

**I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI
IN THE WAITANGI TRIBUNAL**

WAI 2700

**KEI RARO I TE MANA O
IN THE MATTER**

te ture o te Tiriti o Waitangi 1975
of the Treaty of Waitangi Act 1975

**ME
AND**

**I TE TAKE O
IN THE MATTER**

te pakirehua Wai 2700 mō ngā kerēme
e pā ana ki te Mana o te Wāhine
of the Mana Wāhine Kaupapa Inquiry
(Wai 2700)

**MEMORANDUM OF COUNSEL PROVIDING FINAL LISTS OF WITNESSES AND
SUBMISSIONS REGARDING LOWER NORTH ISLAND VENUE**

Dated 5 April 2022

Presented for filing by:

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MAY IT PLEASE THE TRIBUNAL

Introduction

1. This memorandum of counsel is filed by Tamaki Legal on behalf of coordinating counsel (“**coordinating counsel**”) for the Wai 2700 Mana Wāhine Kaupapa Inquiry (“**Inquiry**”).
2. By way of memorandum-directions dated 18 March 2022, coordinating counsel were directed by her Honour Judge Reeves by **12pm, 5 April 2022** to:¹
 - a. Refile final lists of witness preferences and capabilities for the remainder of the tūāpapa phase; and
 - b. Submissions on preferred locations for the Lower North Island hearing.

Final Lists of Witness Preferences and Capabilities

3. Counsel have engaged with claimant counsel to finalise the witness lists. Both tūāpapa hearing four (Whakatane) and tūāpapa hearing six (South Island) have confirmed the names of all witnesses. There are still some witness names to be confirmed in tūāpapa hearing five (Lower North Island). Given this hearing is still some months away, by the time the draft timetable is due, counsel believe that all witnesses will be confirmed. On this basis, we do not think a further final witness list is necessary, however, we will abide by the decision of the Tribunal in this regard. Accordingly, please find **attached** for filing and by way of service, witness lists for:
 - a. tūāpapa hearing four, Whakatane, 11 - 15 July 2022 (Appendix “**A**”);
 - b. tūāpapa hearing five, Lower North Island, 22 - 26 August 2022 (Appendix “**B**”);
 - c. tūāpapa hearing six, South Island, dates to be confirmed (Appendix “**C**”);

¹ Waitangi Tribunal, *Memorandum-Directions of the Presiding Officer Regarding Forward Planning for the Tuapapa Hearings* dated 18 March 2022, Wai 2700, #2.5.70 at [12] and [14].

- d. those who wish to file written evidence to be filed and taken as read by 26 August 2022 (Appendix “D”);
 - e. those who wish to file written evidence by 26 August 2022 and present during substantive hearings (Appendix “E”); and
 - f. those who wish to file and present tūāpapa evidence in the substantive hearings (Appendix “F”).
4. In terms of the calculation of days required, hearing times have been estimated as:
- a. **Day One: 8:00am to 5:00pm** with powhiri and paramanawa from 8:00am to 10:00am equating to 360 minutes hearing time available on day one.
 - b. **Days Two to Four: 8:45am to 5:00pm** equating to 400 minutes hearing time available on days two to four.
 - c. **Day Five: 8:45am to 3:00pm** equating to 320 minutes hearing time available on day five.
5. This means there is a total of 1880 minutes hearing time available across a five-day hearing or 376 minutes on average per day. We have used this figure to estimate the number of days required. We note that should the hearings be convened by AVL, additional time would be made available due to the powhiri, and hakari not taking place. Accordingly, based on the updated lists and this calculation:
- a. tūāpapa hearing four will require 4 days hearing.
 - b. tūāpapa hearing five will require 5.5 days hearing; and
 - c. tūāpapa hearing six will require 1.6 days hearing.
6. As the Tribunal has set down 5 days for tūāpapa hearing five, if the Tribunal were minded to sit as set out above, 6 days of hearing time will be required. That said, if convening an additional day in the following week is not possible, sitting until 6:00pm on Monday to Thursday would mean that the evidence could be heard in 5 days. Coordinating counsel are conscious that

this option will not be preferable to the Tribunal and seeks clarity from the Tribunal on the approach it wishes to take.

7. Should the Tribunal wish to retain normal sitting times and convene an additional day either in the week following tūāpapa hearing week five, or at a later date in the year, this may provide a way to resolve the differences in venue preferences as two venues could be agreed upon.

Lower North Island Hearing Venue Preference

8. As a result of engagement with claimant counsel, the following preferences have been proffered:
 - a. 73 percent of witnesses (45 witnesses) have not provided a preference.
 - b. 15 percent (9 witnesses) prefer Te Whare Wānanga o Raukawa in Otaki.
 - c. 5 percent (3 witnesses) prefer either Te Whare Wānanga or Raukawa or Te Awahou Neiuwe Stroom (TANS) cultural centre; and
 - d. 8 percent (5 witnesses) prefer a neutral Wellington based venue. Possible venues include the Waitangi Tribunal or Te Papa Marae.
9. Given the number of witnesses who have not yet provided a preference, additional time is sought to enable coordinating counsel to discuss possible approaches to venue with those participating in tūāpapa hearing five. We note that clarity on the number of hearing days would assist in these discussions. On this basis, coordinating counsel seek leave to provide a further update on venue by **5pm, Friday 29 April 2022**.

DATED at TĀMAKI MAKĀURAU this 5th day of April 2022



Stephanie Roughton / Katherine Alty

Tamaki Legal on behalf of Claimant Counsel