IN THE WAITANGI TRIBUNAL

WAI 2700

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of the Mana Wahine Kaupapa Inquiry (Wai 2700)

MEMORANDUM OF COORDINATING COUNSEL

Dated this 6th day of August 2026

RECEIVED
Waitangi Tribunal
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Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL:

Introduction

1. This Memorandum of Coordinating Counsel ("MOCC") is filed on behalf of the Coordinating Counsel Committee (Tukau Law, Kāhui Legal and Tāmaki Legal) with the support of the firms listed at **Appendix A.**

2. By way of Memorandum-Directions dated 17 July 2026, her Honour Judge Reeves directed claimant counsel to file further submissions regarding interim reporting on a pou-by-pou basis by 5 pm, Thursday 6 August 2026, which address:[1]

    (a) the proposal to hear closing submissions and remedies both at the end of each pou, and at the end of the inquiry, and how this should be managed;

    (b) how the Tribunal could make findings and recommendations on an interim basis;

    (c) how counsel for claimants propose evidence from earlier pou can be reflected in later-stage reports; and

    (d) the claimant remedies wānanga and the intended approach to remedies in this inquiry, including in terms of whether this is done on a pou-by pou or full inquiry basis, and whether there is support for a remedies hearing.

3. Accordingly, these submissions outline counsels' perspectives on how pou-by-pou interim reporting can be implemented having regard to the details above. Counsel note that where claimant counsel have separate or differing positions to those outlined in this memorandum, submissions may be filed separately.

Overview of proposal for interim reporting

4. There is broad support from the claimants for interim, pou by pou reporting in the inquiry. It is submitted that interim pou by pou reporting is a way to progress the inquiry within the timeframes of the Tribunal in way that is most useful to both the Tribunal and the claimants.

[1] Wai 2700, #2.6.26, *Memorandum-Directions of Judge Reeves confirming plans for hearing four and providing an update regarding the Tribunal Statement of Issues* (17 Hūrae 2026), at [37].

5. By way of overview, the claimants' proposal is that the Tribunal produce interim reports on chapter-by-chapter basis, following the hearing of each pou. This approach will mean that, rather than releasing a separate report for each pou, the interim reports released for each pou will make up a chapter or wāhanga in what will ultimately be the Tribunal's final report for the inquiry.

6. The claimants suggest a chapter-by-chapter approach for two key reasons:

   (a) First, it will ensure that the inquiry continues to be treated as one coherent kaupapa with the reporting for each pou forming a single and evolving report. The claimants consider this imperative to ensure the issues are not fragmented, and proper weight and understanding is given to the overlapping and interconnected nature of the issues; and

   (b) Second, it will allow the Tribunal to release findings and recommendations that have real and immediate utility for the claimants. In this respect, findings and recommendations can guide early action from the Crown and pou specific redress for the claimants.

7. Central to this proposal is that the report should be cumulative, where chapters build upon, refine, or where appropriate, place earlier findings within their broader evidential and jurisprudential context as subsequent evidence emerges. To be clear, counsel do not consider this approach to detract from the strength of any findings or recommendations the Tribunal may make in interim reporting. The findings and recommendations made in each chapter/wāhanga would be pou specific while later chapters/wāhanga would address how those findings and recommendations intersect with other pou. Counsel refer to Tribunal reports, such as *Ngā Mātāpono* and *The Oranga Tamariki (Section 7AA) Urgent Inquiry Report,* which were released in a similar interim, chapter-by-chapter way and dealt with new evidence at each reporting phase.

8. Counsel submit that the benefits to interim, pou by pou reporting of this nature include:

(a) pou specific findings and recommendations at the completion of each pou rather than in 2030 when the Tribunal is projected to release its final report for the inquiry;

(b) writing the report iteratively, while the evidence and submissions remain current, will reduce the burden on the Tribunal of producing a single comprehensive report at the conclusion of the inquiry. Progressive reporting will also allow sections of the final report to be substantially completed as the inquiry proceeds, rather than requiring a complete drafting exercise once all evidence has concluded;

(c) publication of interim findings will provide guidance to the parties as the inquiry progresses, enabling evidence and submissions in later pou to be more focused and reducing duplication across the inquiry; and

(d) if findings are issued pou-by-pou, parties will also better understand the Tribunal's approach, which may reduce the volume of evidence and submissions required in later pou through reliance on earlier findings.

The evidential record

9. Consistent with the nature of interim reporting, it is not suggested that evidence needs to be reproduced for each pou. Counsel suggest that evidence heard in earlier pou, including in tūāpapa hearings, can automatically form a part of the evidential record for later pou. This means that evidence can be referred to or adopted throughout the inquiry without the need to recall witnesses.

10. Fluidity in this way will mean the Tribunal can rely on evidential findings it has already made, and each report can be informed by, and build upon, the ones that came before it. For example, if evidence in a later pou informs an earlier pou, the Tribunal will have the ability to supplement or expand upon earlier chapters where later evidence provides additional context or informs the Tribunal's understanding of interconnected issues.

11. This will also allow the Tribunal to draw clear connections across the pou, so that themes that arise in Rangatiratanga, Whenua, Whai Rawa and Whakapapa and Whānau are not viewed in isolation but understood as

interwoven parts of the same historical and contemporary record. The overall approach is therefore intended to be interconnected, cumulative and evolving.

Closings and Remedies

12. To allow for interim reporting as proposed, counsel consider that closing submissions and remedies can be filed for each pou as well as at the completion of the hearings for the inquiry.

13. In this regard:

    (a) A coordinated approach to remedies would be developed through a series of claimant remedies wānanga. The remedies developed can be filed alongside closings, both at the end of each pou and the end of the hearings for the inquiry in accordance with the suggestions below;

    (b) At the end of each pou, coordinated generic submissions and claimant-specific submissions on discrete issues can be filed which outline the remedies sought for each pou. These submissions should be concise and confined to the issues arising from that particular pou, so as to avoid unnecessary duplication later in the inquiry. These submissions can be considered on the papers or heard at an AVL hearing for oral presentation of closings and proposed remedies; and

    (c) At the conclusion of all pou, an in-person hearing week is proposed for comprehensive closing submissions. These will include submissions for overarching issues, outstanding matters, cumulative prejudice, and final comprehensive remedies in light of all findings. This hearing is not intended to repeat earlier closing submissions. Rather, it would focus on cumulative prejudice, cross-pou themes, overarching Treaty issues, and final remedies arising from the inquiry as a whole, with parties entitled to rely upon earlier submissions by reference where appropriate.

14. Counsel consider the suggestions above will allow the Tribunal to release interim reports, while allowing space for the evidence and findings to be developed over time so that the final report is not a collection of

disconnected parts, but a cohesive and considered account of the whole inquiry.

15. Counsel note that we are in the process of setting a date for the first remedies wānanga, which is provisionally scheduled for late October or early November, ahead of the December hearing. The Tribunal's decision on this interim reporting proposal will inform the scope and focus of that wānanga, specifically whether it is directed to rangatiratanga-specific issues, or whether it addresses remedies more broadly across the full scope of the inquiry.

16. In parallel, the Joint Research Committee is in the process of commissioning a researcher to prepare a remedies report, which will make a substantial contribution to the general and overarching remedies kōrero.

Timetabling

17. The current projected timetabling for the inquiry is that the evidential hearing phase will conclude in late 2027 or early 2028, and report writing will take a further 1.5 years.

18. Counsel acknowledge that this proposal will impact forward planning for the inquiry but consider it possible to keep to the overall goal of completing report writing by 2030. Counsel suggest this can occur by:

    (a) Scheduling the hearing weeks for each pou close together. This will allow the Tribunal to use the hearings available in each financial year, while leaving a suitable window of time available to write the report for that pou. It is suggested that this approach will prevent delays in starting the next pou; and/or

    (b) Beginning a new pou while the Tribunal is in the report writing phase for the preceding pou. During this period, the parties can work towards filing evidence for the upcoming pou. This approach enables report writing and preparation for subsequent hearing weeks to occur in parallel, ensuring that interim reporting does not delay the progression of the inquiry.

19. In the event that reports are issued before the next pou commences, parties will be able to rely on any relevant findings from that report, which

will reduce the need for evidence and submissions on issues that have been addressed.

20. Counsel acknowledge that both approaches require commitment from all parties, including the Crown, to meet timetables. To assist in this regard, counsel have also considered the following options to enable interim reporting:

    (a) The Crown to consider making further concessions on issues where the factual or legal position is clear. Narrowing the areas in dispute in this way would reduce the evidence and submissions required and allow the Tribunal and parties to focus on the matters that remain live;

    (b) Carrying out a stocktake of the evidential record. This would involve identifying which issues have already been sufficiently addressed through evidence to date, and where any gaps remain. This would help avoid duplication, ensure that parties are not led to re-litigate settled matters, and assist the Tribunal to target future hearings appropriately;

    (c) The use of a pou tikanga panel or the appointment of experts to assist the Tribunal on discrete issues. Such an approach could provide the Tribunal with focused assistance on complex tikanga or technical matters without the need for extensive and repetitive evidence from multiple parties; and

    (d) Use of AVL and collaborative processes. This could include closings and remedies for each pou occurring via AVL, a final remedies wānanga also occurring via AVL, joint memoranda and facilitated discussions between counsel, to streamline procedural steps and keep the inquiry moving between hearing blocks.

DATED at Whangarei, this 6th day of August 2026

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Season-Mary Downs/ Majka Cherrington
on behalf of the Coordinating Counsel Committee