

IN THE WAITANGI TRIBUNAL

Wai 1750

CONCERNING

the Treaty of Waitangi Act 1975

AND

the North-Eastern Bay of Plenty
Inquiry

**MEMORANDUM-DIRECTIONS OF JUDGE M J DOOGAN CONCERNING
EVIDENCE ON WAIPĀOA AND MANGATŪ LANDS**

13 August 2025

Request to exclude evidence concerning Whakatōhea claims to Mangatū and Waipāoa blocks from Peter McBurney’s ‘Ngāti Ira Oral and Traditional History Report’ (Wai 1750, #A33)

Background

1. In memorandum-directions dated 1 July 2025, I confirmed that technical witness, Peter McBurney’s ‘Ngāti Muriwai Authority Trust Oral and Traditional History’ report would be heard at the upcoming hearing, scheduled for 25 to 29 August 2025 at Kutarere Marae (Wai 1750, #2.6.31 at [4]).
2. On 6 August 2025, Bryce Lyall, Hannah Swedlund, Tom Bennion and Emma Whiley filed submissions concerning Case Study 7 entitled Whakatōhea in Mangatū and Waipāoa of Mr McBurney’s #A33 report on behalf of the following Ngā Uri o Tamanui (NUOT) claimants who were granted interested party status in this inquiry(Wai 1750, #3.2.165):
 - (a) the Mangatū No.1 Block (Wai 499) claim;
 - (b) the Mangatū Block (Wai 874) claim; and
 - (c) the Mangatū Block (Wai 507) claim.
3. Counsel seek directions that the case study, its related supporting papers within #A33(a), and any evidence of claims of Whakatōhea rights in the Mangatū or Waipāoa be excluded from the Wai 1750 Inquiry on the basis that:
 - (a) the Mangatū and Waipāoa blocks are outside of the Wai 1750 Inquiry boundaries;
 - (b) the Waipāoa blocks are being heard in the Waipāoa Remedies (Wai 3555) inquiry in their entirety, including relevant claimant interests that extend into the surrounding blocks;
 - (c) Whakatōhea claimants are active in the Wai 3555 inquiry and have been directed to file evidence and update pleadings in that inquiry;
 - (d) there are additional claimants to the Wai 3555 inquiry who are not participating in the Wai 1750 Inquiry, and therefore hearing evidence on these matters is procedurally unfair; and
 - (e) the Wai 814 Tribunal has heard all claims concerning the Mangatū Crown Forest License Lands and issued interim recommendations over all the available lands, making the Tribunal *functus officio* concerning those lands.
4. Counsel seek directions that evidence concerning Mangatū and Waipāoa not be admitted as a part of the Wai 1750 record of inquiry and accordingly be excluded from hearing five and any upcoming hearings.
5. Counsel seek up to 60 minutes to cross-examine Mr McBurney on the parts of his report that relate to Mangatū and Waipāoa should the leave sought not be granted.

Discussion

6. While there is some force in several of the points raised by counsel, my preliminary view is that they go more to relevance than admissibility.
7. I do not propose to direct the exclusion of Case Study 7, or any other evidence already on the record, that refers to the Mangatū and Waipāoa lands as it is simply not necessary.
8. The Tribunal has received extensive submissions from various parties, including hapū and iwi in the East Coast and Tūranga inquiry districts, on how to address claims raised in this inquiry concerning these lands. This has ultimately led to a different panel of the Tribunal being convened to deal with these and related claims (Wai 3555, #2.5.2 at [38]). The Wai 1750 Tribunal will not be inquiring into or reporting on claims concerning the Mangatū or Waipāoa lands.

Decision

9. For the reasons above, it is not necessary to exclude all reference to these lands from the Wai 1750 record of inquiry. Neither does it mean that counsel should consider it necessary to protect their claimant's position by cross-examining on such matters.
10. I will not grant the leave sought by counsel for such questioning as it is not relevant to the issues that this Tribunal does need to inquire into.

The Registrar is to send this direction to counsel for the claimants, Crown counsel and all those on the distribution list for Wai 1750, the North-Eastern Bay of Plenty District Inquiry.

DATED at Wellington on this 13th day of August 2025.



Judge M J Doogan
Presiding Officer

WAITANGI TRIBUNAL