TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 2200

E PĀ ANA KI te Treaty of Waitangi Act 1975
CONCERNING

Ā, te Porirua ki Manawatū District Inquiry
AND

HE PĀNUI WHAKAHAU A TE MANA WHAKAHAERE (NAMA 471)

MEMORANDUM-DIRECTIONS (NO. 471) OF CHIEF JUDGE DR C L FOX REGARDING FORWARD INQUIRY PLANNING FOR THE WIDER INQUIRY PHASE

20 Hereturikōkā 2026

Tēnā koutou katoa

1. This memorandum-directions concerns the scheduling of Crown evidence for the Wider Inquiry phase of the Porirua ki Manawatū (Wai 2200) District Inquiry and the consequential impact on the inquiry hearing programme.

Te taunaki ā te Karauna i te wāhanga whānui o te ruku tātari me te hōtaka nohoanga / Wider Inquiry phase Crown evidence and hearing scheduling

Te manatu ā te Karauna / Memorandum of Crown counsel

2. Counsel for the Crown, Tim Stephens KC and Isabella Clarke, filed a memorandum on 11 August 2026 concerning the scheduling for the presentation of Crown evidence for the Wider Inquiry phase (Wai 2200, #3.2.2044).

3. Crown counsel advise that Crown evidence for the Wider Inquiry phase was due to be filed on 10 August 2026 and was anticipated to be heard during the hearing week six, commencing 7 September 2026.

4. Counsel submit that evidence relating to Public Works Act reform, resource management reform, and the recall of certain Crown witnesses cannot presently be advanced because legislation relevant to those matters remains before the House of Representatives. Counsel note that section 6(6) of the Treaty of Waitangi Act 1975 limits the Tribunal's jurisdiction in respect of any matters included in bills currently before Parliament.

5. In these circumstances, Crown counsel propose that the anticipated September hearing week be adjourned and advise that they will file a further memorandum during the week commencing 5 October 2026 regarding the future scheduling of Crown evidence once there is greater certainty concerning the progress of the relevant legislation.

Te whakautu ā ngā kaikēreme / Claimant response

6. On 17 August 2026, counsel for the Kauwhata Lands and Resources (Wai 784) claim, the Te Kotahitanga o te Iwi o Ngāti Wehi Wehi (Wai 1482) claim and the Austin Lands (Wai 2031) claim, Peter Johnston, Danyon Chong and Alka Ahirao (Rainey Collins), filed a memorandum responding to the Crown's proposal to adjourn hearing week six. Counsel record claimant concerns regarding the proposed adjournment and the impact any delay may have on the progression of the Wider Inquiry phase. Counsel submit that the Crown's proposed update on its evidence by 5 October 2026 may be too late for hearing week seven and could result in Crown evidence being deferred until hearing week eight in December 2026.

7. Counsel further submit that the jurisdictional issue posited by the Crown was identified in an earlier Crown memorandum filed in December 2025 (Wai 2200, #3.2.1928) and question why the possibility of an adjournment was not raised sooner. Counsel also seek clarification as to whether the Crown intends to file evidence on issues beyond those directly affected by the legislative proposals giving rise to the jurisdictional concern.

8. On 19 August 2026, Alice Madsen and Neuton Lambert (Wackrow Panoho), on behalf of Ngāti Waewae (Wai 1260) and Ngāti Parewahawaha (Wai 1619), supported by a number of Ngāti Raukawa-affiliated claimant counsel (including Mahony Horner Lawyers, Burgess Law, Tukau Law, Kōkiri Chambers, Bryce Lyall Barrister and Woodward Law), filed a memorandum regarding forward hearing planning (Wai 2200, #3.2.2055). Counsel submitted that recent Crown filing extensions and the proposed adjournment of hearing week six had created uncertainty regarding the inquiry timetable and may reduce the time

available for claimant reply submissions. Counsel sought an urgent judicial conference to address timetabling issues and forward hearing planning.

9. On 20 August 2026, Peter Johnston and Alka Ahirao (Rainey Collins), on behalf of Ngāti Kauwhata ki te Tonga (Wai 784), Te Kotahitanga o te Iwi o Ngāti Wehi Wehi (Wai 1482) and the descendants of James Howard Wallace (Wai 2031), filed a memorandum supporting the request for an urgent judicial conference (Wai 2200, #3.2.2057).

Kōrerorero / Discussion

10. I acknowledge the concerns raised by claimant counsel regarding the Crown's filing delays, the proposed adjournment of hearing week six, and the resulting uncertainty for the Wider Inquiry timetable. This direction provides clarity regarding the future hearing programme and the filing of Crown evidence. In those circumstances, I consider the matters raised by counsel have been addressed and there is no need to convene a judicial conference.

11. I accept that the circumstances outlined by counsel for the Crown necessitate a revision of the current hearing programme and accordingly announce that:

    (a) the scheduled hearings in September and October 2026 are postponed;

    (b) the next hearing will proceed on the currently scheduled hearing dates of 14 to 18 December 2026 where the Crown will present all its evidence; and

    (c) the hearing schedule for the period January to June 2027 will be confirmed in due course, subject to panel availability and logistical arrangements.

12. Counsel for the Crown are directed to file all the Crown evidence by **5 pm, Monday 5 October 2026**, including confirmation of what issues its evidence will cover for the Wider Inquiry phase. There will be no further extensions.

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 2200, the Porirua ki Manawatū District Inquiry.

The Registrar is to distribute this direction to all parties on the notification list for Wai 2200, the combined record for claims in the Porirua ki Manawatū District Inquiry.

WHAKAPŪMAUTIA ki Te Whanganui-ā-Tara i te rā 20 o Hereturikōkā 2026

Kaiwhakawā Matua Tākuta C L Fox
Te Mana Whakahaere
TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI