

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 3300

E PĀ ANA KI
CONCERNING

te Treaty of Waitangi Act 1975

Ā,
AND

Tomokia ngā tatau o Matangireia
– the Constitutional Kaupapa
Inquiry

HE PĀNUI WHAKAHAU A KAIWHAKAWĀ MATUA DR C L FOX

*MEMORANDUM-DIRECTIONS OF CHIEF JUDGE DR C L FOX RELEASING THE DRAFT
WĀNANGA Ā-ROHE REPORT, JUDICIAL CONFERENCE AGENDA, AND PANEL
QUESTIONS FOR THE POU TIKANGA EXPERT WĀNANGA*

13 Poutūterangi 2026

Purpose

1. This memorandum-directions releases:
 - (a) the draft wānanga ā-rohe report;
 - (b) the agenda for the judicial conference to be held on 30 March 2026;
 - (c) questions from the Tribunal panel for the pou tikanga expert wānanga; and
 - (d) the list of eligible claims to participate in the Wai 3300 inquiry.
2. I also address outstanding filing following Te Wānanga Tuaono.

Draft wānanga ā-rohe report

Procedural background

3. In memorandum-directions commencing the wānanga ā-rohe phase, I confirmed that staff of the Tribunal would, following the conclusion of the wānanga ā-rohe phase, produce a draft report that captures the principles, themes, and issues raised during each wānanga. The final report will be added to the record of inquiry to inform an inquiry tūāpapa, or foundation (Wai 3300, #2.6.19 at [28] – [29]).
4. In memorandum-directions dated 6 November 2025, I confirmed that the Tribunal would convene a judicial conference on 30 March 2026 via audio-visual link (AVL) to discuss the draft report and next steps for the broader inquiry. I indicated that the draft report would be distributed to parties approximately two weeks prior to the judicial conference (Wai 3300, #2.6.76 at [11] – [13]).
5. In memorandum-directions dated 24 February 2026, I confirmed that the draft report would be distributed on 13 March 2026 (Wai 3300, #2.6.82 at [17]).

Releasing the draft wānanga-ā-rohe report

6. In accordance with the above, the draft wānanga ā-rohe report has now been completed and is **attached** as **Appendix A**.
7. I reiterate that the current version of the wānanga ā-rohe report is a draft and is subject to amendments arising from consideration of inquiry parties' submissions on the way their kōrero has been presented.
8. The final version of the report will also contain a concluding section summarising the kōrero of the pou tikanga at the May 2026 wānanga.
9. Parties should also note that in the final version of the report, further amendments may be made to update the procedural history section of the report, adjust formatting, remedy typographical errors, or to check and correct footnotes.
10. The final version of the wānanga ā-rohe report will be placed on the Record of Inquiry following the May 2026 wānanga.

Judicial conference

11. As stated at [4] above, the Tribunal will convene a judicial conference on **Monday 30 March 2026** via AVL (Wai 3300, #2.6.76 at [13]).

Parties' feedback on wānanga ā-rohe report

12. In memorandum-directions dated 24 February 2026, I reminded parties that the upcoming judicial conference is an opportunity for parties to discuss and comment upon the draft wānanga ā-rohe report. This may be done by submissions to the Tribunal on the way their kōrero has been presented in the report, including by providing corrections to any inaccuracies such as misspellings, typographical errors, or missing words. Parties should only provide feedback relating to the representation of their own kōrero, not the kōrero of others (Wai 3300, #2.6.82 at [18]).
13. In the same memorandum-directions, I directed parties to file any submissions on the draft report by no later than **5 pm, Tuesday 24 March 2026** (Wai 3300, #2.6.82 at [18]).
14. The judicial conference would also provide an opportunity to seek and/or confirm any agreement reached, if any, between the inquiry parties on the provision of any solutions or relief considered necessary to resolve thematic or claim issues (Wai 3300, #2.6.82 at [19]).

Submissions on inquiry process

15. On 2 July 2025, as the Chairperson I released the Waitangi Tribunal's *Strategic Direction 2025–2035*, which sets the Tribunal's strategic goals for delivering its inquiry work programme over the next 10 years. The Tribunal expects that the Wai 3300 inquiry will be completed by 2029, as outlined in the Strategic Direction.
16. In memorandum-directions dated 20 August 2025, I indicated to parties that, to achieve the Tribunal's target, it would be necessary to begin the interlocutory process of the Wai 3300 inquiry as soon as possible, and earlier than may initially have been anticipated (Wai 3300, #2.6.63 at [10]).
17. In the same memorandum-directions, parties were advised that the Tribunal has resourcing for a total of five hearing weeks to conclude the Wai 3300 inquiry. Given the number of participating claims, I signalled that a prescriptive approach would need to be adopted in determining which witnesses the Panel will hear from out of all those who file evidence. This approach is necessary to ensure we utilise the limited hearing resources most efficiently (Wai 3300, #2.6.63 at [13]).
18. Finally, I released a revised interlocutory timeline and invited parties to submit on the proposal by no later than 18 September 2025 (Wai 3300, #2.6.63 at [14] & #2.6.63(b)).
19. In memorandum-directions dated 31 October 2025, I advised parties that hearing week allocation would be discussed at the judicial conference now scheduled for 30 March 2026 (Wai 3300, #2.6.75 at [62]).

Agenda

20. I now confirm that the judicial conference will commence at **9 am, Monday 30 March 2026**, and participation will be via AVL only.
21. An agenda for the judicial conference is **attached as Appendix B**.

Pou tikanga expert panel wānanga

Procedural background

22. In memorandum-directions dated 24 February 2026, I confirmed that once any feedback arising from parties' written submissions and the oral submissions provided during the

judicial conference has been considered for incorporation into the report, the Tribunal will convene, via AVL, a panel of Waitangi Tribunal pou tikanga to consider the draft report and tikanga principles raised during the wānanga ā-rohe phase (Wai 3300, #2.6.82 at [21]).

23. I advised this kōrero will comprise the final section of the report (Wai 3300, #2.6.82 at [22]).

24. I further indicated that the fixture will be held on a day to be confirmed in May 2026 (Wai 3300, #2.6.82 at [23]).

Tribunal panel questions

25. The Wai 3300 panel have prepared questions based on the draft wānanga a-rohe report for the pou tikanga to focus the kōrero during the wānanga. The questions are **attached as Appendix C**.

26. Parties are invited to file any written submissions on the Tribunal panel questions for the pou tikanga, should they wish to do so, by no later than **5 pm, Tuesday 24 March 2026**.

Eligible claims in this inquiry

27. I now confirm that the claims eligible to participate in this inquiry are **attached as Appendix D**.

28. Further directions will be released in due course regarding jurisdictional issues concerning other claims intending to participate in this inquiry.

Outstanding filing following Te Wānanga Tuaono

Post-wānanga filing

29. On 27 February 2026, and by way of correspondence via the Registrar, I granted an extension sought by Rox Soriano and Richard Gayfer on behalf of the Walls Bay Reserve Environmental Degradation (Wai 2424) claim to file the outstanding PowerPoint presentation and speaking notes used by Ms Marks at Te Wānanga Tuaono, or to provide an update on the filing of this material, by 4 March 2026.

30. On 4 March 2026, the Tribunal received a further update from counsel for Wai 2424 advising, despite multiple attempts, they have been unable to contact Ms Marks and are therefore still unable to file the relevant material (Wai 3300, #3.2.417 at [4]).

31. Counsel note they will endeavour to obtain these documents and file them at the earliest opportunity. In the interim, counsel advise they can provide progress updates if that would be helpful to the Tribunal (Wai 3300, #3.2.417 at [5]).

Decision

32. I confirm that counsel for Wai 2424 should continue to provide updates as to the status of the PowerPoint presentation and speaking notes used by Ms Marks at Te Wānanga Tūāono.

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 3300, Tomokia ngā tatau o Matangireia – the Constitutional Kaupapa Inquiry.

The Registrar is to send a copy of this direction to all those on the distribution list for Wai 3300, Tomokia ngā tatau o Matangireia – the Constitutional Kaupapa Inquiry.

WHAKAPŪMAUTIA ki Te Whanganui-a-Tara i te 13 o te Poutūterangi 2026



Kaiwhakawā Matua Dr C L Fox
Tumuaki

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