**TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI**

Wai 3300

**E PĀ ANA KI**
*CONCERNING*

te Treaty of Waitangi Act 1975

**Ā,**

*AND*

Tomokia ngā tatau o Matangireia – The Constitutional Kaupapa Inquiry

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**HE PĀNUI WHAKAHAU O TE KAIWHAKAWA MATUA DR C L FOX / MEMORANDUM-DIRECTIONS OF CHIEF JUDGE DR C L FOX**

11 Mahuru 2024

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## Background

1. On 10 May 2024, the Tribunal directed the Crown to file the following documents, 24 hours after the Cabinet committee meeting where decisions were made about the next steps for the proposed Treaty Principles Bill (Wai 3300, #2.6.1):
    a. The Cabinet paper concerning the Treaty Principles Bill;
    b. The Ministry of Justice's Regulatory Impact Statement; and
    c. An update on the statutory review of enactments with references to the 'principles of the Treaty of Waitangi'.
2. On 16 May 2024, the Tribunal directed the Crown to provide the exact date that the proposed Treaty Principles Bill Cabinet paper will be considered by the Cabinet Social Outcomes Committee by 17 May 2024 (Wai 3300, #2.6.2).
3. On 20 May 2024, the Tribunal reiterated the above directions at [1] and [2] and directed the Crown to provide the exact date when the proposed Treaty Principles Bill Cabinet paper will be referred to Cabinet for its decisions by 23 May 2024 (Wai 3300, #2.6.5).
4. On 24 July 2024, the Tribunal directed the Crown to file an update by 26 July 2024, advising when the Tribunal can expect to receive a copy of the Cabinet Paper and Regulatory Impact Statement (Wai 3300, #2.6.12).

## Confidential Crown filing of 10 September 2024

5. At 4:10pm on 10 September 2024, the Crown provided the following documents **confidentially** to the Tribunal:
    a. Memorandum of counsel for the Crown providing Cabinet paper and Regulatory Impact Statement;
    b. Cabinet Paper: Policy approvals for progressing a Treaty Principles Bill;
    c. Cabinet Minute of Decision: Policy Approvals for Progressing a Treaty Principles Bill; and
    d. Regulatory Impact Statement: Providing Certainty on the Treaty Principles.

6. Crown counsel submitted that these documents had been provided to the Tribunal Panel should remain confidential until 12pm, Thursday 12 September 2024. On 11 September 2024, the Crown filed a further memorandum. Counsel advises that as Associate Minister Seymour has made announcements regarding the proposed Treaty Principles Bill and publicly released the Cabinet paper and associated material, the Crown no longer seeks that the Cabinet paper and associated material be restricted to the Panel only.

## Decision

7. The documents are to be entered on the ROI. The Registrar is directed accordingly.
8. Claimant counsel are directed to file memoranda on whether the Tribunal should consider reconvening to hear issues relating to the Treaty Principles Bill Cabinet Paper, Regulatory Impact Statement and the Treaty Clause Review by **Monday, 16 September 2024.**
9. I direct the Crown to file its reply to these submissions by **Wednesday, 18 September 2024.**

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 3300, Tomokia ngā tatau o Matangireia – The Constitutional Kaupapa Inquiry.

*The Registrar is to send a copy of this direction to all those on the distribution list for Wai 3300, Tomokia ngā tatau o Matangireia – The Constitutional Kaupapa Inquiry.*

**WHAKAPŪMAUTIA** ki Whanganui-a-tara i te 11 o te Mahuru 2024

Kaiwhakawā Matua Dr C L Fox
Tiamana
**TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI**