

**TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI**

Wai 3300  
Wai 3307  
Wai 3316  
Wai 3317  
Wai 3318  
Wai 3319  
Wai 3320  
Wai 3321  
Wai 3343  
Wai 3342  
Wai 1194/1212

**E PĀ ANA KI TE**  
**CONCERNING**

Treaty of Waitangi Act 1975

**Ā,**

Te Reo Māori and Justice System (Rameka and Munro) claim (Wai 3077); and

AND

**ME,**

The Constitutional (Ruka) claim (Wai 3316);

**ME,**

The Constitutional (Morgan & Goulton) claim (Wai 3317);

**ME,**

The Constitutional (Potiki) claim (Wai 3318);

**ME,**

The Constitutional (Dally-Paki) Claim (Wai 3319);

**ME,**

The Constitutional (Collier & Others) claim (Wai 3320);

**ME,**

The Constitutional (Mack) claim (Wai 3321);

ME.

The Constitutional  
(Waitaha Grandfathers  
Council) claim (Wai 3343);

ME.

The Constitutional (Tipene  
& Others) claim (Wai 3342);

ME.

The Taumanu Land Claim  
(Wai 1194/1212).

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**DECISION ON APPLICATIONS FOR URGENCY**

10 April 2024

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## Hei tīmatanga kōrero / Introduction

1. This direction issues the Tribunal's decision on the applications for urgency regarding current or pending Crown actions or policies as they relate to the review of all enactments containing references to the "principles of the Treaty of Waitangi" and a proposed Treaty of Waitangi Principles Bill. It also addresses the timetabling of further submissions concerning whether certain Crown documents should be added to the Record of Inquiry (ROI).
2. In particular, this decision concerns the following applications:
  - a. An application for an urgent hearing from Nora Rameka on behalf of Te Rūnangā o Ngāti Rehia. The claim concerns the Coalition Government's proposed Treaty Principle's Bill (Wai 3077, #1.1.1 & #2.5.5).
  - b. Six statements of claim and accompanying applications seeking an urgent hearing from Phoenix Law on behalf of the following applicants:
    - i. Jane Mihingārangi Ruka, on behalf of the Grandmother Council of the Waitaha Nation (Wai 3316, #1.1.1, #3.1.1);
    - ii. Sailor Morgan and Francis Goulton, on behalf of Ngāti Ruamahue hapū and Ngāti Kahu ki Whangāroa Wai 3317, #1.1.1 & #3.1.1);
    - iii. Moerangi Potiki, on behalf of Te Rūnangā o Ngāti Whakaue Incorporated, for and on behalf of Ngāti Whakaue ki Maketu Hapū (Wai 3318, #1.1.1 & #3.1.1); and
    - iv. Louisa Te Matekino Collier, Rihari Richard Takuira Dargaville, and Joseph Kingi, on behalf of Ngāpuhi-nui-tonu Wai 3320, #1.1.1 & #3.1.1); and
    - v. Apihaka Irene Tamati-Mullen Mack, on behalf of Ngātiawa ki Kapiti (Wai 3321, #1.1.1 & #3.1.1).
    - vi. Daniel Watson and Tūwharerangi Ruka on behalf of themselves, the Waitaha Executive Grandfather Council (Wai 3343, #1.1.1 & #3.1.1).
  - c. Nicola Dally-Paki, on behalf of herself, her whānau, hapū, iwi, whānau whānui and whāngāi (Wai 3319, #1.1.1 & #3.1.1).
  - d. Colleen Skerrett White, Te Ariki Morehu and Timitapo Hohepa, on behalf of the descendants of the tupuna Te Rangiunuora & II under the mantle of Ngāti Te Rangiunuora (Wai 3300, #3.1.27).
  - e. Pita Tipene, Moana Maniapoto, Donna Kerridge, George Laking, India Logan-Riley and Veronica Tawhai for and on behalf of Ngā Toki Whakarururanga (Wai 3300, #3.1.26).
4. The Tribunal has also received the following submissions from interested parties:
  - a. A memorandum of counsel filed on behalf of Colleen Skerrett-White, Timitapo Hohepa and Te Ariki Derek Morehu (Wai 3300, #3.1.4); and
  - b. A memorandum of counsel filed on behalf of Te Rūnanga o Ngāti Hine (Wai 682) and Te Kapotai (Wai 1464) (Wai 3300, #3.1.5); and

- c. A memorandum of counsel filed on behalf of Merepeka Raukawa-Tait (Wai 3300, #3.1.6); and
  - d. A memorandum of counsel filed on behalf of Colleen Skerrett-White, Timitapo Hohepa and Te Ariki Derek Morehu (Wai 3300, #3.1.11); and
  - e. A memorandum of counsel filed on behalf of Te Rūnanga o Ngāti Hine (Wai 682) and Te Kapotai (Wai 1464) (Wai 3300, #3.1.16); and
  - f. A memorandum of counsel filed on behalf of Wai 892, Wai 2063, Wai 3096, Wai 1886, Wai 2206, Wai 2743, Wai 1531, Wai 2890, Wai 762, Wai 861, Wai 3131, Wai 2394, Wai 1968, Wai 2869, Wai 2671, Wai 2382, Wai 2778 & Wai 2832 (Wai 3300, #3.1.17); and
  - g. A memorandum of counsel filed on behalf of Wai 58, Wai 1312, and Wai 1684 (Wai 3300, #3.1.19); and
  - h. A memorandum of counsel filed on behalf of Wai 1194 (Wai 3300, #3.1.20); and
  - i. A memorandum of counsel filed on behalf of Professor Margaret Mutu (Wai 3300, #3.1.22).
5. Party status will be confirmed in subsequent directions.
6. Some submissions also considered the Crown's application requesting that certain documents be kept confidential.
7. In addition to the submissions received from parties, the Tribunal has had the benefit of an urgent hearing to discuss the applications for urgency on Monday 8 April 2024. The purpose of this hearing was to hear submissions on the Crown's application for confidentiality and to determine whether there are sufficient grounds to grant the applications for urgency and to direct an inquiry into whether Crown actions and policy developed to review legislative enactments referring to the "Principles of the Treaty of Waitangi" and/or progressing the Treaty Principles Bill are actions or policy in breach of the principles of the Treaty of Waitangi.

### **Kupu whakatau / Decision**

8. The Tribunal panel have conferred and are satisfied that the grounds for urgency are made out. Accordingly, the applications for urgency are granted.
9. We take this step of issuing our decision on the applications to ensure that timetabling matters can be addressed in time for hearing. The substantive reasons for this decision will be issued in separate memorandum-directions as soon as possible.

10. At this stage the confidential status of the Crown's documents remains in place until further notice. There is to be no disclosure to any persons beyond counsel, claimants, and interested parties involved in the urgency hearing.
11. The Tribunal panel will hold an in person hearing to hear the claims on **9 – 10 May 2024**, at the Tribunal Offices in Wellington (**Level 2, 141 the Terrace**).
12. The timetable for further filing for all parties is attached as 'APPENDIX A'.

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 3300, Wai 3307, Wai 3316, Wai 3317, Wai 3318, Wai 3319, Wai 3320, Wai 3321, Wai 1194/1212, Wai 3343 kerēme me ngā tangata e aro ana ki ēnei kerēme.

*The Registrar is to send a copy of this direction to those on the distribution list for Wai 3300, Wai 3307, Wai 3316, Wai 3317, Wai 3318, Wai 3319, Wai 3320, Wai 3321, Wai 1194/1212, Wai 3343 claim and interested parties for the urgency hearing.*

**WHAKAPŪMAUTIA** ki te Whanganui-a-Tara i te Tūrei, te rā tekau o Āpereira 2024



Kaiwhakawā Matua Dr Caren Fox  
Tiamana

**TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI**