

IN 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 SEEKING AN EXTENSION TO FILE
THE EVIDENCE OF PROFESSOR MANUKA HENARE**

10 February 2017

RECEIVED

Waitangi Tribunal

10 Feb 2017

Ministry of Justice WELLINGTON

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MAY IT PLEASE THE TRIBUNAL:

1. This Memorandum of Counsel (“MoC”) is filed on behalf of the following parties:
 - a. Mr. Cletus Maanu Paul, on behalf of himself and the Mataatua District Maori Council (“DMC”);
 - b. Mrs. Titewhai Harawira, on behalf of herself and the Tamaki Makaurau DMC;
 - c. Mr. Des Ratima, on behalf of himself and the Takitimu DMC;
 - d. Mr. William Jackson, on behalf of himself and the Tamaki ki te Tonga DMC;
 - e. Mr. Rihari Dargaville, on behalf of himself and Te Tai Tokerau DMC;
 - f. Mr. Pita Paul, on behalf of himself and various Marae throughout Aotearoa;
 - g. Mr. Haami Piripi, on behalf of himself and the iwi of Te Rarawa (Wai 1699 Wai 1701);
 - h. Mr. Cletus Maanu Paul and Mr Charles Muriwai White, as members of Ngai Moewhare, a marae located in the rohe of Ngāti Manawa, and a claimant in Te Ika Whenua Inquiry (Wai 212); and
 - i. Ms. Michelle Marino and Mr. Erol Churton, on behalf of themselves, and the descendants of Taringa Kuri (Wai 377), (together called “the Claimants”).

2. On the 1st of February 2017, His Honour directed Counsel to file all remaining evidence for this Inquiry by the 10th of February 2017.¹

3. Counsel has now filed Briefs of Evidence (“BoEs”) for the following Expert Witnesses (“EWs”):
 - a. Dr Alex Frame;
 - b. Professor Patu Hohepa;
 - c. Professor Alexander Gillespie;
 - d. Moana Jackson; and

¹ Wai 2358, #2.6.10 at paragraph 19.

- e. the BoE of Mr. Greg Carlyon is shortly to be filed.
4. Counsel had indicated that the evidence of Professor Manuka Henare would also be filed. Legal Aid has been granted for this purpose and Professor Henare has partially completed his evidence. However, Professor Henare has been unable to complete fully his BoE due to extenuating circumstances, involving his attendance at urgent cultural matters for his community. Professor Henare has advised that he will be able to have his evidence completed and filed by Wednesday the 15th February 2017.
 5. Counsel acknowledges that His Honour has directed that if any party does not comply with the filing dates set out in the Memorandum-Directions dated 1st February 2017 then evidence or submissions will be placed on the Record of Inquiry but ignored.²
 6. However, the Claimants submit that the evidence of Professor Henare is relevant and crucial for their case, and respectfully request His Honour to consider Professor Henare's extenuating circumstances.
 7. Counsel respectfully seeks an extension until Wednesday the 15th of February 2017 to file the evidence of Professor Henare.

Dated 10 February 2017



Janet Mason
Counsel Acting

² Wai 2358, #2.6.10 at paragraph 20.