22nd day of December 2022

Chief Judge W W Isaac
Chairperson
WAITANGI TRIBUNAL