

WAITANGI TRIBUNAL

Wai 3060

CONCERNING

the Treaty of Waitangi Act 1975

AND

Te Rau o te Tika: the Justice
System Inquiry

MEMORANDUM-DIRECTIONS OF JUDGE C M WAINWRIGHT
UPDATING INQUIRY TIMEFRAMES

20 Maramamārua 2023

Introduction

1. In memorandum-directions dated 17 July 2023 (Wai 3060, #2.6.22) and 6 October 2023 (Wai 3060, #2.6.25), I released information about timeframes for Te Rau o te Tika. In summary:
 - (a) The Tribunal hoped to release the pūrongo for Te Tūāpapa o te Tika in October 2023 alongside memorandum-directions that outline a draft process for the balance of the inquiry and, in particular, a plan for the criminal justice phase of Te Tāhū o te Rau;
 - (b) The draft project briefs for the eight projects outlined in the criminal justice research plan would be released to parties for feedback in two tranches. The first tranche would be released in October 2023;
 - (c) Contemporaneously with the preparation of commissioned evidence in 2024, the Tribunal intended to hold regional hearings to listen to kōrero about experiences in the justice system.
2. These directions amend the estimated timeframes for the above steps.

New timeframes for inquiry

Criminal justice research programme

3. The Waitangi Tribunal Senior Leadership Team recently informed the Presiding Officers of budgeting constraints. In short, cost cuts are necessary across all inquiries in the current financial year (2023/24). In Te Rau o te Tika, funds are not available to commission criminal justice research projects until after the end of the current financial year – that is, after 30 June 2024.
4. Until that time, preparatory work for the criminal justice research programme will continue. The Tribunal's Research Services Team are preparing drafts of the eight project briefs, and will identify potential commissionees for each research project. Parties' feedback will be sought on the drafts.
5. Because work on our research will not be commissioned until the second half of next year, the Research Services Team are prioritising work in other inquiries. The criminal justice draft project briefs will now be released as follows:
 - (a) The draft project briefs for reports #1, #2, #3, #4, and #5 will be released to parties for comment in **early February 2024**.
 - (b) The draft project briefs for reports #6, #7 and #8 will be released to parties for comment in **mid-March 2024**.
6. Moreover, because financial constraints are expected to continue and possibly intensify, it may be that it will not be possible to commission all eight projects in the next financial year (2024/25). The research programme might extend into the 2025/26 financial year and possibly even the 2026/2027 financial year. I will provide information about this as it comes to hand. Our panel has discussed the dimension of the current research programme and considered whether it could be curtailed or amalgamated in various ways. We are unwilling to contemplate such changes at this point.
7. Next year, we will consider how best to maintain inquiry momentum under the changed circumstances described here.

Tūāpapa report

8. The panel and the pou continue to work on Te Tūāpapa o te Tika. We now anticipate the report and related memorandum-directions will be released to parties towards the end of **February 2024**. The memorandum-directions will (among other things) propose how to advance the plan to hold regional experiential hearings in 2024. Parties' input will be sought before anything is confirmed.

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.

He kupu ēnei nāku, otirā nā te Pae-Rukutātari nei.

DATED at Wellington this 20th day of December 2023

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

Judge Carrie Wainwright
Presiding Officer

WAITANGI TRIBUNAL