

I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

WAI 3060

KEI RARO I TE MANA O

te ture o te Tiriti o Waitangi 1975
of the Treaty of Waitangi Act 1975

Ā

I TE TAKE O

te pakirehua Wai 3060 mō ngā kerēme e
pā ana ki te Rau o te Tika: Te Aronui o
te Tāhu - the Justice System Kaupapa
Inquiry – Criminal Justice

MEMORANDUM OF COUNSEL

Dated: 8 OCTOBER 2025

RECEIVED

Waitangi Tribunal

8 Oct 25

Ministry of Justice
WELLINGTON

TamakiLegal

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MAY IT PLEASE THE TRIBUNAL

INTRODUCTION

1. This memorandum of counsel is filed on behalf of:
 - a. Wai 762, a claim by Te Urunga Evelyn Aroha Kereopa on behalf of herself and her whānau;
 - b. Wai 2063, a claim by Jasmine Cotter-Williams on behalf of herself, her whānau and Ngāti Taimanawaiti;
 - c. Wai 2671, a claim by Jane Stevens on behalf of the late Nicky Taiaroa Macpherson Stevens, her whānau, Ngai Tahu and all Māori suffering from mental illness;
 - d. Wai 2743, a claim by Annette Hale and Tumau Wikotu, on behalf of the Wikotu whānau and Te Upokorehe;
 - e. Wai 2778, a claim by Kahura James Watene, on behalf of Ngāi Tūkoko and Ngāti Moe;
 - f. Wai 1196, Merle Mata Ormsby, Daniel Ormsby, Manu Patene, and the late Tiaho Mary Pillot for and on behalf of themselves and members of Ngāti Tamakōpiri and Ngāti Hotu;
 - g. Wai 2376, a claim by Violet Walker and Bryce Peda Smith on behalf of Te Whānau o Rātāroa;
 - h. Wai 2894, a claim by Malcolm J Kingi on behalf of himself, his whānau and Ngāi Tahu o Mōhaka Waikare.
 - i. Wai 2217, a claim by Violet Nathan and Maringi Te Aroha Kalva Emily Pia Broughton, on behalf of themselves and their whānau;
 - j. Wai 2869, Audrey Okeroa Rogers on behalf of herself, her whānau and members of Ngāti Koheriki;

k. Wai 1968, Rueben Taipari Porter, on behalf of Ahipara hapū.

(the “**Claimants**”)

2. In memorandum-directions dated 25 September 2025, her Honour Judge Wainwright directed parties to file memoranda regarding the following topics:
 - a. Kaikōrero not in custody and still to be heard in He Rau Kōrero Tara ā-Whare with accompanying detail.
 - b. Kaikōrero in custody with accompanying detail; and
 - c. Which sites, programmes, processes and courts should be prioritised for panel visits.¹
3. To confirm, this memorandum of counsel only responds in relation to [2a] above.
4. Counsel further confirms that none of the Claimants or kaikōrero are in custody and that the Claimants do not have a view or preference on which sites, programmes and courts should be prioritised for panel visits.

PLANNING NEXT STEPS IN TE ARONUI O TE TĀHŪ

Kaikōrero not in custody

5. In relation to planning the next steps of the criminal phase of Te Rau o Te Tika, Te aronui o te tāhū, her Honour Judge Wainwright has asked counsel to inform the Tribunal of any kaikōrero (not in custody) that still wish to be heard as part of He Rau Kōrero Tara ā-Whare.²
6. Of the Claimants that Tāmaki Legal represent, that still wish to be heard as part of He Rau Kōrero Tara ā-Whare:

¹ Waitangi Tribunal, *Memorandum-Directions of the Presiding Officer concerning Inquiry Planning and Fixtures for the 2025-2026 Financial Year* dated 28 September 2025, Wai 3060 #2.6.48 at [19]-[20].

² Waitangi Tribunal, *Memorandum-Directions of the Presiding Officer concerning Inquiry Planning and Fixtures for the 2025-2026 Financial Year* dated 28 September 2025, Wai 3060 #2.6.48 at [14].

- a. Wai 2671, a claim by Jane Stevens on behalf of the late Nicky Taiaroa Macpherson Stevens, her whānau, Ngai Tahu and all Māori suffering from mental illness:
 - i. Kaupapa of the kōrero: Jane Stevens and her whānau experiences with the Police.
 - ii. Duration of kōrero: 1 hour.
 - iii. Residence: Dunedin/Ōtākou preference for a hearing location in Te Waipounamu, although unavailable to present in April 2026. Alternatively, can present via AVL.

- b. Wai 2376, a claim by Violet Walker and Bryce Peda Smith on behalf of Te Whānau ō Rātāroa:
 - i. Kaupapa of the kōrero: Violet Walker and her son, Brayden Walker's experiences with the Police, Corrections, Probation, Parole Board and the Office of Inspectorate.
 - ii. Duration of kōrero: 1.5 hours.
 - iii. Residence: Mangonui, Northland.

- c. Wai 2217, a claim by Violet Nathan and Maringi Te Aroha Kalva Emily Pia Broughton, on behalf of themselves and their whanau:
 - i. Kaupapa of the kōrero: Violet Nathan and her whānau experiences with the Courts.
 - ii. Duration of the kōrero: 45 minutes.
 - iii. Residence: Whangārei

- d. Wai 2063, a claim by Jasmine Cotter-Williams on behalf of herself, her whānau and Ngāti Taimanawaiti;
 - i. Kaupapa of the kōrero: Jasmine Cotter-Williams and her whānau experiences with the Police and Corrections.
 - ii. Duration of the kōrero: 30 minutes.

- iii. Residence: Mangere, Auckland
- e. Wai 2894, a claim by Malcolm J Kingi on behalf of himself, his whānau and Ngāi Tahu o Mōhaka Waikare:
 - i. Kaupapa of the kōrero: Malcolm Kingi and his whānau experiences of rangatahi in the justice system and interactions with the Police.
 - ii. Duration of the kōrero: 45 minutes.
 - iii. Residence: Ahuriri, although may be unavailable to present from New Year's Eve onwards due to medical reasons.
- f. Wai 2869, Audrey Okeroa Rogers on behalf of herself, her whānau and members of Ngāti Koheriki:
 - i. Kaupapa of the kōrero: Audrey Okeroa Rogers and her whānau experiences with the Police and Corrections. Mrs Rogers filed a written brief of evidence for the Tāmaki Makaurau wānanga but due to illness at the time she was not able to present her kōrero.
 - ii. Duration of the kōrero: 30 minutes.
 - iii. Residence: Meremere, would prefer to present in Auckland.
- g. Wai 2778, a claim by Kahura James Watene, on behalf of Ngāi Tūkoko and Ngāti Moe:
 - i. Kaupapa of the kōrero: Kahura James Watene and his experiences with the Police, Courts and prison system throughout his life. Mr Watene filed a written brief of evidence for the Pōneke wānanga but due to work commitments at the time he was unable to present his kōrero.
 - ii. Duration of the kōrero: 30 minutes.

- iii. Residence: Greytown.
- h. Wai 1196, Merle Mata Ormsby, Daniel Ormsby, Manu Patene, and the late Tiaho Mary Pillot for and on behalf of themselves and members of Ngāti Tamakōpiri and Ngāti Hotu:
 - i. Kaupapa of the kōrero: Daniel Ormsby will present on his experiences with the Police, Courts and time served in Waikeria Prison and his whānau will present on their experiences with Corrections.
 - ii. Duration of the kōrero: 1 hour.
 - iii. Residence: Tokaanu, Turangi.
- i. Wai 1968, Rueben Taipari Porter, on behalf of Ahipara hapū:
 - i. Kaupapa of the kōrero: Tremaine Gage, as a witness for Wai 1968, will present on his experiences of prison and as a rangatahi in the justice system.
 - ii. Duration of the kōrero: 45 minutes.
 - iii. Residence: Ahipara.
 - iv. Mr Gage presented brief kōrero at He Rau Kōrero Tara ā-Whare held in Kerikeri in support of Mr Porter's kōrero. Mr Gage wishes to provide further details of his experiences in the criminal justice system, including as a rangatahi and his experiences of prison. Counsel intends to file a brief of evidence for Mr Gage prior to him presenting at a further He Rau Kōrero Tara ā-Whare.
 - v. Counsel believe kōrero on further experiences of the justice system from Mr Gage will be of assistance to the Tribunal.
- j. Wai 762, a claim by Te Urunga Evelyn Aroha Kereopa on behalf of herself and her whānau:

- i. Kaupapa of the kōrero: Te Urunga Evelyn Aroha Kereopa and her whānau experiences with the Police, Courts and Corrections.
- ii. Duration of the kōrero: 1 hour.
- iii. Residence: Taumarunui.

Presentation of kōrero at wananga

7. Our claimants in the first instance wish to present their evidence in person, appreciating the power of harnessing the mauri of those who together make up the marae on the day, but understand this may not be possible because of where they reside.
8. As these four previous wānanga have shown, kaikōrero have predominantly presented in person, but with leave of the Tribunal, have been able to present via AVL. It is appreciated that this is always an option that can be sought.
9. Concerns have been raised by some of our claimants that if dates for the upcoming wānanga for kaikōrero not in custody are set on short notice, as was done earlier this year, the pressure in trying to prepare to present on short notice will defeat the aim of trying to avoid undue stress and exacerbate the underlying trauma of those wishing to present.³
10. An option that has been proposed by some of our claimants, to mitigate these concerns and ensure that the evidence they are providing to the Tribunal can be heard in their voice, is to pre-record their evidence in a video format and file this with the Tribunal.
11. The Claimants therefore request that the option of pre-recording their evidence in a video format and filing this with the Tribunal, alongside any written evidence, be allowed.

³ Waitangi Tribunal, *Memorandum-Directions of the Presiding Officer concerning 'He Rau Kōrero Tara Ā-Whare'* dated 24 April 2025, Wai 3060 #2.6.38.

Extension request for Wai 2743

12. Unfortunately, Counsel have been unable to finalise instructions from Wai 2743, Annette Hale due to ongoing health matters, in time for filing today.
13. Respectfully, we seek an extension to obtain instructions from Wai 2743, Annette Hale until **Wednesday, 22 October 2025** and submit that little, if any, prejudice will accrue as a result of the extension sought.

DATED this 8th day of **October 2025**



V Tumai / T Wana / W McMaster
Counsel Acting