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 FORWARD HEARING PLANNING AND POST-HEARING WEEK 10 MATTERS

17 Hepetema 2026

Introduction

1. This memorandum-directions concerns:

   (a) matters related to the hearing for the Torere (Wai 78) claim, currently proposed for February 2027; and

   (b) procedural and evidential matters arising from hearing week 10, held at Terere Marae, Ōpōtiki, from 24 to 28 August 2026.

Hearing for Ngāi Tai (Torere (Wai 78) claim)

2. The current hearing plan as filed by coordinating counsel on 9 July 2026 proposes that hearing week 13 take place across six days in February 2027 to hear 'Ngā Kōrero Tuku Iho, technical and thematic evidence' (Wai 1750, #3.2.435(b)).

3. Eve Rongo, counsel for Wai 78, has recently advised Tribunal staff that the High Court rehearing concerning customary marine title at Whakaari Island and Te Paepae o Aotea, has been scheduled in February 2027. Ngai Tai therefore seek to hold hearing week 13 from 21 to 26 February 2026.

4. As previously indicated, the Tribunal is in the process of seeking additional resources to hold hearings in the first half of 2027. The outcome of this process will determine scheduling for hearings in 2027, including whether or not a six-day hearing week will be feasible. Parties will be advised once the outcome is known. We expect to be able to advise parties reasonably soon, and in any event well before the proposed hearing date.

5. Ms Rongo also advised staff that Dr Vincent O'Malley has commenced research for Ngāi Tai and is working towards a filing date in January 2027. It would assist the Tribunal to understand the content of Dr O'Malley's research to assist with future planning. The panel also wishes to consider whether there will be enough time to read the report prior to the hearing if there is to be filing on the report in January 2027 with a hearing the following month.

6. Accordingly, I direct counsel for Wai 78 to file the project brief for Dr O'Malley's research by **5 pm, 30 September 2026**.

Filing requested in hearing 10

7. Several procedural and evidential matters were raised at hearing week 10 that require further filing. The Tribunal has already received some of the requested documents and I thank parties for their promptness in providing this material.

8. Post-hearing questions in writing for hearing week 10 witnesses from Tribunal panel members, Dr Robyn Anderson, Dr Grant Phillipson and Ahorangi Tom Roa, are **appended**.

9. I now address materials that remain outstanding. Counsel responsible are directed to file responses to the above, and the information and documents detailed below at [10] – [31] by no later than **5 pm, Wednesday 30 September 2026.**

Hearing week 10 tangata whenua evidence

10. Several witnesses at hearing week 10 spoke to PowerPoints during their presentations, some of which remain to be filed. Counsel responsible are to file these by the date provided above.

Opening submissions for the Ngāti Ngāhere (Carrington) (Wai 1884) claim

11. On 24 August 2026, Dr Season-Mary Downs and Chelsea Terei-Tipene presented opening submissions on behalf of Ngāti Ngāhere (Wai 1884) (Wai 1750, #3.3.47).

12. In their opening submissions, counsel request an opportunity to file supplementary claimant evidence following the completion of hearings. At the hearing, Dr Downs submitted that given the comprehensive nature of the Wai 1884 claim and the range of historical and contemporary issues traversed in the inquiry, it is important that all relevant evidential bases are adequately covered before the Tribunal commences its report-writing phase.

13. Dr Downs argued that the opportunity to file supplementary evidence would provide counsel the opportunity to thematically enhance the claimants' case, and to fill any evidence gaps. Dr Downs also referred to the approach adopted in the Te Paparahi o Te Raki (Northland) (Wai 1040) District Inquiry, where the Tribunal permitted additional filing opportunities after the substantive hearing phase had concluded to ensure the record of inquiry was complete (Wai 1040, #2.6.15 and #2.6.175).

14. This is a matter the panel would like to consider further after hearing from counsel at the judicial conference scheduled for hearing week 11 in October. While the Tribunal's inquisitorial powers would allow for the filing of supplementary evidence, the Tribunal should be able to rely on parties filing and presenting their best evidence in accordance with the inquiry timetable, particularly in an inquiry such as this which has been operating over a number of years already. It is accepted that there are some unusual features in this inquiry, operating as it is in a post-settlement context.

15. If we were to allow for supplementary evidence we would want to understand more fully the potential implications for our forward timetable, including what timeframes may be required for any Crown response.

16. One possible approach may be to set a final date for the filing of any such evidence, with provision for Crown evidence in response and/or questions in writing.

Evidence of Professor Te Kahautu Maxwell (#G17 and #G17(a))

17. On 24 August 2026, Te Kahautu Maxwell presented evidence on behalf of Wai 1884.

18. During his presentation, Professor Maxwell referred to and recited several mōteatea or waiata tawhito. It would assist if Professor Maxwell could provide the kupu to those waiata so they may be recorded correctly for the transcript. Counsel is to file this information.

19. In relation to providing the Tribunal with a translation or English summary of certain materials contained in Professor Maxwell's supporting documents, I suggested that counsel take instructions and confirm how they wish to proceed.

Evidence of Chris Carrington (#G23)

20. On 24 August 2026, Chris Carrington presented evidence on behalf of Wai 1884.

21. Dr Phillipson asked for more information about the land gifted by Ngāti Ira to Ngāti Ngāhere, as mentioned in paragraph [18] of Mr Carrington's evidence. Ms Terei-Tipene indicated that counsel may be able to provide further information following the hearing. Counsel is to file this information.

22. Ms Terei-Tipene also noted an error at page 55 (map 20) of the hearing week 10 map book (Wai 1750, #G27). I direct counsel to work with CFRT to amend this error and provide an updated copy of this map.

Evidence of Arihia Tuoro (#G19)

23. On 25 August 2026, Arihia Tuoro presented her brief of evidence on behalf of Wai 1884. During her presentation, Ms Tuoro shared a video of one her mokopuna, Lucy Carrington, presenting a speech.

24. Ahorangi Tom Roa asked if a copy of the video could be filed and placed on the record of inquiry. Counsel is to file this information.

Evidence of Dr Shannon Davis & Dr Richard Morris (#G26)

25. On 26 August 2026, Shannon Davis and Richard Morris presented their brief of evidence on behalf of Wai 1884.

26. During their presentation, the witnesses referred to other iterations of their research. I requested that any such material be filed, where available. Counsel is to file this material.

Evidence of Vaughan Payne (#G22)

27. On 26 August 2026, Vaughan Payne presented his brief of evidence on behalf of Wai 1884 claim.

28. During questioning, I invited any further submissions or comments Mr Payne may wish to make on legislative and policy frameworks that may better enable environmental management outcomes. Mr Payne indicated that he would need time to consider this. Counsel may file any further response should Mr Payne considers of assistance to the Tribunal.

Evidence of Rachel Wolfgramm, Tania Wolfgramm & Jason Mika (#G12)

29. On 27 August 2026, Rachel Wolfgramm, Tania Wolfgramm and Jason Mika presented their evidence on behalf of the Economic Losses (Wolfgramm and Others) (Wai 1920) claim.

30. During their presentation, the witnesses proposed a modelling framework that would assess and assist the Tribunal in understanding the scale of the economic loss and prejudice Whakatōhea has suffered as a result of Crown breaches in the district. They included a research request o the Tribunal would be submitted shortly.

31. I acknowledged the merit and moral case for the proposed modelling but noted that there are practical considerations associated with such a request. Any such proposal is to be filed and the Tribunal will consider it.

Hearing 10 technical evidence

Tony Walzl, 'Economic Development, Social Services and Cultural Impacts' Overview Report (#A38)

32. On 26 August 2026, Mr Walzl presented the summary of Volume I of his "Economic Development, Social Services, and Cultural Impacts' report (Wai 1750, #A38).

33. At the conclusion of his presentation, counsel to assist, Kyra Maquiso, noted that Mr Walzl would prefer a single filing date for questions in writing for all the volumes of his report, with at least four weeks to respond.

34. I remind counsel that leave must first be sought to file questions in writing. I direct counsel granted leave to file any and all remaining questions in writing for Mr Walzl in relation to all volumes of his report, by no later than **5 pm Thursday, 5 November 2026**.

35. Given the anticipated volume of questions in writing for Mr Walzl, I encourage counsel to file questions in writing before the given date, if possible.

36. Counsel to assist is to file Mr Walzl's responses to all questions in writing, including those from the Tribunal, by no later than **5 pm Friday, 11 December 2026.**

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 17 o Hepetema 2026

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