I mua i Te Rōpū Whakamana i Te Tiriti o Waitangi **Wai 2750**
The Housing Kaupapa Inquiry **Wai 2716**

Kei raro i te mana o	Te Tiriti o Waitangi Act 1975
Ā	
I te take o	An Inquiry into Housing Policy and Services (Wai 2750)
Ā	
I te take o	A claim by Jordon Robertson, the Honourable Nanaia Mahuta and Ali Hamlin-Paenga and on behalf of Te Matapihi he Tirohanga mō te Iwi Trust and all Māori (Wai 2716)

He Manatu Rōia

Dated 7 October 2026

RECEIVED
Waitangi Tribunal
7 Oct 26
Ministry of Justice
WELLINGTON

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TĒNĀ, E TE RŌPŪ WHAKAMANA I TE TIRITI,

1. This memorandum of counsel is filed on behalf of Jordon Robertson, the Honourable Nanaia Mahuta, and Ali Hamlin-Paenga the named claimants on the Te Matapihi He Tirohanga mō te Iwi Trust (Te Matapihi) Claim Wai 2716.

Submissions regarding hearing planning and structure

2. The Tribunal has given an indication of the process, lead up and structure of the hearing of these claims, now scheduled to begin around October 2027.[1]

3. The Joint Memorandum of Counsel filed by Claimant Co-ordinating Counsel is broadly supported. This memorandum sets out additional points which Te Matapihi wish to emphasise and also where Te Matapihi departs from the approach proposed in the Joint Memorandum.

4. This memorandum provides some submissions and suggestions as to how hearings can be structured and claimants able to best assist the Tribunal to utilise the hearing time available and also ensure the necessary evidence to support the claims is provided and presented.

5. These submissions do not advance a request for more hearing time but set out ways to work to the capacity and funding of the Tribunal.

6. The memorandum addresses the following aspects;

    a. The filing of evidence;

    b. Online hearing weeks and closing submissions in writing;

    c. Hearing Venues;

    d. Pakitara Structure; and

    e. Funding.

The Filing of Evidence

7. We suggest that the Tribunal adopt either a single filing date for all evidence from the claimants, or two dates; one for highly technical or academic evidence and another for tangata whenua evidence.

8. This filing date or dates could be set down well in advance of the first hearing week.

[1] Wai 2750, #2.6.071. Directions dated 2 Hepetema, 2026.

9. An early filing date allows the Tribunal to assess the number of hearing weeks needed and assist Claimants work to select hearing venues and dates. Claimants will then be better positioned to consider where and when they might present their evidence, provided the Tribunal indicates the witnesses are sought for questions and presentation.

10. A single filing date of this kind would then allow the Tribunal to fully assess the need for additional evidential weeks and give the Tribunal and parties time to prepare for and schedule those.

Hearing Weeks

11. Given the premium being placed on evidential hearing time, we suggest that closing submissions could be dealt with in writing, or at a truncated online hearing. Claimant counsel could be asked to file summaries of their submissions as happens in other fora where time is limited. In the same way claimants and their witnesses might be selected for presentation of evidence, the Tribunal could indicate which submissions require hearing time to address questions from the Panel.

12. Taking up these options might provide an additional week for evidence if that was warranted by the material filed.

13. Both options also assist to reduce the burden of the Tribunal's hearing costs.

Selection of Hearing Venues

14. It is too early to identify where the hearings might be held, but there are already indications from the wider claimant community that they prefer venues which reflect the various rohe where claims are based and where certain claim issues are most keenly felt; a combination of rural and urban options will be needed, and possibly a move away from the main centres.

15. While a draft hearing plan can be prepared which designates venues and Pakitara, setting a primary evidence filing date allows all claimants to revise and update that plan if it is needed to best accommodate the evidence prepared and filed. We would suggest that those decisions and selections be finalised after the evidence is filed.

The Pakitara structure

16. The loosely structured Pakitara approach to hearings is still strongly preferred.

17. It is reminiscent of the approach Judge Ambler took in Te Rohe Potae; each hearing week featured a theme which the evidence of a number of technical witnesses addressed, and then there was the evidence of the hau kāinga and local hapū which addressed the full range of their claim issues.

18. Given the truncated structure and capacity of the Tribunal, we continue to think this loosely themed approach is helpful and would serve the Tribunal and all Claimants best.

19. We also suggest that technical or expert witnesses for different claims, like Tribunal witnesses, are more likely to be able to travel to a hearing venue even if out of the rohe of the claim it is attached to.

20. While giving the hearing a structure and a sequence to follow, this approach also balances the presentations from the claimants and ahi ka with that of academics and experts.

21. While it would be tempting to allocate all the technical witnesses and historians to a single week for efficiencies or cost-savings, we think this should be resisted if at all possible because of the loss of the claimant voice and their first-hand experience and evidence.

Funding Available

22. With this in mind we would ask that the Crown clarify the funding available for claimants from Legal Aid Services should travel be needed for witnesses and claimants to attend more remote hearings.

23. We note that comparable arrangements appear to have been funded for claimants and witnesses in other kaupapa hearings.

Dated at Māngere this Wednesday the 7th of October 2026

Cameron Hockly
Counsel for Te Matapihi He Tirohanga Mo Te Iwi Trust – Wai 2716