

WAITANGI TRIBUNAL

Wai 3060

CONCERNING

the Treaty of Waitangi Act 1975

AND

Te Rau o te Tika: the Justice
System Inquiry

**MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER
RELEASING TRANSCRIPT FOR HE RAU KŌRERO TARA Ā-WHARE #3
AND UPDATING TUHINGA PROTOCOL**

13 November 2025

Introduction

1. This memorandum-directions releases the transcript for He Rau Kōrero Tara ā-Whare #3 following my directions dated 22 July 2025 (Wai 3060, #2.6.46).

Request from Crown counsel

2. On 28 August 2025, Crown counsel asked for the revised tuhinga to be sent to representatives from the relevant Crown agencies who attended the respective He Rau Kōrero Tara ā-Whare. Those representatives would then identify any aspects that they want Tribunal staff to consider in their review.
3. On 4 September 2025, I informed parties that my intention was to accede to the Crown's request unless I heard contrary views from claimants' counsel by 11 September 2025 (Wai 3060, #2.6.47).
4. On 11-12 September 2025, the Tribunal received memoranda of counsel from the following claimants:
 - (a) Victoria Tumai on behalf of the Land Alienation and Wards of the State (Harris) (Wai 1531), the Tutamoe Pa (Wai 1968) and the Mental Health (Huirama) (Wai 2890) claims (Wai 3060, #3.2.401); and
 - (b) Roslyn Park on behalf of the Justice System (Harding) (Wai 3081) claim (Wai 3060, #3.2.402).
5. These claimants do not object to the Crown's request (Wai 3060, #3.2.401 at [5] & #3.2.402 at [2]).
6. However, the Wai 1531, Wai 1968 and Wai 2890 claimants ask that any comments or information provided by Crown representatives to Tribunal staff are also sent to claimants (Wai 3060, #3.2.401 at [5]).

Decision

7. I thank counsel for these indications. I therefore confirm that revised tuhinga will be sent to relevant Crown officials, and any comments that the officials make will also be sent to claimants. We have amended the protocol accordingly.

Tuhinga protocol

8. Set out below are the processes that will apply to the creation of a record of the Kōrero Tara ā-Whare events:
 - (a) The audio recordings of each He Kōrero Tara ā-Whare will be transcribed as usual. These are the 'transcripts'. However, the word we will use for the versions that will go on the Tribunal's public record of inquiry is 'tuhinga' (writing). That is because a transcript is strictly a record of what was said, and here the tuhinga that will go on the record of inquiry will often be an amended version of the transcript.
 - (b) The protocols for producing the tuhinga allow kaikōrero to ensure that they are happy with the written version of what they said. Each transcript will therefore be sent to counsel so that they and the kaikōrero can review the transcript and identify anything they wish to delete so that it will not be on the record. They may also add to what they said. The version that is returned to the Tribunal should therefore delete

what the kaikōrero is not happy with and add any new kōrero. The words to be deleted should be blacked out, and the new kōrero should be in italics.

- (c) As well as returning the amended version to the Tribunal, counsel for the kaikōrero should also be sending it to counsel for the other kaikōrero who spoke at that particular venue, and to Crown counsel.
 - (d) Through Crown counsel, Crown officials are to have the opportunity to look at the amendments that the kaikōrero seek, and may forward any comments on the changes sought to the Tribunal and also to counsel for the kaikōrero in question. If no comments are received within 14 days, the Tribunal will infer that the Crown has no comments to make.
 - (e) The Tribunal will assess the Crown's comments on the changes sought. If the Tribunal considers that the officials' comments require action of some kind, Tribunal staff will liaise with officials and counsel for the kaikōrero.
 - (f) Before releasing the tuhinga, Tribunal staff will check the final version of the text to check that no legal or safety issues arise. If staff consider that changes need to be made for these reasons, they will discuss the situation with relevant counsel to ensure that they and the kaikōrero understand any such changes.
 - (g) When the tuhinga is in its final form, it will be placed on the Wai 3060 public record of inquiry **unless** the kōrero was presented in a closed session.
 - (h) No kōrero presented in a closed session will be on the public record of inquiry. Rather, it will be in a confidential file in the Tribunal's record for the use of the Tribunal in report-writing. Access to this file is limited to the kaikōrero, their support persons and counsel, Tribunal members and staff, and Crown counsel. No material in it will be attributed nor used in a way that would allow attribution.
 - (i) To comply with the principles of natural justice, the Tribunal will retain a copy of the original, unedited transcript of the Rau Kōrero Tara ā-Whare. This version will not be publicly distributed or available.
9. The exercise of judgement by staff in relation to protocols (e) and (f) above will be carried out under my supervision.

Transcripts for He Rau Kōrero Tara ā-Whare #1 – #4

He Rau Kōrero Tara ā-Whare #1, #2 & #4

10. Counsel for kaikōrero presenting at He Rau Kōrero Tara ā-Whare #1, #2 and #4 have sent to the Tribunal a number of amendments to the transcript. These will be subject to the updated tuhinga protocol above. Accordingly, the amendments that kaikōrero seek will now be forwarded to the Crown. In order not to delay the production of tuhinga unduly, I ask the Crown please to look at the amendments sought and provide any comments by **5 pm, Friday 28 November 2025**.

He Rau Kōrero Tara ā-Whare #3

11. The Tribunal has now received the transcript for He Rau Kōrero Tara ā-Whare #3 held in Auckland. This transcript will be placed temporarily on the Tribunal's confidential record of inquiry and distributed to the Wai 3060 Tribunal panel, Crown counsel and counsel for the kaikōrero at that event. The protocols in [8] above will of course apply.

12. Counsel for the kaikōrero at the Auckland event will now work with their clients to review the transcript, and will please forward the preferred version to the Tribunal and to the Crown by **5 pm, Monday 8 December 2025**. This timeframe will allow the Crown to make any comments before Christmas. The tuhinga will be released early in the New Year.

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 13th day of November 2025



Judge Carrie Wainwright
Presiding Officer

WAITANGI TRIBUNAL