

Appendix A – Hearing protocols for the wider hearing phase of Wai 2700, the Mana Wahine Kaupapa Inquiry

Introduction

1. The following hearing protocols are to be observed during the wider hearing phase for this inquiry. These protocols outline the Tribunal's expectations around the filing and presentation of evidence, cross-examination and other procedural or evidential matters for the Mana Wahine (Wai 2700) Kaupapa Inquiry. It is important that counsel adhere to these protocols for the wider hearings to ensure that all material is filed accurately and on the record of inquiry.

Purpose

2. The purpose of these hearings is to hear and test evidence on substantive claim issues.

Evidence

3. All evidence placed on the Wai 2700 record of inquiry will be taken as read and considered by the panel, whether presented at the hearing or not. Opening submissions will be taken as read and should be briefly summarised.
4. All briefs of evidence must be filed by the directed deadlines.
5. All witnesses are expected to provide a written summary of their evidence. Summaries are to include indications of the nature and coverage of the evidence, and the relevant chapters and sections of the evidence which deal with the particular parts of the Tribunal Statement of Issues.
6. Summaries are to be no longer than 10 pages for non-technical evidence and 10–15 pages for technical evidence (A4, double spaced, numbered paragraphs, Times New Roman font, size 12).
7. Technical witness summaries can either be taken as read or briefly spoken to in 10 minutes.
8. When presenting evidence at hearing, the evidence should be summarised in brief, not read verbatim. Presentation time at hearings will be limited, with the majority of time reserved for cross-examination and Tribunal questions.
9. Counsel for the claimants should work together to minimise any duplication of evidence to be heard in person. The Tribunal is amenable to approaches that would allow this, such as claimant witness panels.

Cross-examination

10. Cross-examination will begin with questions from the Tribunal panel, before proceeding to cross-examination from Crown and claimant counsel.
11. Cross-examination by claimant counsel will take a 'lead counsel' approach. Claimant counsel will nominate or appoint one counsel to lead the cross-examination, addressing

the high-level issues and traversing the primary issues from a claimant perspective. A 'lead counsel by topic' approach may be adopted to address technical witnesses or reports and evidence of sizeable length or scope.

12. Claimant counsel must coordinate among themselves to allocate any time to other counsel for any claimant-specific pātai to address topics that have not yet been covered. Counsel for interested parties should coordinate with claimant counsel should any topics arise relevant to their interested parties.
13. The Tribunal is expecting a high degree of coordination between counsel, to ensure they collaborate and communicate with clarity and efficiency to minimise any duplication and ensure that overlap or repetition of issues does not occur.
14. Counsel must seek leave to submit any additional questions in writing.

Translation and te reo Māori

15. Counsel, claimants and witnesses may address the Tribunal in te reo Māori or English. Te reo Māori will be interpreted simultaneously by a commissioned interpreter.
16. If any witnesses intend to present their evidence in te reo Māori, this should be indicated in the draft and final timetables submitted by coordinating counsel, and ask that counsel take note of the *Guide to the Practice and Procedure of the Waitangi Tribunal (2023)* concerning the provision of an English translation.
17. The Tribunal does not envisage providing written translation in advance of a hearing, and depending on the nature of the evidence may commission further specific translation in addition to what is transcribed from the hearing. It would assist if parties indicate at the time of filing that they will seek a tribunal translation.