
BEFORE THE WAITANGI TRIBUNAL

WAI 2358

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the National Fresh Water and Geothermal
Resources Inquiry

**MEMORANDUM OF COUNSEL FOR THE CROWN REGARDING FILING
OF OTHER RELEVANT TRANSCRIPTS OF CROSS-EXAMINATION**

3 February 2017



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MAY IT PLEASE THE TRIBUNAL:**Summary**

1. On 19 December 2016, the Tribunal:¹
 - 1.1 granted the leave sought by the Crown to file the relevant Wai 1040 transcripts once they are placed on the Wai 1040 record of inquiry; and
 - 1.2 directed the Crown to seek leave to file other relevant transcripts of cross-examination by 12pm, Friday 3 February 2017.
2. This memorandum updates the Tribunal on the status of the Wai 1040 transcripts and seeks leave to file other relevant transcripts.

Wai 1040 transcripts

3. The Crown wishes to advise that the transcript of the Crown's cross-examination of Paul Hamer before the Wai 1040 Inquiry has not yet been finalised. A draft transcript has been circulated and corrections were due on 21 December 2016. The Crown expects that a final version will be complete shortly. Once the transcript has been finalised and placed on the record of inquiry, the Crown will file this on the Wai 2358 record of inquiry.
4. The Crown seeks leave to file the Crown's cross-examination of the authors of *Northland Rural Rivers: Environmental Management, Pollution, and Kaitiakitanga since 1991*, which also took place in Week 21 of the Wai 1040 Inquiry, and is contained in the same transcript as the cross-examination of Mr Hamer.
5. The Crown further seeks leave to file the cross-examinations of the Poroti claimants during Week 22 of the Wai 1040 Inquiry (5-9 December 2016). A draft of that transcript has not yet been circulated to counsel for comment. The Crown will file the transcript on this record of inquiry once it has been finalised and filed on the record of inquiry in Wai 1040.

Wai 2200 transcripts

6. In addition to the transcripts sought above, the Crown seeks leave to file the

¹ Wai 2358, #2.6.6.

following extracts of cross-examination from the transcript for hearing week two of the Wai 2200: Porirua ki Manawatu District Inquiry (Wai 2200, #4.1.12) held at Levin from 23–27 November 2015:

- 6.1 Cross-examination of Jonathan Procter by James Hardy, at pp 892–900, 922–923.
- 6.2 Cross-examination of Matthew Sword by Ellen Chapple, at pp 204–206.
- 6.3 Cross-examination of William Taueki by James Hardy, at pp 551–555, 580–581.

3 February 2017



J R Gough / D A Ward
Counsel for the Crown

TO: The Registrar, Waitangi Tribunal
AND TO: Claimant counsel