

IN THE WAITANGI TRIBUNAL

WAI 2700

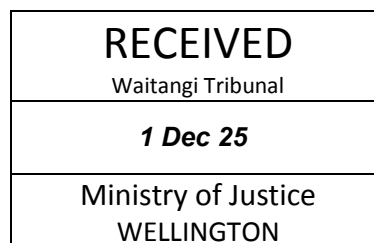
IN THE MATTER of the Treaty of Waitangi Act 1975

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IN THE MATTER of the Mana Wahine Kaupapa Inquiry (Wai 2700)

**MANATŪ RŌIĀ RURUKU
MEMORANDUM OF COORDINATING COUNSEL**

Dated this 28th day of November 2025



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MAY IT PLEASE THE TRIBUNAL:

Introduction

1. This Memorandum of Coordinating Counsel (“MOCC”) is filed on behalf of the coordinating counsel committee (Tukau Law, Kāhui Legal and Tāmaki Legal).
2. By way of Memorandum-Directions dated 31 October 2025, her Honour Judge Reeves directed coordinating counsel to file a joint draft hearing plan for hearing week two by 5pm, Friday 28 November 2025 (“Direction”), which includes:¹
 - (a) The focus for Hearing Two;
 - (b) Which aspects of the Tribunal Statement of Issues (“TSOI”) will be addressed;
 - (c) Indications of participation, including:
 - (i) Specificity as to which claims are seeking to be heard in person and which are seeking to be heard on the papers.
 - (ii) The issues the evidence will cover in relation to the TSOI.
 - (iii) The amount of hearing time sought for each claim seeking to be heard in person.
 - (d) Whether the Crown intends to present evidence at the hearing and expected time sought.
3. In addition to the matters for inclusion noted above, the Direction noted that the opportunity to provide a draft hearing plan was to allow claimants and their counsel an opportunity to influence the shape of

¹Wai 2700, #2.6.9, *Memorandum-Directions of Judge Reeves Regarding the 16 October 2025 Judicial Conference* (31 October 2025), at [33].

the hearings in a way that works for them,² including in terms of what they wish the hearing focus to be, the coverage of issues and the nature of evidence to be put to the Tribunal.³ These statements were made in the context of recognising the importance of upholding the mana of wahine Māori in the inquiry's processes by ensuring their voices are heard and respected.⁴

4. With these reasons in mind, the claimants attach for the Tribunal's consideration the Joint Draft Hearing Plan at **Appendix "A"**.

The focus of hearings two and three and TSOI issue coverage

5. While preparing the Joint Draft Hearing Plan, it became apparent that the majority of witnesses filing evidence in the Rangatiratanga Pou (in both hearings two and three) traverse multiple issues in the TSOI.
6. While claimants have sought to separate the issues that overlap between pou, it has proven difficult to further separate the issues to align to the Rangatiratanga Pou TSOI without proposing that witnesses appear more than once to present their rangatiratanga evidence. The claimants and their witnesses strongly oppose this noting that it would prejudicially impact their ability to present evidence in a way which is conducive to their claims, particularly by diminishing the overall impact of their rangatiratanga evidence, their ability to travel and appear at hearings, and the ability of their whanau and other kaitautoko to support them during the presentation of their evidence.
7. Accordingly, the strong preference of the claimants is to adopt a hearing plan which allows witnesses appearing at hearings two and three to traverse multiple TSOI issues, attempting where possible to focus particular days on similar issues.

² Wai 2700, #2.6.9, *Memorandum-Directions of Judge Reeves Regarding the 16 October 2025 Judicial Conference* (31 October 2025), at [31].

³ Wai 2700, #2.6.9, *Memorandum-Directions of Judge Reeves Regarding the 16 October 2025 Judicial Conference* (31 October 2025), at [32].

⁴ Wai 2700, #2.6.9, *Memorandum-Directions of Judge Reeves Regarding the 16 October 2025 Judicial Conference* (31 October 2025), at [31].

8. This hybrid approach is an attempt by the claimants to influence the shape of the hearings in a way that works for them⁵ by having regard to their:
 - (a) readiness to appear at hearing;
 - (b) location and venue preferences;
 - (c) preferences as to the presentation of their evidence;
 - (d) preferences as to the progression of their claims; and
 - (e) views around upholding the mana of wahine Māori in the inquiry's processes by ensuring their voices are heard and respected.⁶

9. The claimants have indicated the hearing weeks within the Rangatiratanga Pou that they intend to present their evidence (or have taken as read). The claimants attach a table which documents current claim allocations across hearing weeks two and three at **Appendix "B"**.

10. In this regard, the claimants confirm that the Joint Draft Hearing Plan proposes that the following issues be traversed at hearing two:
 - (a) The legacy of ngā wāhine Māori: traditional leadership, mātauranga, healing, and expressions of mana wāhine in contemporary times, and within this, colonial interference in ira wāhine and the suppression of wāhine expression, rangatiratanga;
 - (b) Challenges faced by wāhine Māori within the contemporary exercise of kaitiakitanga;

⁵ Wai 2700, #2.6.9, *Memorandum-Directions of Judge Reeves Regarding the 16 October 2025 Judicial Conference* (31 October 2025), at [31].

⁶ Wai 2700, #2.6.9, *Memorandum-Directions of Judge Reeves Regarding the 16 October 2025 Judicial Conference* (31 October 2025), at [31].

- (c) The Crown's role to ensure equitable representation of wāhine Māori across central government, leadership positions, and policy development processes:
 - (i) Barriers within the Crown appointments process for public service leadership;
 - (ii) Different standards of behaviour and expectations for wāhine Māori in senior political leadership positions (in particular, takatāpui wāhine Māori);
 - (iii) The requirement to address systemic racism and misogyny inherent in local and central government; and
 - (iv) The failure to ensure institutions of government can respond to and condemn abuse and violence against wāhine Māori.
- (d) Wāhine leadership roles in the community, and the challenges faced by wāhine Māori within the appointment and holding of these roles; and
- (e) The need for facilitating and resourcing of Māori data sovereignty and governance.

Indications of witness participation

- 11. The Joint Draft Hearing Plan proposes that the following witnesses appear in person to present their evidence at hearing two:
 - (a) Memory Materori Jane Kaukau (Wai 2655)
 - (b) Ruku Areta Te Huia (Wai 2655).
 - (c) Lovey Matarita Edwards (Wai 2655).
 - (d) Kararaina Te Ira (Wai 1944).
 - (e) Dallas King (Wai 700).
 - (f) Kiritapu Allen (Wai 381).

- (g) Tahu Kukutai (Wai 381).
 - (h) Tamatha Paul (Wai 381); and
 - (i) Tory Whanau (Wai 381).
12. It also notes the following witnesses who seek for their evidence to be taken as read, with questions to be put to them in writing:
- (a) Audrey Okeroa Rogers (Wai 2869).
 - (b) Hera Ferris (Wai 2655).
 - (c) Ngatiriti Kingi (Wai 2655).
 - (d) Bessie Manaena (Wai 2655).
 - (e) A witness whose identity is not disclosed as they intend to file on a confidential basis (Wai 2655); and
 - (f) Wanda Brljevich (Wai 475).

Crown evidence

13. Counsel have conferred with the Crown who have confirmed that they will not be filing evidence for hearing two.

Partial Vacation of Hearing Week Two

14. Counsel are conscious that many claimants have indicated that their preference is to participate in hearing week three. With the presentation of Dr Te One's report, two hearing days are required to hear claimant and technical evidence in the second hearing week set down for 9 to 13 February.2026.

15. That being so, counsel are in the Tribunal's hands as to whether the available three hearing days are used to hear the technical evidence that is currently planned to be heard within the discrete hearing, as foreshadowed by her Honour, or to partially vacate and reallocate the week.

DATED at Whangarei this 28th day of November 2025



Season-Mary Downs/ Majka Cherrington
on behalf of the Coordinating Counsel Committee