

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 3300

CONCERNING

te Treaty of Waitangi Act 1975

AND

Tomokia ngā tatau o Matangireia
– the Constitutional Kaupapa
Inquiry

**HE PĀNUI WHAKAHAU O TE KAIWHAKAWĀ MATUA DR C L FOX MO TE
TOMOKIA NGĀ TATAU O MATANGIREIA – MEMORANDUM-DIRECTIONS OF
CHIEF JUDGE DR C L FOX CONCERNING NEXT STEPS IN THE
CONSTITUTIONAL KAUPAPA INQUIRY**

15 Maramamārua 2023

Introduction

1. This inquiry commenced on 22 December 2022 as the Constitutional Kaupapa Inquiry (Wai 3300, #2.5.1). Moving forward, this inquiry will be known as **Tomokia ngā tatau o Matangireia – the Constitutional Kaupapa Inquiry (Wai 3300)**.
2. The reasoning behind the name of this inquiry is set out at the outset of the attached report of Pou Tikanga commissioned pursuant to Schedule 2 – cl 5A (1)(iii) discussed further below.
3. This memorandum-directions sets out the next steps to be taken during the start-up phase of Tomokia ngā tatau o Matangireia – the Constitutional Kaupapa Inquiry. In particular, this memorandum-directions:
 - a. releases the report of pou tikanga and pou ture pākehā;
 - b. outlines the detail of two inquiry planning wānanga for claimants and/or their spokespersons or tribal leaders;
 - c. releases a report prepared by Waitangi Tribunal Unit staff on existing Waitangi Tribunal research relating to the kaupapa of this inquiry; and
 - d. confirms that the findings in Te Paparahi o Te Raki District Inquiry (Wai 1040) will not be revisited in this inquiry.

Pou report on inquiry design

4. On 17 April 2023, I commissioned Waihoroi Shortland, Dame Naida Glavish, Associate Professor Linda Te Aho, Professor Meihana Durie as pou tikanga and Professor Jacinta Ruru, Dr Mark Hickford, and Matthew Smith as pou ture pākehā under clause 5A of the second schedule to the Treaty of Waitangi Act 1975 (Wai 3300, #2.3.1 at [9] – [11]).
5. The pou were commissioned to use their expertise in tikanga and ture pākehā to report on a tikanga and Treaty-compliant process for hearing the claims in this inquiry (Wai 3300, #2.3.1]). When briefing the pou on their task, I encouraged them to innovate, and clarified that they should not be restricted by existing Tribunal process and practice.
6. I now confirm that the pou have completed their report, and that it is now entered on the record of inquiry as document Wai 3300, #A2.
7. I thank the pou for their work in producing this report.

Wānanga to discuss pou report and inquiry design

8. I previously signalled that, once the pou have submitted their report to the panel, the Tribunal will wānanga with parties to hear their feedback on the report and discuss any desired changes to the proposed inquiry process through consensus building (Wai 3300, #2.3.1 at [8]).
9. The Tribunal will hold two one-day wānanga:

(a) **Wānanga tuatahi**: Tuesday, 30 January 2024 at the Waitangi Treaty Grounds, Waitangi

(b) **Wānanga tuarua**: Thursday, 7 March 2024 at Waipatu Marae, Hastings.

10. Each wānanga will commence with a pōwhiri at **8.00am**. All parts of each wānanga, including the pōwhiri, will be livestreamed and transcribed with a translation of all speech from English to Te Reo Māori, as may be required.
11. Those who intend to attend should please RSVP by emailing wt.registrar@justice.govt.nz **by no later than two weeks before each event**.
12. At the outset of the wānanga tuatahi and following the pōwhiri, karakia and kōrero of the hau kāinga, the four pou tikanga – Waihoroi Shortland, Dame Naida Glavish, Associate Professor Linda Te Aho, and Professor Meihana Durie – will present their report and answer any questions that parties may have concerning its content. Parties should bear in mind that the pou are not decision-makers in this inquiry. The Tribunal’s subsequent determinations on how to proceed with hearing the claims in this inquiry will take into account, wherever possible, the views and perspectives of parties.
13. I previously indicated that the lawyers’ role at the wānanga will be limited to an observer role (Wai 3300, #2.3.1 at [8]). Further, the panel will attend as observers with the exception of Derek Fox and Kevin Prime, who will facilitate the remainder of the wānanga. Our intent is for claimants and Crown officials to express their views on inquiry design uninfluenced by lawyers and panel members who are intimately familiar with existing Tribunal process and practice.
14. The Tribunal will confirm further details of the wānanga in due course.

Report by Waitangi Tribunal Unit staff

15. The following report was prepared by Waitangi Tribunal Unit staff to assist the panel and pou in their review of the inquiry, and is now released and entered on to the record with the following reference:
 - a. Research Reports Concerning Constitutional Issues Review of existing research in relation to constitutional matters for the start-up phase of the Waitangi Tribunal’s Constitutional Kaupapa Inquiry (Wai 3300, #A1).

Findings of Te Paparahi o Te Raki District Inquiry (Wai 1040) on the issue of sovereignty

16. Te Paparahi o Te Raki District Inquiry (Wai 1040) has considered constitutional issues in both its stage one and stage two reports.
17. I confirm that the Constitutional Inquiry will not be revisiting the findings made in either the stage one or stage two reports for Te Paparahi o Te Raki District Inquiry (Wai 1040) as those pertain to claimants in that inquiry.

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 3300, Tomokia ngā tatau o Matangireia – the Constitutional Kaupapa Inquiry.

The Registrar is to send a copy of this direction to all those on the distribution list for Wai 3300, Tomokia ngā tatau o Matangireia – the Constitutional Kaupapa Inquiry.

WHAKAPŪMAUTIA ki Te Whanganui-ā-tara i te 15 o te Maramamārua 2023



Kaiwhakawā Mātua Tuarua C L Fox

Tumuaki Pakirehua

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