IN THE WAITANGI TRIBUNAL

Wai 1750

CONCERNING the Treaty of Waitangi Act 1975

AND the North-Eastern Bay of Plenty District Inquiry

DECISION OF THE PANEL REGARDING THE TE UPOKOREHE APPLICATION FOR PRIORITY REPORT ON CUSTOMARY RIGHTS

6 November 2025

Introduction

1. The contents of this memorandum-directions have been discussed and agreed by the North-Eastern Bay of Plenty District Inquiry (Wai 1750) panel.

Procedural history

2. On 15 August 2025, the Supreme Court released the second of its decisions on appeals arising from the 2021 High Court decision of Justice Churchman regarding applications made by Te Upokorehe and others under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA).[1]

3. The High Court had included Te Upokorehe in two shared customary title orders (Wai 1750, #3.2.217 at [6]):

    (a) A jointly held order for Ngāti Ira, Ngāti Patumoana, Ngāti Ruatakenga, Ngāi Tamahaua, Ngāti Ngāhere and Te Upokorehe for the area from Maraetotara in the west to Tarakeha in the east and out to the 12 nautical mile limit. This area includes the Waiotahe Estuary (CMT 1).

    (b) In relation to the western part of Ōhiwa Harbour, jointly held CMT between the groups listed above, and Ngāti Awa (CMT 2).

4. In the Supreme Court, Te Upokorehe were successful in upholding a decision by the Court of Appeal to remit CMT 1 back to the High Court to conduct a 'place-by-place and area-by-area analysis that, as pūkenga recognised, would be required to distinguish Te Upokorehe from the other hapū…'.[2] Te Upokorehe were not however successful in arguing that it held mana exclusively in relation to the Ōhiwa harbour (CMT 2). The Supreme Court held: [3]

    > […] the Court of Appeal was correct in its conclusion that Te Ūpokorehe had not shown that it held mana in relation to Ōhiwa exclusively, making a joint CMT the correct outcome. Remittal of CMT Order 2 to the High Court for a rehearing is not required.

5. The Supreme Court, however, went on to observe:[4]

    > The Wai 1750 claim (the North-Eastern Bay of Plenty District Inquiry) currently being considered in the Waitangi Tribunal provides a much more suitable forum to address these issues. Te Upokorehe's amended statement of claim in the Tribunal alleges breaches of the principles of the Treaty of Waitangi in relation to, amongst other matters, Ōhiwa Harbour and land abutting the harbour.

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[1] *Re Edwards Whakatōhea* [2021] NZHC 1025; [2022] 2 NZLR 772; other parties include Whakatōhea Kotahitanga Waka (WKW) and Te Kāhui Takutai Moana o Ngā Whānui Me Ngā Hapū (Te Kāhui) applicant groups, and Ngāi Tai and Ririwhenua applicants.

[2] *Whakatōhea Kotahitanga Waka (Edwards) v Te Kāhui and Whakatōhea Māori Trust Board* [2023] NZCA 504 at [286].

[3] *Whakatohea Kotahitanga Waka (Edwards) v Te Kahui Takutai Moana o Nga Whanau me Nga Hapu o Te Whakatohea (No 2)* [2025] NZSC 104 at [202].

[4] *Edwards (No 2)* [2025] at [203].

6. And also: [5]

> Te Upokorehe has a claim in the Waitangi Tribunal, as part of Wai 1750, alleging breaches of the principles of the Treaty of Waitangi in relation to the Ōhiwa Harbour and land abutting the Harbour. The evidential issues discussed above can be more suitably addressed, if necessary, by the Tribunal as part of that claim. If any findings cast real doubt on or contradict the conclusions of this Court, a legislative response or, less desirably, a recall of this Court's judgment, may be necessary.

7. As a result of these observations, counsel for four Te Upokorehe claims, by way of a joint memorandum dated 19 September 2025, have applied for a preliminary report from this Tribunal on customary rights in their rohe (Wai 1750, #3.2.217).[6]

8. Counsel argue (Wai 1750, #3.2.217 at [13]–[14] & [19]–[20]):

> Te Upokorehe are of the firm view that the Supreme Court did not come to terms with the depth of evidence that Te Upokorehe provided to the High Court. They ask that this Tribunal make findings on exercise of mana in the area. The issue is how the Tribunal's processes can be adapted to address these contested questions of customary authority as the Supreme Court anticipated.
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> To properly assess the claims of Te Upokorehe, the Tribunal must first decide who the tangata whenua of the Upokorehe rohe are. That question of identity lies at the heart of their claims, which challenge the Crown's mischaracterisation of their people and its consequences. Te Upokorehe will advance evidence directly concerning these matters during the hearings set down for their claims.
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> […]
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> Addressing this issue through a preliminary report, with the kind of place-by-place and area-by-area analysis missing from the High Court's decision, will urgently assist in determining matters that are central to the claims. It will also enable Te Upokorehe to rely on the Tribunal's findings in seeking a legislative response or recall should those findings cast real doubt on the conclusions of the Supreme Court in the timeframe available prior to orders being finalised.
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> What matters is that the analysis of customary rights and authority is available as soon as possible after closing submission are filed. As will be shown below, this proposal is consistent with past Tribunal practice.

9. Counsel also seek procedural changes because they view our current hearing protocols, which prevent cross-examination of tangata whenua witnesses, as unduly restrictive (Wai 1750, #3.2.217 at [40]). Counsel notes that in the High Court MACA process cross examination of tangata whenua witnesses was permitted, and counsel had a duty to put adverse positions to those witnesses. Counsel argues that our current hearing protocols risk insulating evidence from proper testing, especially where evidence about identity and customary authority are in dispute. Counsel goes on to say (Wai 1750, #3.2.217 at [41]:

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[5] *Edwards (No 2)* [2025]*,* above at n 3, at [258].

[6] Te Upokorehe claims: Bryce Lyall, Maithili Sreen and Hannah Swedlund as counsel for the Upokorehe (Wai 1092), Rongopopoia Hapu (Wai 1787) and Te Upokorehe Settlement (Wai 3272) claims, and Robyn Zwaan as counsel for the Upokorehe Hapu Ngati Raumoa Roimata Marae Trust (Wai 1758) claim.

> This is particularly so where witnesses have elected to give evidence which is factually incorrect, and Te Upokorehe are unable to properly challenge witnesses on it.

10. A hybrid approach is proposed by which kaumatua giving evidence on tikanga and identity would not be subject to adversarial cross-examination but counsel would be able to frame questions or positions in writing or orally in a non-confrontational way and invite responses. Limited follow up questioning could be allowed where clarity or testing of conflicting evidence is necessary and it is suggested that stricter cross-examination may be permissible in cases where a witness chooses to make unsupported or inflammatory statements (Wai 1750, #3.2.217 at [42]–[45]).

11. Counsel for Te Upokorehe also signal that they would like further research to be commissioned with a specific focus on the rohe moana of Te Upokorehe inclusive of wetlands, rivers and streams to substantiate their customary claims (Wai 1750, #3.2.217 at [46]).

Submissions in response and Judicial conference 31 October 2025

12. The Te Upokorehe application for a preliminary report was discussed, together with other issues concerning the inquiry forward programme, at a judicial conference on 31 October 2025. The following directions deal with the Te Upokorehe application, further directions will follow concerning other aspects of the inquiry forward-programme.

13. On 22 October 2025, a joint memorandum was filed by Annette Sykes counsel for the Ngāti Ira o Waiōweka Rohe (Wai 558) claim, Jacki Cole counsel for the Rongowhakaata Rohe (Wai 684) claim, Karen Feint KC counsel for the Ngāti Ruatākenga (Wai 1782) claim and Ihipera Peters counsel for the Ngati Patumoana (Hata) (Wai 1775) claim (Wai 1750, #3.2.224).

14. Counsel register concern that Te Upokorehe are attempting to relitigate issues that have already been determined by the Supreme Court under MACA. Counsel note that the Supreme Court dismissed Te Upokorehe's appeal based on the assertion that they held the exclusive customary marine title in Ōhiwa harbour. Counsel stress that it is accepted by all that Te Upokorehe have customary rights in Ōhiwa harbour, it is the assertion that those rights are exclusive that remains strongly contested by Te Whakatōhea hapū (Wai 1750, #3.2.224 at [14]–[17]).

15. Counsel go on to argue that the decision of the Supreme Court does not suggest the Tribunal should change course or depart from its usual way of conducting and reporting in this inquiry, and neither would it be appropriate for the Supreme Court to have done so. Counsel argue that (Wai 1750, #3.2.224 at [20]):

> […] The Court was simply noting that, if through its inquiry, the Tribunal were to reach findings that seriously questions the Courts conclusions, this could justify a legislative response or possibly (but less desirably) an application for recall.

16. Counsel point out that the Supreme Court did not suggest at any point that the Tribunal should instigate a separate inquiry into who has customary rights at Ōhiwa or issue a special report. Counsel also note that MACA is specifically designed to determine assertions of customary title in the takutai moana, and the Tribunals role should not be subverted, or misdirected, to consider or make findings about the very issues litigated in

the *Edwards* proceedings before the High Court and then through to the Supreme Court (Wai 1750, #3.2.224 at [22).

17. Counsel note that Te Upokorehe's statement of claim (Wai 1092) touches on Ōhiwa harbour in a number of respects, but none of the alleged Treaty of Waitangi breaches include the claim that Te Upokorehe has customary title in Ōhiwa to the exclusion of all other hapū/iwi. Counsel argue therefore (Wai 1750, #3.2.224 at [25]–[25.2]):

> None of the claims assert that Te Upokorehe holds exclusive customary title at Ōhiwa Harbour, or require the Tribunal to inquire into contested customary rights in Ōhiwa;
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> The Tribunal can reach findings on the asserted breaches of the Treaty in the Wai 1092 statement of claim without needing to determine whether Te Upokorehe holds exclusive customary title in Ōhiwa Harbour.

18. Counsel therefore argue that there is no basis for the Tribunal to depart from its current inquiry process and it is not appropriate to permit late amendment to the Wai 1092 statement of claim which would not be a claim against the Crown, but a contested claim of customary title over which the Tribunal does not have jurisdiction. Furthermore, this would seriously prejudice all claimants as it would require all iwi/hapū with customary rights in Ōhiwa harbour to engage. This would prolong the inquiry and in any event the assertion of exclusive rights is weak and inherently unlikely to succeed. Counsel refer to the Supreme Court's observations that as Ōhiwa harbour is a significant pātaka kai in the region, it is therefore not surprising that multiple hapū have different levels of rights and responsibilities in tikanga in relation to it (Wai 1750, #3.2.224 at [26.3]).

19. By memorandum of counsel dated 6 October 2025, co-ordinating counsel Raewyn Clark and Alice Madsen note that the outcome of the request by Te Upokorehe for a priority report, and for change to the hearing protocol to allow cross-examination of tangata whenua evidence would, if granted, significantly impact the inquiry process and additional hearing time would be required (Wai 1750, #3.2.221).

20. By memorandum of counsel dated 26 September 2025, Tony Sinclair, counsel for Whakatohea Raupatu (Wai 87) claim responds to the Te Upokorehe application for a priority report by noting that the status as Te Upokorehe as an 'iwi' is inconsistent with Te Whakatōhea iwi as a collective of hapū. Mr Sinclair argues in support of an investigation of shared exclusivity of customary rights in Ōhiwa harbour and its surrounds. The starting point, he argues, is that Te Upokorehe should provide evidence of its actual existence as an iwi. Mr Sinclair also argues that a scoping exercise be undertaken to formulate a research project to address issues such as recognition of those iwi/hapū exercising mana over Ōhiwa harbour and its surrounds, and neighbouring iwi to Te Whakatōhea including Tūhoe, Ngāti Awa, Ngāi Tai, Te Whānau-ā-Apanui would also need to be consulted to determine the exercise of mana over the rohe and the recognition of Te Upokorehe iwi. Mr Sinclair notes that a number of Whakatōhea kaumatua from Rongopoia, Kutarere, Turangapikitoi, and Maromahue have expressed a wish to provide evidence in opposition to the Te Upokorehe claim (Wai 1750, #3.2.219).

21. Mr Sinclair also notes that the Te Whakatōhea settlement recognises six hapū of Te Whakatōhea, of which Te Upokorehe is one, and the ongoing financial distributions to

Upokorehe hapū and their marae complicates internal relationships even more so (Wai 1750, #3.2.219 at [10]–[11]).

22. Mr Sinclair is arguing that the Tribunal is the right body to determine the Te Upokorehe iwi/hapū matter given its complexities (Wai 1750, #3.2.219 at [2]).

23. By memorandum of counsel dated 10 October 2025, Crown counsel note that there is no indication in the Supreme Court's decision that it was suggesting the Tribunal should divert course from its present inquiry and usual reporting process. Counsel say the Supreme Court were simply indicating that should the Tribunal reach findings that cast real doubt on those of the Supreme Court, a legislative response might be appropriate or an application for recall could be made. At no point in the judgment did the Court indicate or state the Tribunal might release such a report separate from its ordinary reporting (Wai 1750, #3.2.223).

24. Crown counsel argue (Wai 1750, #3.2.223 at [9]–[10]):

> It would make sense that the Court had in mind the Tribunal maintain its current inquiry process. The determination of customary marine title is exclusively governed by the Takutai Moana Act and requires decision-makers under that Act to assess (among other things) whether a group has "exclusively used and occupied" an area "from 1840 to the present day", without substantial interruption. The area must be within the "common marine and coastal area" (which refers to the area bounded on the landward side by the line of mean high-water springs). Conversely, the Tribunal has noted that it is relatively uncommon for it to address questions of identity and tāngata whenua status through its statutory jurisdiction of inquiring into claims against the Crown, particularly outside of claims involving settlement processes and outside of its binding recommendations jurisdiction.
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> Additionally, in district inquiries like this one, the Tribunal's focus tends to be on interests in dry land (and recording how claimants articulate those interests to give context to the claims), rather than interests in the takutai moana and assessing the nature of those interests. Where claims have related to claimants' interests in the takutai moana, in areas such as harbours, the Tribunal has recorded its understanding of those interests as context to its assessment of claims regarding, for instance, Crown regulation affecting claimants' use and management of the area.

25. In response to the application for a preliminary report, Crown counsel also note that the area covered by CMT 1 which is the marine and coastal area from Maraetotara to Tarakeha, including the Waiōtahi estuary, has been remitted back to the High Court for rehearing. It is therefore unclear why the Tribunal should be asked to conduct an inquiry into customary interests in the same area. Crown counsel note that it is not clear that a preliminary report and findings of the kind sought by Te Upokorehe are necessary to determine claim issues raised by the Wai 1092 and Wai 1787 claims. The issues and categories raised in these claims are similar to those by other groups in the inquiry and include denial of identity, war and raupatu, allocation of reserves, alienation of land in Te Waimana and Tahora No. 2 blocks and Native Land Court processes, land administration, environmental management claims, including with respect to Ōhiwa harbour, and socio-economic and cultural identity issues. Crown counsel argue that (Wai 1750, #3.2.223 at [14]):

> […] None of these necessarily requires a comprehensive accounting of principle customary interests over time. The focus remains on Crown knowledge and actions.

26. Crown counsel also note that the joint statement of issues filed by claimants and the Crown does not articulate any issues that would require preliminary findings on the exercise of predominant customary rights (Wai 1750, #3.2.223 at [16]).

27. Crown counsel also argue that the precedents relied upon by counsel for Te Upokorehe in support of a preliminary report are distinguishable. In the case of the report on customary interests in Te Tau Ihu, the Tribunal reported in a response to a request from claimants and the Crown in order to assist with settlement negotiations. This was because the historical issues included claims alleging failure on the part of the Crown to properly inquire into customary rights of Te Tau Ihu Māori and obtain the consent of the correct customary right holders before purchase of land or confirming purchases of land (Wai 1750, #3.2.223 at [17]).

28. Crown counsel also note the potential impact on the inquiry of allowing the Te Upokorehe request and also the likelihood that hapū and iwi outside of the inquiry district would need to participate (Wai 1750, #3.2.223 at [20]).

Discussion

29. The application on behalf of Te Upokorehe for a priority report is declined. I have set out in some detail the submissions in opposition filed by claimant counsel, and Crown counsel because they substantially accord with the view the panel take on the distinctive character of our jurisdiction set against the jurisdiction of the High Court under the Marine and Coastal Area (Takutai Moana) Act 2011.

30. The Te Upokorehe application appears to be premised on the assumption that the Supreme Court has effectively directed us to prioritise and focus upon Te Upokorehe customary interests in and around Ōhiwa harbour because that Court considers that the Tribunal is better placed to undertake the necessary inquiry and thereby act as a form of audit or monitor upon the conclusions reached by the superior courts in their disposition of the Te Upokorehe appeals.

31. We agree with Crown and claimant counsel that no such direction is made in or can be inferred from the Supreme Court's decision. That court has made clear findings against Te Upokorehe's claim to exclusivity at Ōhiwa harbour and has upheld the relevant findings of the Court of Appeal in that respect.

32. The following are key findings made by the Supreme Court:[7]

> There is nothing to suggest the Court of Appeal was wrong to conclude Te Upokorehe had not shown it held mana exclusively in relation to the Ōhiwa Harbour. Accordingly, CMT Order 2 does not need to be remitted to the High Court for rehearing on this basis.
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> A review of the evidence relied on by Te Upokorehe to substantiate its claim to exclusivity confirms that a joint CMT is the correct outcome.
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> Te Upokorehe claims that its descent lines are distinct from other applicant groups. However, this is not necessarily evidence of political and legal separation for the purposes of resource rights. The nature of the Ōhiwa Harbour as an area in which

[7] *Edwards (No 2)* [2025], above at n 3, at [352]–[354].

> many interests and whakapapa threads converge does not suggest exclusivity in any one group.

33. The Supreme Court also considered evidence of the Compensation Court process concerning allocations of the Hiwarau and Hokianga Island reserves as unreliable evidence of Te Upokorehe exclusive rights. The Court also did not regard the presence of Te Upokorehe marae surrounding Ōhiwa harbour as conclusive evidence of exclusivity given the complexities arising from the linkages and affiliations of those marae with other groups. This reflects the different whakapapa linkages of those residing in the rohe and the fact that several groups have rights in the area.[8]

34. The Court went on to find:[9]

> Evidence relied on by Te Upokorehe to demonstrate that the use of the resources occurs under the mana of Te Upokorehe is consistent with a number of groups exercising mana in the area. The evidence shows that there is a level of complexity as to the nature of these rights. It may be that the rights are not equal. However, this does not necessarily mean that only one group has exclusive rights in terms of the test for CMT, nor does it reflect the position in tikanga. Rather, these complexities are reflective of the nature of the seascape and the strong links between groups in the rohe.

35. It was in light of those findings that the Court observed that the evidential issues discussed can be more suitably addressed 'if necessary' by the Tribunal and if our findings cast real doubt or contradict conclusions of the Court, a legislative response or recall of judgement may be necessary.[10]

36. As all parties before us well understand, we operate as a standing commission of inquiry with a specific statutory jurisdiction to hear claims by and on behalf of Māori against the Crown concerning Crown acts or omissions that are alleged to be inconsistent with the principles of the Treaty.[11] Outside of our limited remedies jurisdiction, we have no power to decide matters of law or fact conclusively and in circumstances where we find a breach of the principles of the Treaty by the Crown that has caused prejudice, we may make recommendations to the government. Our jurisdiction in this particular inquiry has been further constricted by reason of the Te Whakatōhea settlement so that with respect to historical claims, we may make findings but not recommendations.[12]

37. The original foreshore and seabed policy, proposed legislative response and the Marine and Coastal Area (Takutai Moana) Act 2011 have been the subject of Tribunal inquiry and reports.[13] The Tribunal has no role under the 2011 MACA and we agree with the submissions of Ms Sykes (and others) that our inquiry should not be misdirected towards

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[8] *Edwards (No 2)* [2025], above at n 3, at [355] and [356].

[9] At [357].

[10] At [358].

[11] Treaty of Waitangi Act 1975; Commissions of Inquiry Act 1908.

[12] Whakatōhea Claims Settlement Act 2024.

[13] Foreshore and Seabed Act 2004; Waitangi Tribunal, *Report on the Crown's Foreshore and Seabed Policy* [Wai 1071: 2004]; Waitangi Tribunal, *The Marine and Coastal Area (Takutai Moana) Act 2011 Inquiry Stage 1 Report* [Wai 2660: 2020]; Waitangi Tribunal, *Marine and Coastal Area (Takutai Moana) Act 2011 Inquiry Stage 2 Report* [Wai 2660: 2023].

an attempt to relitigate the very issues determined, or still before, the High Court or determined by the Court of Appeal or Supreme Court.

38. Mr Lyall was not present at the judicial conference on 31 October 2025. Ms Swedlund spoke to the Te Upokorehe application and confirmed that it was the Supreme Court's observations that were the prompt for the request for a priority report, further research, and the change to hearing procedure to enable cross-examination of tangata whenua witnesses. Ms Swedlund was not able to answer a question posed by Dr Grant Phillipson as to what Crown act or omission would be the basis for this Tribunal to change its current inquiry in the way proposed by Te Upokorehe. While Dr Phillipson proposed that Ms Swedlund answer the question in writing, we have come to the view that this is not necessary in order for us to dispose of the application. The critical point is that there is nothing to prevent Te Upokorehe from continuing to advance in our inquiry its view as to its status and identity in and around Ōhiwa.

39. We have recently received onto our record the report of Dr Paul Husbands commissioned by the Tribunal and entitled '*Te Upokorehe Overview Report From Earliest Settlement to 1960'*, dated 5 September 2025 (Wai 1750, #A37). Dr Husbands report addresses the origins of Te Upokorehe, their relationships with neighbouring hapū and iwi both before and after 1840. The report also includes chapters on Te Upokorehe and their environment including Ōhiwa harbour and the Waiōtahi valley, associated pā and mahinga kai sites. There are also chapters on Te Upokorehe land interests and the effect of European contact, war and raupatu, creation of the Hiwarau reserves and the Compensation Court and then later commissions including Stout Ngata and the Sim commission. We will hear this and other evidence in relation to the Te Upokorehe claims in due course. We see no need to alter our inquiry hearing or reporting arrangements in light of the Supreme Courts observations.

40. Neither are we convinced on the basis of the observations made by the Supreme Court or the matters raised in Mr Lyall's memorandum of the need for commissioning further specific Te Upokorehe research. We also face the practical difficulty that the Tribunals research budget for the current financial year is fully allocated.

41. Mr Sinclair referred to concerns that some of his clients have raised about the assertion that Te Upokorehe were a separate iwi rather than one of the hapū of Te Whakatōhea. As we understand it, he was inviting us to hear argument about these issues and provide a view on what we understand are essentially matters of political representation within Whakatōhea and within Te Upokorehe. If these are particular issues for some of his clients, then Mr Sinclair may wish to consider the jurisdiction of the Māori Land Court under section 30 of Te Ture Whenua Māori Act 1993. We see no present reason to adjust or change the present course of our inquiry in light of the matters Mr Sinclair has raised.

42. As we observed at the judicial conference, the Te Upokorehe clients represented by Mr Lyall and his co-counsel are free to advance their claims concerning their identity and status relative to other iwi and hapū in our inquiry district. To the extent we need to understand or determine issues such as these in order to properly understand allegations of Treaty breach by the Crown we will hear and inquire into such matters.

43. Further, we note that the Tribunal reports cited by counsel, which concerned relative customary rights in respect of land or places, such as the Te Tau Ihu, Motiti and other reports, arose due to the needs of settlement processes or because some highly significant act or omission of the Crown required such matters to be addressed. Normally, the Tribunal does not make findings on matters of customary rights. If, in the course of the presentation of evidence or submissions at their hearings, Te Upokorehe demonstrate that particular Crown acts or omissions require the Tribunal to consider who held customary rights or authority in Ōhiwa Harbour or other places, that could be within the proper ambit of our jurisdiction. The observations of the Supreme Court do not of themselves create a situation analogous to the circumstances which lead to the cited reports from the Tribunal in the Te Tau Ihu and Motiti inquiries. We have begun hearing from some of the Te Upokorehe claimants during our kōrero tuku iho stage, and we are scheduled to hear their remaining evidence towards the end of our inquiry process.

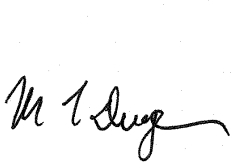
44. We would also observe that the precedents from the High Court and the Environment Court relied upon by counsel for Te Upokorehe are of little assistance, primarily because the statutory and common law jurisdictions of those courts are so different from that of the Tribunal. As courts, they also have powers to determine matters of fact and law, which we do not share. This factor also contributes to the distinctive and less formal way in which the Tribunal is able to operate.

45. We can hear in due course what Te Upokorehe have to say about their identity and their customary rights and authority, and in what ways they say the Crown has breached the principles of the Treaty/ te Tiriti regarding these matters over time. We see no compelling reason to adjust our inquiry or reporting arrangements in light of the observations made by the Supreme Court.

46. We see no present need to adjust our hearing protocols. Counsel may apply for leave to adjust the protocol on a case-by-case basis if they consider the need arises, and we will consider it on the merits at the time.

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

DATED at Wellington this 6th day of November 2025



Judge M J Doogan
Presiding Officer
WAITANGI TRIBUNAL