

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

Wai 1750

**E PĀ ANA KI**  
*CONCERNING*

te Treaty of Waitangi Act 1975

**Ā,**  
*AND*

te North-Eastern Bay of Plenty  
Inquiry

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**HE PĀNUI WHAKAHAU A TE MANA WHAKAHAERE**

*MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER REGARDING FORWARD  
HEARING PLANNING AND POST-HEARING SIX MATTERS*

28 Noema 2025

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## **Introduction**

1. This memorandum-directions addresses:
  - (a) forward hearing planning matters arising from the judicial conference on 31 October 2025 for the North-Eastern Bay of Plenty District inquiry; and
  - (b) procedural and evidential matters arising from hearing six held at Kutarere Marae in the Bay of Plenty, from 17 to 21 November 2025.

## **Forward inquiry planning matters**

### *Background*

2. In my memorandum-directions dated 3 September 2025, I indicated to parties that the Tribunal, at the time of writing, had a total of six further hearing weeks, including those already scheduled, with which to conclude the inquiry (Wai 1750, #2.6.42 at [43]).
3. I confirmed that I would discuss with parties how to best use the remaining allocated hearing resource at the judicial conference scheduled for 31 October 2025.
4. Parties should note that the submissions below have been considered in light of the panel's decision declining the Te Upokorehe application for a priority report on customary rights (Wai 1750, #2.6.47).

### *Judicial conference*

#### Crown's submissions

5. At the judicial conference, counsel for the Crown, Craig Linkhorn, advised that the Crown would likely call three technical reports and that such evidence would be filed after the second half of 2026.
6. Tribunal panel member Dr Grant Phillipson noted that claimants may seek to file evidence in reply and accordingly asked Mr Linkhorn for indications on the focus of the Crown's evidence. Counsel was not yet able to confirm the exact nature of the evidence but indicated that it would predominantly focus on historical issues.

#### Coordinating counsel's submissions

7. Coordinating counsel Raewyn Clark spoke to her submissions, dated 7 October 2025 and maintained that 10 hearing weeks are required to hear outstanding evidence (Wai 1750, #3.2.221 & 3.2.221(a) – (c)).
8. Counsel submitted that truncating the inquiry process risks (Wai 1750, #3.2.221 at [8]):
  - (a) undermining the Whakatōhea Deed of Settlement; and
  - (b) effective claimant participation.

#### Annette Sykes and Co., Jacki Cole Barrister, Karen Feint KC and Ihipera Peter's submissions

9. Maia Te Hira spoke to the joint submissions of Annette Sykes, Kalei Delamere-Ririnui, Jacki Cole, Karen Feint KC and Ihipera Peters on behalf of the Ngāti Ira o Waioweke Rohe (Wai 558), the Moutohara Quarry (Wai 864), the Ngāti Rutakena (Wai 1782) and the Ngāti Patumoana (Wai 1775) claims, respectively (Wai 1750, #3.2.224).

10. Ms Te Hira registered concerns around delay in the Tribunal releasing its report if the inquiry process is extended unnecessarily (Wai 1750, #3.2.224 at [6]). Counsel submitted that eight hearing weeks should be sufficient to hear the outstanding evidence in our inquiry.

#### *Discussion / Next steps*

11. Having considered the submissions above, I indicated that the Tribunal will seek funding for an additional hearing week in the current financial year ending 31 June 2026. To ensure parties have adequate time to prepare, I instructed coordinating counsel to proceed with hearing planning on the basis that resource may become available. Parties will be advised as soon as possible once a decision has been made. A decision is not expected before February 2026.

12. The Tribunal will consider further requests for additional hearing time in the next financial year. However, in the meantime it is important that the available hearing weeks are used to best effect and I ask that counsel cooperate and prepare accordingly (Wai 1750, #2.6.42 at [38]).

13. I asked Hannah Swedlund to confirm whether the Te Upokorehe (Wai 1092), the Rongopopoia Hapū (Wai 1787), Te Upokorehe Settlement (Wai 3272) and the Upokorehe Hapū Ngāti Raumoia Roimata Marae Trust (Wai 1758) claimants still seek two hearing weeks as proposed in coordinating counsel's updated hearing programme (Wai 1750, #3.2.221(b)). Counsel advised they would seek instructions and confirm whether the hearing time required could be truncated. Counsel are to file submissions on this matter by **5 pm, Thursday 22 January 2026**.

14. To further assist the Tribunal with its forward hearing planning, I direct counsel for the Crown to file a memorandum by **5 pm, Tuesday 3 March 2026**:

(a) outlining the nature of Crown evidence to be filed; and

(b) confirming the expected time required to hear the evidence.

#### **Filing requested in hearing six**

15. Several procedural and evidential matters were raised at hearing six that require further filing. The Tribunal has already received some of the requested documents and I thank parties for their promptness in providing this material.

16. I now address materials that remain outstanding. I direct the counsel responsible to file the information and documents detailed at [19] to [46] by **5 pm, Tuesday 16 December 2025**.

17. Dr Phillipson's questions in writing will be issued when available.

#### *Tangata whenua evidence*

#### Opening submissions for the Hiwarau Block (Wai 339) and the Hiwarau B No. 1 B2 Land Blocks (Wai 1865) claims (Wai 1750, #3.337)

18. On 17 November 2025, Caitlin Fellowes presented joint opening submissions for the Hiwarau Block (Wai 339) and the Hiwarau B No. 1 B2 Land Blocks (Wai 1865) claims (Wai 1750, #3.337).

19. Dr Phillipson asked Ms Fellowes to file a casebook of relevant decisions concerning the Hiwarau blocks.

20. In addition, Dr Phillipson asked what percentage of support is required from owners to meet the Māori Land Court's threshold for de-amalgamation.

21. Counsel is to file this information.

#### Opening submissions for the Descendants of Hineato (Wai 1789) claim (Wai 1750, #3.3.36)

22. On 19 November 2025, counsel Matthew Kennelly spoke to the jurisdictional issues that the Te Whānau-ā-Apanui Settlement raises for our inquiry. I confirmed that our inquiry boundaries are administrative and that we would hear evidence from the Wai 1789 claim, noting that legislation on the settlement is currently not imminent.

23. I asked Mr Kennelly to specify the redress sought concerning the Tunapahore lands. Counsel is to file this information.

#### Evidence of Bella Savage (E39)

24. On 19 November 2025, Bella Savage presented her evidence for the Wai 1789 claim.

25. During the course of cross-examination, counsel for the Crown, Daniel Hunt, asked if there was more information on the effects of the 1835 tsunami, Te Tai o Pāniwaniwa, that occurred in Tunapahore.

26. Counsel is to please file this information.

#### Opening submissions for the Tūrangapikitoi Hapu (Wai 1794) claim (Wai 1750, #3.3.38)

27. On 20 November 2025, counsel Tony Sinclair presented opening submissions for the Tūrangapikitoi Hapu (Wai 1794) claim.

28. Tribunal panel member Ahorangi Professor Tom Roa asked Mr Sinclair for the definition of 'moruru' as stated in his submissions (Wai 1750, #3.3.38 at [22]). Counsel is to file this information.

#### Evidence of Harriette Takirua Marjorie Bell (E29)

29. On 20 November 2025, Harriette Takirua Marjorie Bell spoke to her PowerPoint presentation.

30. Counsel is to file Ms Bell's PowerPoint.

#### Evidence of Keita Hudson (E30) and Kym Hudson (E46)

31. On 20 November 2025, Keita and Kym Hudson referred to Hiwarau minutes, including the Waimana case. Counsel is to file these materials.

#### Evidence of Jeanette Mitchell (E32)

32. On 20 November 2025, Jeanette Mitchell spoke to her evidence and referred to three images: two of her koro, Sam Walker, and one of a soldier on horseback. Counsel is to file these images.

33. Ms Mitchell recited an extract from a Court Minute discussing the notice for amalgamation of Hiwarau C. Counsel is to file the complete Minute.
34. Dr Phillipson asked counsel Rox Soriano and Ms Fellowes to do a title check to confirm whether Sam Walker was the sole owner of Hiwarau B No. 2 Block.
35. I asked counsel for the pre-amalgamation ownership list for Hiwarau B No. 2 Block.
36. Counsel is to please file this information.

Evidence of Winston De Loree (E43) and Florence De Loree (E33)

37. On 20 November 2025, Winston De Loree and Florence De Loree jointly presented a PowerPoint presentation. Counsel is to file this.

Evidence of Harold Ruff (E47)

38. While giving his evidence on 21 November 2025, Harold Ruff referred to a letter that was given to him by A.C. Lyall.
39. During the course of Crown cross-examination, Mr Hunt discussed the Māori Appellate Court hearing proceedings involving Mr Ruff, Mr De Loree and the Māori Trustee. Mr Ruff advised that he had provided a letter to the Judges. Counsel is to file Mr Ruff's letter and the minutes from the hearing.
40. In addition, Mr Ruff advised the Tribunal that he wishes to file various documents, including an extract from Ōpotiki Minute book number 16, folio 362. I confirm that leave is granted to Mr Ruff to file such additional documents that he considers will assist us in our inquiry.

*Hearing six technical evidence*

Bruce Stirling, Twentieth Century Land Legislation and its Impacts' report (Wai 1750, #A32) led by Siaosi Loa

41. On 18 November 2025, Bruce Stirling presented the summary of his Twentieth Century Land Legislation and its Impacts' report (Wai 1750, #A32 & #A32(f)).
42. On 19 November 2025, during the course of Crown cross-examination, Mr Stirling confirmed that he had incorrectly referenced 312 'pounds' instead of acres in the last passage of page 27. Dr Phillipson accordingly requested that a corrected passage be filed.
43. Referring to the document bank of Mr Stirling's report (Wai 1750, #A32(d) p 5415 & 5416), Mr Linkhorn asked whether the rent paid by William Peryer for the Kapurangi 1 East 5 lease in 1920 had been accurately stated (Wai 1750, #A32, p 31 & 32). Dr Phillipson requested that Mr Stirling confirm the rent paid by Mr Peryer in writing.
44. Referring to pages 41 and 42 of Mr Stirling's report, Mr Linkhorn sought clarity on whether the hearing for the application for the incorporation Whakapaupakihi 2 in December 1907 was actually a relative interests hearing. Counsel subsequently asked whether the first hearing for incorporation was the resumed hearing in April 1909. Mr Stirling offered to put his response in writing.
45. Tribunal panel member Dr Robyn Anderson asked whether the Crown paid less for Māori land prior to the Māori Land Settlement Act 1905 (Wai 1750, #A32, p 69). Mr Stirling offered to present his response in tabular form.

46. Counsel leading Mr Bruce Stirling should please file this material.

**Questions in writing**

47. On 20 November 2025, I granted leave for the evidence of Julie (Jule) Brooking taken as read (Wai 1750, #E48).

48. I accordingly direct:

(a) any questions in writing to be filed by **5 pm, Tuesday 9 December 2025**; and

(b) counsel for Ms Brooking to file responses by **5 pm, Tuesday 23 December 2025**.

**Mary Gillingham, Ngai Tamatea oral and traditional history report draft chapter for cross-examination purposes**

49. On 7 November 2025, Tania Te Whenua filed a bundle of documents for cross-examination (Wai 1750, #A32(j)), which included a draft chapter from Mary Gillingham's Ngai Tamatea oral and traditional history report, which is proposed to be heard in hearing eight (23 to 27 March 2026).

50. During the hearing, I noted that the Tribunal does not normally permit the filing of draft chapters from a research report. While the use of the draft chapter is permissible for the purposes of cross examination, I noted that if the final chapter contains relevant changes, Mr Stirling would be invited to file further responses.

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 1750, the North-Eastern Bay of Plenty District Inquiry.

*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.*

**WHAKAPŪMAUTIA** ki Te-Whanganui-a-Tara i te 28 o te Noema 2025



Kaiwhakawā Judge M J Doogan  
Te Mana Whakahaere

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