

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

Wai 2750

**E PĀ ANA KI**  
**CONCERNING**

te Treaty of Waitangi Act 1975

**Ā,**  
**AND**

te Housing Policy and  
Services Kaupapa Inquiry

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**HE MANATŪ WHAKATAU NĀ KAIWHAKAWĀ MATUA TUARUA COXHEAD**

*MEMORANDUM-DIRECTIONS OF DEPUTY CHIEF JUDGE COXHEAD SIGNALLING  
TIMEFRAMES FOR INQUIRY NEXT STEPS, AND ADDRESSING OTHER MATTERS*

23 Hepetema 2025

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## **Purpose**

1. This memorandum-directions:
  - (a) responds to the joint memorandum filed by the Crown and claimant counsel on 25 June 2025 regarding planning for stage two of the Housing Policy and Services Kaupapa (Wai 2750) inquiry (the stage two inquiry) (Wai 2750, #3.2.467);
  - (b) provides the Tribunal's current estimates regarding next steps;
  - (c) provides an update regarding the Chief Historian's further review of the research casebook; and
  - (d) responds to a request for confidentiality received from counsel for Te Mahurehure (Egen) Lands (Wai 2005) claim (Wai 2750, #3.2.470).

## **Background**

2. On 28 January 2025, following the release of the final Tribunal commissioned research reports, I directed claimants to, if necessary, amend or particularise their pleadings on all claim issues by 12 March 2025 (Wai 2750, #2.6.64 at [5]).
3. I anticipated that, following the filing of amended pleadings, claimant counsel would require time to confer and agree on any amendments arising in relation to the draft claimant statement of issues (SOI).
4. I therefore directed (Wai 2750, #2.6.64 at [8] – [9]):
  - (a) co-ordinating counsel to confer and file by 2 April 2025 a memorandum providing any proposed amendments or additions arising to the most recent claimant draft statement of issues (Wai 2750, #1.4.3); and
  - (b) the Crown to file by 23 April 2025 its response to claimant counsel's proposed amendments, either via further submissions or proposed amendments to the Crown's draft statement of issues (Wai 2750, #1.4.2).
5. Following a series of extension requests, the revised draft claimant SOI was filed on 14 April 2025 (Wai 2750, #3.2.461, Wai 2750, #1.4.4 & Wai 2750, #1.4.4(a)). The Crown's response, which includes suggested amendments to the draft claimant SOI, followed on 23 May 2025 (Wai 2750, #3.2.464, Wai 2750, #1.4.5 & Wai 2750 & #1.4.5(a)).
6. On 25 June 2025, the Tribunal received a joint memorandum from claimant coordinating counsel and counsel for the Crown (Wai 2750, #3.2.467).
7. In summary, counsel (Wai 2750, #3.2.467 at [10]):
  - (a) seek an early indication of 'viable [stage two] hearing dates and any further interlocutory steps' required before hearings can commence; and
  - (b) indicate that such indications will enable (among other things) planning for the intended thematic nature of hearings, and an agreed scope and delivery for discovery.

## **Update**

8. The Tribunal acknowledges the considerable planning and coordination efforts undertaken by counsel thus far in anticipation of commencing the stage two hearing phase.
9. To assist with forward planning efforts, and in response to counsel's memorandum above, I indicate the Tribunal:
  - (a) is currently actively deliberating on the Tribunal Statement of Issues (TSOI) and related next steps for stage two;
  - (b) intends to issue the TSOI before the end of 2025;
  - (c) will inform all parties of any other steps needed before commencing hearings; and
  - (d) in light of the Waitangi Tribunal's revised *Strategic Direction*, will not be proceeding to hearings until at least October 2027.

## **Other matters arising**

### ***Outcome of Chief Historian's review of the research casebook***

#### *Background*

10. In my memorandum-directions dated 4 September 2023, I indicated that (Wai 2750, #2.6.54 at [5] – [10]):
  - (a) the Waitangi Tribunal's Chief Historian (Chief Historian) had completed her review of the research casebook for three of the four pakitara that make up this inquiry – this being Whenua Māori, Te Ao Kāinga, and Hauora;
  - (b) the Chief Historian had advised her view that the reports filed provided sufficient evidential coverage of the claim issues before us, and accordingly gave rise to no gap-filling research recommendations; and
  - (c) the Chief Historian would undertake a further and final assessment of the research casebook, following the completion of the Whānau Kainga research projects (which were then shortly to commence).
11. I subsequently confirmed that this further review was presently being conducted in my memorandum-directions dated 28 January 2025 (Wai 2570, #2.6.64 at [4]).

#### *Update*

12. The Chief Historian's further review is now complete.
13. In terms of outcome, the Chief Historian has advised that the Whānau Kainga research provides a sufficient evidential coverage of the relevant claims. The Chief Historian has accordingly made no recommendations for gap-filling research in relation to Whānau Kainga matters.
14. I indicate that I have accepted the Chief Historian's recommendations and suggestions with respect to the research casebook for this inquiry.

## **Confidentiality request**

### *Background*

15. On 16 September 2025, the Tribunal received a memorandum from Siaosi Loa and Patrick Ye, counsel for the Te Mahurehure (Egen) Lands (Wai 2005) claim (Wai 2750, #3.2.470).
16. Counsel seeks the transfer of the brief of evidence of Alica Cassidy (Wai 2570, #B50), which was filed in February 2021, to the Wai 2750 confidential record of inquiry.
17. Counsel requests this on the grounds of the sensitive and private nature of the evidence, and the prospect of ongoing distress to Ms Cassidy (Wai 2750, #3.2.470 at [5]).
18. Messrs Loa and Ye submit that the purpose and reason for requesting confidentiality complies with the intended scope of both the Waitangi Tribunal's *Guide to Practice and Procedure* and this inquiry's confidentiality protocol (Wai 2750, #2.5.35(a)), on the basis that the request (Wai 2750, #3.2.470 at [13]):
  - (a) is filed at the earliest opportunity;
  - (b) outlines the specific restrictions sought over the brief of evidence; and
  - (c) sets out how the information should be stored on the record of inquiry, and how requests to access such information should be dealt with.
19. Regarding the latter point, counsel seeks that (Wai 2750, #3.2.470 at [14(c)]):
  - (a) access is now restricted to the Tribunal, Crown, and counsel and 'those versions already available' (Ms Cassidy acknowledges, counsel advises, that the brief of evidence may already have been downloaded, and does not as a consequence seek its recall); and
  - (b) going forward, Ms Cassidy's permission be required for any future access.

### *Decision*

20. I acknowledge that counsel and Ms Cassidy acknowledge that placing the brief of evidence on the confidential record now will not have a retroactive effect on parties who have downloaded, distributed or hold copies of the evidence.
21. However, despite counsel's acknowledgements, I consider that the confidentiality order sought is futile as:
  - (a) the evidence has been used in the Tribunal's *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness* (2024);<sup>1</sup>
  - (b) the brief of evidence has been on the public record for a number of years now, since its initial distribution in 2021;

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<sup>1</sup> Waitangi Tribunal, [Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness](#) (2024).

(c) the distribution list for this inquiry is substantial, therefore a number of parties and members of the public have already received the brief of evidence and read its content; and

(d) moreover, this is not representative of the number of parties who have downloaded the evidence from the Tribunal's website.

22. Given the indications above, I direct the Registrar to remove the evidence from the Tribunal's website but the evidence will not be confidential and can be accessed via the public record of inquiry.

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 2750, the Housing Policy and Services Kaupapa Inquiry.

*The Registrar is to send a copy of this direction to all those on the distribution list for Wai 2750, the Housing Policy and Services Kaupapa Inquiry.*

**WHAKAPŪMAUTIA** ki Whanganui-a-Tara i te 23 o te Hepetema 2025



Kaiwhakawā Matua Tuarua C T Coxhead

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