

I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI
IN THE WAITANGI TRIBUNAL

WAI 2700

KEI RARO I TE MANA O
IN THE MATTER

te ture o te Tiriti o Waitangi 1975
of the Treaty of Waitangi Act 1975

ME
AND

I TE TAKE O
IN THE MATTER

te pakirehua Wai 2700 mō ngā kerēme
e pā ana ki te Mana o te Wahine
of the Mana Wāhine Kaupapa Inquiry
(Wai 2700)

MEMORANDUM OF COORDINATING COUNSEL SEEKING FURTHER
EXTENSION

Dated 26 Whiringa-ā-nuku 2024

Presented for filing by:

TamakiLegal
Barristers & Solicitors

Level 3, 2 Osterley Way, Merial Building Manukau 2104
PO Box 75-517, Manurewa, Auckland 2243
P. 09 263 5240
E. stephanie@tamakilegal.com

Counsel Acting: S Roughton / L Oliver / P Ye

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Waitangi Tribunal

26 Nov 24

Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL

Introduction

1. This memorandum of coordinating counsel is filed by Tamaki Legal on behalf of Tūkāu Law, Kahui Legal and Tamaki Legal (“**coordinating counsel**”) for the Wai 2700 Mana Wāhine Kaupapa Inquiry (“**Inquiry**”).
2. In response to the direction of her Honour within memorandum-directions dated 16 Mahuru 2024¹ (“**post-JC directions**”), counsel filed joint claimant submissions on inquiry planning matters on 25 Whiringa-ā-nuku 2024.² The Crown also provided initial submissions on 25 Whiringa-ā-nuku 2024, with further submissions being filed on Friday 1 Whiringa-ā-rangi 2024.³ Her Honour then directed claimant counsel to file reply submissions to the Crown by **5pm, Friday 15 Whiringa-ā-rangi 2024**.⁴ Counsel sought and have been granted leave to file joint submissions in response to the Crown by **5pm, Wednesday 27 Whiringa-ā-rangi 2024**.⁵
3. Counsel thanks the Tribunal for granting the extension sought. However, as a result of discussions to date, further time is required to discuss developments in respect of inquiry planning first with claimant counsel, and then again with Crown counsel. It is hoped that these discussions will enable us to provide submissions that would assist the Tribunal in regard to planning towards the substantive hearings. In this regard, we note that:
 - a. Coordinating counsel met with Crown counsel on **Thursday 21 November 2024** to discuss inquiry planning matters. Whilst several matters were agreed in principle, we must now meet with claimant counsel to discuss the proposed steps and establish the level of support. In regard to timing, as coordinating counsel were involved in a Joint Research Committee wānanga on Thursday 21 and

¹ Waitangi Tribunal, *He Pānui Whakāhau O Te Kaiwhakawā Reeves Memorandum-Directions of Judge Reeves Following 30 Here-turi-kōkā 2024 Judicial Conference* dated 16 Mahuru 2024, Wai 2700 #2.5.103.

² S Roughton, L Oliver, *Joint memorandum of counsel regarding inquiry planning matters* dated 25 Oketopa 2024, Wai 2700, #3.1.839.

³ F Dean, *Memorandum of counsel for the Crown regarding inquiry planning dated 25 Oketopa 2024*, Wai 2700, #3.1.838; V Hardy, F Dean, *Memorandum of counsel for the Crown providing further submissions on inquiry planning* dated 1 Whiringa-ā-rangi 2024, Wai 2700, #3.1.844.

⁴ Waitangi Tribunal, *He Pānui Whakāhau o te Kaiwhakawā Reeves: Memorandum-directions of Judge Reeves concerning further submissions on inquiry planning* dated 7 Whiringa-ā-rangi 2024, Wai 2700 #2.5.105 at [7].

⁵ Waitangi Tribunal, *He Pānui Whakāhau o te Kaiwhakawā Reeves: Memorandum-directions of Judge Reeves Granting An Extension For Claimant Submissions in Reply to Further Crown Submissions on Inquiry Planning* dated 25 Whiringa-a-rangi 2024, Wai 2700 #2.5.106 at [6].

Friday 22 Whiringa-ā-rangi, it was not possible to meet with claimant counsel immediately following the hui with the Crown. It had been hoped that we could meet with counsel yesterday or today, however, due to several Tribunal events that are currently or soon to be underway (including the Wai 3325 Climate Change Priority Inquiry from 25 to 29 Whiringa-ā-rangi, the Wai 2575 Disability Phase Closing Hearing Week from 2 to 6 Hakihea, the Wai 2358 Freshwater and Geothermal Hearing Week from 9 to 13 Hakihea, and the Wai 2200 Judicial Conference on the morning of 16 Hakihea 2024), this will not be possible until **Tuesday 17 Hakihea 2024** and as such, a zoom hui is planned for **10am, Tuesday 17 Hakihea 2024**; and

- b. A further hui with Crown counsel is planned for the week of **16 Hakihea 2024** to provide the views of the wider claimant community on these matters, and to confirm any areas of agreement with the Crown, as well as to discuss matters that were not able to be traversed in our first hui.
4. Accordingly, we seek leave to file submissions in reply to the Crown further submissions by **5pm, Thursday 19 Hakihea 2024**. Coordinating counsel note that it is likely that joint submissions with the Crown will be filed on those matters that can be agreed, with separate submissions from claimant counsel where agreement is not possible. Counsel submits that no prejudice will accrue to any party in the proceeding, should the leave sought be granted.

DATED at KIRIKIROA this 26th day of Whiringa-ā-nuku 2024



Stephanie Roughton

Tamaki Legal on behalf of Claimant Counsel