

**WAITANGI TRIBUNAL**

Wai 3060

**CONCERNING**

the Treaty of Waitangi Act 1975

**AND**

Te Rau o te Tika: the Justice  
System Inquiry

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**MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER CONCERNING  
THE PARTICIPATION OF THOSE IN PRISON**

4 June 2025

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## Background

1. In memorandum-directions dated 27 March 2025 that concerned planning for criminal justice hearings in May and June 2025, I noted that the May/June 'He Rau Kōrero Tara ā-Whare' would not be hearing evidence from those in prison. I also confirmed that we are working on the logistics of hearing the kōrero of those in custody (Wai 2060, #2.6.36).
2. I directed counsel whose clients are in custody or who wish to rely on the evidence of those in custody to send an email to the Registrar to advise the Tribunal (Wai 3060, #2.6.36 at [37]):
  - (a) how many of the claimants they represent are currently in prison or subject to bail conditions; and/or
  - (b) how many intended witnesses are currently in prison or subject to bail conditions; and
  - (c) where they are in custody.

## Next steps for the participation of those in prison

3. I now confirm that staff have met with Ara Poutama Aotearoa – Department of Corrections and the planning to hear the kōrero of those in custody has begun.
4. Ara Poutama Aotearoa – Department of Corrections have advised that to begin arranging the logistics of either holding a hearing in prison or having those in prison attend a hearing outside of prison, an assessment of those individuals who wish to participate will need to occur. It has advised that the following information will be helpful to begin this planning:
  - (a) whether the person is sentenced or on remand;
  - (b) whether the person has a parole or non-parole sentence;
  - (c) the location of the prison they are currently in;
  - (d) classification status, if known;
  - (e) nature of offence; and
  - (f) any known mental or physical health conditions.
5. Counsel whose clients are in custody and wish to give kōrero will please provide the Tribunal with the necessary information to enable planning with Ara Poutama Aotearoa – Department of Corrections by **5pm, 24 June 2025**.
6. Due to its confidential and sensitive nature, this information can be filed directly with the Tribunal's Registrar on a confidential basis, and access to this information will be restricted to the Tribunal and Ara Poutama Aotearoa – Department of Corrections.

The Registrar is to send this direction to all those on the notification list for Wai 3060, Te Rau o te Tika: the Justice System Inquiry.

**DATED** at Wellington this 4<sup>th</sup> day of June 2025

A handwritten signature in black ink, appearing to read 'Carrie Wainwright', with a period at the end.

Judge Carrie Wainwright  
Presiding Officer

**WAITANGI TRIBUNAL**