

**IN THE WAITANGI TRIBUNAL**

Wai 45

**CONCERNING**

the Treaty of Waitangi Act 1975

**AND**

applications to the Renewed  
Muriwhenua Land Tribunal for  
binding recommendations

---

**MEMORANDUM-DIRECTIONS OF JUDGE C M WAINWRIGHT  
FOLLOWING A JUDICIAL CONFERENCE ABOUT RESEARCH  
ON 12 JANUARY 2023**

19 January 2023

---

## Introduction

1. On 12 January 2023, I convened a remote judicial conference to discuss parties' views on the proposed research programme set out in directions dated 22 December 2022 (Wai 45, #2.891).
2. These directions:
  - (a) record parties' agreement in principle to the Tribunal's proposed research programme;
  - (b) invite written submissions in response to the December directions; and
  - (c) confirm next steps including another remote judicial conference.

## Agreement in principle for Wai 45 research programme

3. In directions dated 22 December 2022, I released directions that set out a proposed research programme that was different from what had been signalled previously. It involves (Wai 45, #2.891):
  - (a) the Tribunal commissioning a series of comprehensive block-by-block narrative reports for all land blocks in the Wai 45 district; and
  - (b) claimant-led research on who the claimant groups are, where they were over time and where they are now (customary interests).
4. At the 12 January 2023 judicial conference, the parties represented there agreed in principle to this approach, which will enable Tribunal research staff to commence work to set up the block narrative reports.

## Written submissions

5. As confirmed at the January 2023 judicial conference, I grant leave for parties to make further written submissions in response to my 22 December 2022 directions (Wai 45, #2.891). They are due by **Tuesday, 31 January 2023**.
6. Parties may wish to address:
  - (a) **Additional blocks to be subject of research.** The December directions provided a list of 112 land blocks that would be the subject of a block narrative report (Wai 45, 2.891(b)). I also said that we are conscious that our information is not complete, and we want more information about blocks in the inquiry district. At the judicial conference, Ms Panoho-Navaja referred to over ten blocks that should be added to the Tribunal's list of blocks. Daniel Watkins, for Wai 1259 and Wai 1538, also requested an opportunity to provide information about additional blocks. This information is needed and more is welcome.

- (b) **Wai 45 district boundary.** The December directions confirmed the Wai 45 inquiry boundary (Wai 45, 2.891(c)). The Crown sought the opportunity to consider this further and make submissions if necessary. Other parties signalled agreement with it.
- (c) **Boundary blocks.** There are several blocks that are dissected by the Wai 45 southern boundary and the northern boundary of Te Paparahi o Te Raki District Inquiry (Wai 1040). This is illustrated by a preliminary map previously produced by the Tribunal in March 2020 to assist our understanding claimants' areas of interest (Wai 45, #2.734(a)) and a Crown map produced in October 2021 (Wai 45, #2.875(a)). At the judicial conference, Ms Panoho-Navaja sought clarification as to how this Tribunal will inquire into these blocks. If parties have views on this, they should put them forward now.
- (d) **Timeframes for claimant-led research.** Claimant counsel should indicate (1) whether their clients intend to undertake research into customary interests; and, if so, (2) what work is planned and on behalf of which collective; and (3) how long they anticipate this work will take. We continue to look closely at the timeframe for research. We want to avoid delay wherever possible, and this involves having reliable information about the projects that will need to be completed. On this topic, it is important that any groups that have not already done so confirm their approved client status with the Crown Forestry Rental Trust. It is our understanding that the Trust will fund the tribal landscape work for those groups that are approved clients.

#### **Next steps**

7. Tribunal research staff have begun work on a document that addresses what they are calling the 'research approach'. This will detail how the block-by-block narrative research will be undertaken. We are aiming to send this document to parties on **Friday, 17 February 2023**.
8. Shortly afterwards, we will convene a judicial conference to canvass research matters again, including the approach outlined in the paper that staff are working on and anything arising from parties' submissions. The aim is to ensure that everyone is comfortable with the research plan.
9. Details about joining the virtual judicial conference will issue in due course.

The Registrar is to send this direction to all those on the notification list for Wai 45, the Renewed Muriwhenua Land Inquiry

**DATED** at Ōmarumutu this 19<sup>th</sup> day of January 2023.



Judge C M Wainwright  
Presiding Officer

**WAITANGI TRIBUNAL**