

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 2700

E PĀ ANA KI
CONCERNING

the Treaty of Waitangi Act 1975

Ā,
AND

the Mana Wahine Kaupapa
Inquiry

HE PĀNUI WHAKAHAU O TE KAIWHAKAWĀ REEVES

**MEMORANDUM-DIRECTIONS OF JUDGE REEVES REGARDING
SUBMISSIONS MADE AHEAD OF HEARING TWO**

15 Tihema 2025

Purpose

1. This memorandum-directions addresses submissions made ahead of hearing two and confirms protocols for the wider hearing phase.

Background

2. In memorandum-directions dated 13 November 2025, I (Wai 2700, #2.6.12):
 - (a) outlined a number of hearing protocols for the discrete audio-visual (AVL) hearing planned, at that time, to take place on 14 and 15 May 2026 (Wai 2700, #2.6.12 at [12]); and
 - (b) released a filing timetable for the Mana Wahine inquiry to include all filing deadlines up until the discrete AVL hearing.
3. On 25 November 2025, coordinating counsel filed a joint memorandum of counsel raising concerns about the protocols and the approach to cross-examination as outlined in the 13 November memorandum-directions (Wai 2700, #3.2.54 & #3.2.54(a)).
4. On 4 December 2025, the Crown filed submissions in relation to Crown evidence and the clarity of claim issues before the Tribunal (Wai 2700, #3.3.7).

Memorandum of coordinating counsel 25 November 2025

Submissions

5. In the 25 November 2025 joint memorandum, counsel raise concerns that limiting claimant cross-examination to lead counsel, with questions in writing being the only alternative, creates 'significant logistical challenges'. Counsel submit that (Wai 2700, #3.2.54):
 - (a) specific questions may need to be put to specific witnesses – this cannot necessarily be done through other counsel;
 - (b) questions in writing do not provide the same opportunity to test evidence and are not a substitute for cross-examination in person; and
 - (c) limiting cross-examination to lead counsel places a significant burden on that individual, particularly given it is likely they would be required to question witnesses on matters that are not relevant, or of limited relevance, to the claim/s they represent.

Confirmed protocols for cross-examination and the wider hearing phase

6. I acknowledge the above concerns raised by coordinating counsel. I also note their suggestion to introduce a cross-examination time cap for each witness (Wai 2700, #3.2.54 at [12]).
7. I have reflected on the above submissions and remind parties of memorandum-directions dated 21 March 2025. Therein, I directed coordinating counsel in to indicate a proposed coordinated cross-examination process for Tribunal commissionees (Wai 2700, #2.5.109 at [59]).

8. Coordinating counsel accordingly filed a joint memorandum of counsel proposing a cross-examination approach on 4 April 2025. The approach proposed by coordinating counsel involves an appointed 'lead counsel' who would traverse the primary issues of the inquiry from a claimant perspective within the evidence being presented. Time would also be sought and allocated to other claimant counsel to follow lead counsel with claimant-specific pātai, or to address topics that have not be covered approach (Wai 2700, #3.2.862).
9. Upon reflection of the above submissions and the concerns raised in the 25 November memorandum, I note my preference to adopt a cross-examination approach similar to that proposed in the 4 April 2025 memorandum.
10. I encourage parties to communicate and collaborate closely in the development and filing of the hearing plan, indications of cross-examination and the draft timetable to manage time, expectations, and the volume of questions.
11. I remind parties that indications of cross-examination are due to be filed by **5 pm, Friday 20 March 2026**. I direct coordinating counsel to work with the wider claimant counsel group to file these indications. Further, it is the Tribunal's expectation that these indications reflect a sufficiently resolved approach for cross-examination. For each witness claimant counsel wish to cross-examine, coordinating counsel are directed to:
 - (a) Identify 'lead counsel'.
 - (b) Identify additional claimant counsel seeking to cross-examine the witness.
 - (c) Specify the allotment of time sought for cross-examination by both lead counsel and additional counsel.
 - (d) Identify particular areas of issue for cross-examination for 'lead counsel' and additional claimant counsel.
12. The Crown are similarly expected to file indications of cross-examination for each witness they seek to cross-examine. In doing so the Crown are directed to:
 - (a) Specify the allotment of time sought for cross-examination.
 - (b) Identify particular areas of issue for cross-examination for each witness.
13. This information shall assist coordinating counsel to develop the draft hearing timetable for both hearing weeks two and three, due to be filed by **5 pm, Friday 10 April 2026**.
14. I advise that the direction provided at [11(d)] above seeks to ensure the Tribunal is satisfied that the allocation of time will be well utilised and will reduce potential duplication both between counsel and also with the Tribunal. This will facilitate the Tribunal to confirm the hearing timetable by Wednesday 28 April 2026.
15. The hearing protocols for the wider hearing phase are attached as **Appendix A**. I note that the success of this approach will rely on the counsels' coordination.

16. Leave is reserved for parties to file any submissions on the protocols attached as **Appendix A** by **5 pm, Friday 16 January 2026**.

Crown submissions of 4 December 2025

Submissions regarding the broad nature of the issues to be heard and further Crown evidence

17. In the 4 December 2025 memorandum, Crown counsel submits there continues to be a lack of particularity on the claim issues for determination by the Tribunal and the process set down indicates the issues for the Rangatiratanga Pou will be ventilated through the hearing process. In doing so, Crown counsel refer to earlier submissions seeking the Tribunal provide indications of its topic expectations for the hearing weeks to assist with focusing both claimant and Crown evidence (Wai 2700, #3.3.7 at [7]).
18. Counsel further submit that the current timetable may not allow sufficient opportunity for the Crown to engage and respond to those claims and that evidence, or to respond to any proposed adverse findings or recommendations (Wai 2700, #3.3.7 at [8]). Counsel submit the Crown reserves the right to seek steps that will rectify this in due course if this cannot be addressed, perhaps through the provision of a draft report, and the opportunity for further Crown response and evidence, prior to finalisation.
19. Crown counsel has also identified the topics they anticipate filing evidence on for the Rangatiratanga Pou. However, counsel submits that given the vast majority of claims have not yet filed evidence, the Crown will need further opportunities to address any new matters raised in that evidence when it is filed. Counsel submit it is not clear in the current timetable where this might occur (Wai 2700, #3.3.7 at [16]).
20. I acknowledge the submissions raised by the Crown and appreciate the challenge of the broad nature of this inquiry, and the intersecting nature of issues raised both within and beyond the Rangatiratanga Pou.

Discussion

21. The Tribunal Statement of Issues (TSOI) is one tool to provide some structure to support all parties in the inquiry, however claimants have previously provided submissions outlining the challenge of separating issues at a contextual and theoretical level and also the practicalities of appearing multiple times. The Tribunal must strike the balance between providing structure for the inquiry and flexibility to inquire into the claims.
22. In memorandum directions dated 15 December 2025, I encouraged claimant and Crown counsel to collaborate closely in the lead up to hearing two set down for 4 to 8 May 2026. I reiterate that the Tribunal is open to counsel taking an approach that logically or thematically groups claim issues together so relevant evidence can be heard in proximity, and to support an efficient and well-structured hearing timetable. If this is to include indications for specific topics for each hearing week, this should be clearly articulated in the draft hearing plan filed in advance of hearing two. I remind parties that the draft joint hearing plan is to be developed in collaboration. It is my expectation that this process facilitates parties to discuss the approach to hearing weeks early so that both parties may be supported to prepare accordingly.

23. I also refer to the filing milestones set down in directions dated 13 November 2025 and note that an opportunity for the Crown to bring further evidence, following an opportunity to review claimant briefs of evidence, has already been provided for (Wai 2700, #2.6.12(a)).
24. On 9 December 2025, Tribunal staff sought to raise with Ms Dean that there remained a question from the Crown as to when this further evidence would be heard and whether there remains sufficient time for parties to review the further Crown evidence ahead of the hearing.
25. I confirm that the filing timetable has been amended to allow for further Crown evidence to be heard within either hearing week two or hearing week three. The process now allows for:
- (a) approximately 6.5 weeks for the Crown to review claimant briefs of evidence and file further evidence if deemed necessary.
 - (b) the Crown to indicate approximately 5 weeks following filing of claimant briefs of evidence intentions to bring further Crown evidence including the nature of its coverage and whether any additional time will be sought within the hearing week from what was previously signalled in the draft joint hearing plan.
 - (c) approximately 2 weeks after the filing of further Crown evidence, for all parties to file cross-examination bundles.
26. Based on the above submissions from the Crown, the Tribunal has reviewed the filing timetable and made associated amendments. These changes have already been captured in the amended filing milestones released on 15 December 2025 (Wai 2700, #2.6.13(a)).
27. I remind parties that if they wish to file submissions on the updated filing timetable, and proposed amendments, they are to do so by no later than **12 pm, Friday 19 December 2025**.

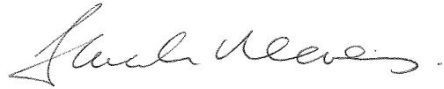
Submissions regarding the jurisdiction of the Tribunal

28. In the 4 December 2025 submissions filed by the Crown, counsel refer to the Tribunal's jurisdiction, noting it is limited to making findings about legislation or Crown acts or omissions, and that any inquiry into Māori organisations and social structures is beyond the jurisdiction of the Tribunal unless specific Crown conduct or legislation is the basis of the claim.
29. I refer to my memorandum-directions dated 4 November 2025 where I address this point, advising that inquiry into these matters is limited to allegations of breach in relation to actions or omissions of the Crown (Wai 2700, #2.6.10 at [12]–[16]).

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 2700, te Mana Wahine Kaupapa Inquiry.

The Registrar is to send a copy of this direction to all those on the distribution list for Wai 2700, the Mana Wahine Kaupapa Inquiry.

WHAKAPŪMAUTIA ki Pōneke te 15 o Tīhema 2025



Kaiwhakawā Sarah Reeves
Tumuaki Pakirehua

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI