

IN THE WAITANGI TRIBUNAL

WAI 2358

Wai 2377

Wai 1716

Wai 762

Wai 1968

Wai 898

Wai 1480

IN THE MATTER OF

The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

The Freshwater and Geothermal Inquiry

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**MEMORANDUM OF COUNSEL SEEKING LEAVE TO  
FILE WITNESS REPLIES OUT OF TIME**

**Date: 22 March 2017**

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**RECEIVED**

Waitangi Tribunal

**22 Mar 2017**

Ministry of Justice  
WELLINGTON

**TamakiLegal**

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**Counsel Acting: Darrell Naden**

## MAY IT PLEASE THE TRIBUNAL

1. This Memorandum of Counsel is filed on behalf of:
  - a. Nuki Aldridge, for and on behalf of himself and on behalf of Ngāti Pakahi hapū (Wai 2377);
  - b. Ian Mitchell, for and on behalf of himself and on behalf of Te Uri Taniwha and Ngāti Hineira hapū (Wai 1716);
  - c. Evelyn Kereopa on behalf of Te Ihingarangi, a hapū of Ngāti Maniapoto (Wai 762); and
  - d. Rueben Porter on behalf of himself, his whānau and his hapū including, the Ngapuhi hapū of Whānau Pani, Tahawai, and Kaitangata, the Te Rarawa hapū of Ngāti Moroki, Ngāti Pakahi, Tahawai, Te Uri ō Hina, and Whānau Pani (Wai 1968).

("the Claimants")

2. By Memorandum-Direction dated 22 November 2016,<sup>1</sup> Chief Judge Isaac directed that all outstanding answers to questions of clarification and cross-examination questions for hearing week 1 witnesses be filed by Friday 9 December 2016.
3. By Memorandum-Direction dated 1 February 2017,<sup>2</sup> Chief Judge Isaac granted the Claimants an extension to file their answers to cross-examination questions by Friday 24 March 2017.
4. Counsel seeks an extension to file answers of the Claimants out of time for the following reasons:
  - a. Mr Aldridge, the named Claimant for Wai 2377, has been very unwell of late and unable to complete the questions in writing as yet.
  - b. Mr Mitchell, the named Claimant for Wai 1716, has been uncontactable due to his very busy schedule and as yet counsel has not received instructions from Mr Mitchell as to his responses to the questions in writing.

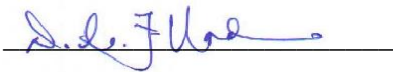
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<sup>1</sup> Wai 2358, #2.6.3, Memorandum Directions of Chief Judge Isaac

<sup>2</sup> Wai 2358, #2.6.10, Memorandum Directions of Chief Judge Isaac

- c. Ms Kereopa, the named Claimant for Wai 762, and Mr Porter, the named Claimant for Wai 1968, were recently informed by the Legal Services Commissioner that they would no longer be eligible for aid under their previous grant of aid and were required to complete new legal aid applications. These applications are being completed by counsel now, but until a grant of aid has been provided, the work is unable to be completed.
5. In these circumstances, we respectfully seek leave to file witness replies at a later date. In the event that the leave sought is granted, we submit that no party to this inquiry will be unduly prejudiced.
6. Finally, we note that the answer to questions in writing for Mr Hawea and Mr Katipa, the named Claimants for Wai 892 and Ms Potts, the named Claimant for Wai 1480, will be filed on Friday 24 March 2017.

**DATED** at Auckland this 22<sup>nd</sup> day of March 2017



Darrell Naden  
**Counsel Acting**