TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 1750

E PĀ ANA KI
CONCERNING

te Treaty of Waitangi Act 1975

Ā,
AND

te North-Eastern Bay of Plenty District Inquiry

HE PĀNUI WHAKAHAU A TE MANA WHAKAHAERE

MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER REGARDING ARRANGEMENTS FOR HEARING WEEK 11

3 Hepetema 2026

Introduction

1. This memorandum-directions concerns several arrangements for hearing week 11 of the North-Eastern Bay of Plenty (Wai 1750) District Inquiry (19 - 23 October 2026), including:

   (a) updated filing milestones;

   (b) technical evidence and timetabling indications;

   (c) the 'Tahora' report by Peter Boston and Stephen Oliver;

   (d) a judicial conference; and

   (e) further requests for commissioned research.

Arrangements for hearing week 11

2. In memorandum-directions dated 6 August 2026, I directed coordinating counsel for hearing week 11 to finalise the arrangements for hearing week 11 by Friday 18 September 2026 (Wai 1750, #2.6.67 at [19]).

3. On day three of hearing week 10, 26 August 2026, I advised parties that the due date mentioned above would be brought forward. I accordingly direct coordinating counsel for hearing 11 to file an updated hearing plan by **5 pm, Friday 11 September 2026.**

Updated filing milestones

4. In light of this, it is also appropriate to adjust filing milestones for hearing week 11. Accordingly, updated milestones for hearing week 11 are **appended**.

5. I will review filing milestones for hearing week 12 in due course and issue further memorandum-directions accordingly.

Technical evidence and timetabling indications

6. On day three of hearing week 10, 26 August 2026, Tony Walzl presented the oral summary of Volume I of his 'Economic Development, Social Services and Cultural Impacts' overview report, which relates to the time period of 1870 to 1930 (Wai 1750, #A38).

7. During cross-examination, counsel for the Moutohora Quarry (Wai 864) claim, Jacki Cole, raised that further questions in writing in relation to volume I of Mr Walzl's report were intended to be filed on 14 August 2026. Unfortunately, these questions had not been filed as intended and were received by the Tribunal on 27 August 2026 (Wai 1750, #3.2.474 and #A38(ap)).

8. Due to time constraints at hearing week 10, the panel had limited time to engage with Mr Walzl. I indicated that the Tribunal would like provision to be made for the panel to ask questions at hearing week 11 in relation to Volume I of Mr Walzl's report, and to allow him the opportunity to address orally, any written questions received to date.

9. I propose that Mr Walzl be allocated two days at hearing week 11 to allow for this and for the presentation of Volumes II and III of his report and associated questioning.

10. I ask that coordinating counsel consider these indications before filing the updated plan for hearing week 11 on the date set down at [3].

The 'Tahora' report by Peter Boston and Stephen Oliver

11. On 2 June 2026, the Tribunal received a memorandum of coordinating counsel advising that claimants considered there would be value in an oral presentation summary of the 'Tahora' report by Peter Boston and Stephen Oliver (Wai 1750, #F24), commissioned by the Waitangi Tribunal dated June 2002. On 6 August 2026, I confirmed that additional resources to commission a presentation of the report were approved (Wai 1750, #2.6.67 at [18]).

12. At hearing week 10, on 26 August 2026, I advised parties that an oral presentation of the report from Mr Boston and Mr Oliver was unlikely, and that questions for the authors could be submitted and responded to in writing.

13. Following further consideration and consultation with the authors, it is the panel's view that an oral presentation of the report is not tenable because:

    (a) it has been 24 years since the report was originally filed;

    (b) the report was originally filed in relation to another inquiry; and

    (c) the authors have signalled that they have had little engagement with the content of the report since that time and are therefore reluctant to submit to oral questioning.

14. I confirm that Mr Boston and Mr Oliver will not be called to appear at hearing week 11 to present their report.

15. In these circumstances, I consider questions in writing to be the appropriate course.

16. Pursuant to clause 7A(1) of Schedule 2 of the Treaty of Waitangi Act 1975, I appoint Kyra Maquiso as counsel to assist Mr Boston and Mr Oliver for the purpose of providing written evidence regarding the 'Tahora' report to this Tribunal.

17. Filing dates for questions in writing for Mr Boston and Mr Oliver, and their written responses, will be advised once Ms Maquiso has obtained instructions as to suitable timeframes.

18. On 28 August 2026, the Tribunal received a memorandum of counsel from Annette Sykes, Jacki Cole and Kalei Delamere-Ririnui in relation to the Tahora No. 2 Block. Counsel advise that Professor Richard Boast KC has been commissioned by the Crown Forestry Rental Trust (CFRT), on behalf of the Ngāti Ira o Waioweka (Wai 558) and Moutohora Quarry (Wai 864) claimants, to prepare a report addressing those claimants' interests in, and the issues arising in relation to, the Tahora No. 2 Block. Counsel also advise they had anticipated that Professor Boast KC would present in hearing week 11 (Wai 1750, #3.2.475).

19. I direct counsel for Wai 558 and Wai 864 to file **by 5 pm, Friday 2 October 2026**, a memorandum outlining:

    (a) the estimated size of the report and accompanying map book; and

    (b) the timeframes for completion and filing of the report.

20. Further directions will follow upon the receipt of those indications.

Judicial conference

21. As previously signalled, I confirm that a judicial conference will take place during hearing week 11 to discuss forward hearing planning and matters related to a potential first-stage report on war and raupatu.

22. The panel suggests that coordinating counsel should consider allocating one hour for the judicial conference on either Wednesday or Thursday afternoon.

Further requests for commissioned research

Request from counsel for the Ngāi Tamatea ki Waiotahe Hapū (Wai 1511) claim

23. On 23 July 2026, the Tribunal received a memorandum from Tania Te Whenua, counsel for the Ngāi Tamatea ki Waiotahe hapū (Wai 1511) claim, requesting that gap-filling research be commissioned by the Waitangi Tribunal for presentation in hearing week 11 (Wai 1750, #3.2.452)

24. On 6 August 2026, I directed counsel for Wai 1511 to file further submissions concerning the relevance of the research to the particular claim issues of the inquiry and acts and omissions of the Crown by 19 August 2026 (Wai 1750, #2.6.67 at [21]-[22]).

25. On 20 August 2026, the Tribunal received further submissions from Ms Te Whenua (Wai 1750, #3.2.472).

26. I direct counsel for the Crown to file submissions in response confirming whether or not the Crown considers there are any issues of a jurisdictional nature arising from Ms Te Whenua's request **by 5 pm, Friday 11 September 2026**.

Request from counsel for Te Upokorehe (Wai 1092), the Rongopopoia Hapū (Wai 1787), Te Upokorehe Settlement (Wai 3272) and Upokorehe Hapū (Wai 1758) claims

27. On 14 August 2026, the Tribunal received a memorandum of counsel from Bryce Lyall and Hannah Swedlund seeking a direction commissioning additional research that will (Wai 1750, #3.2.468):

    (a) look at the impact of government and official statistics and data systems on Te Upokorehe, as a small iwi, and the likely impacts of the Data and Statistics (Census) Amendment Bill; and

    (b) review a draft Te Upokorehe paper analysing Te Upokorehe data in Te Whata.

28. I confirm the above request has been received and is being considered. Further memorandum-directions will be issued in due course.

Procedural and evidential matters following hearing week 10

29. I note that memorandum-directions concerning further filing and other procedural and evidential matters arising from hearing week 10 will be issued shortly.

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 1750, the North-Eastern Bay of Plenty District Inquiry.

The Registrar is to send this direction to counsel for the claimants, Crown counsel and all those on the distribution list for Wai 1750, the North-Eastern Bay of Plenty District Inquiry.

WHAKAPŪMAUTIA ki Te Whanganui-a-Tara i te 3 o Hepetema 2026

Kaiwhakawā Judge M J Doogan
Te Mana Whakahaere
TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI