

**IN THE WAITANGI TRIBUNAL
KEI MUA I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI**

WAI 3060

IN THE MATTER The Treaty of Waitangi Act 1975

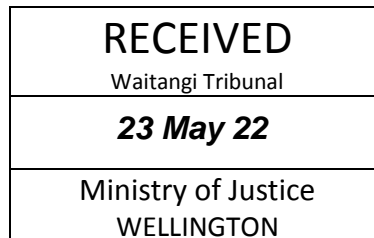
AND

IN THE MATTER Te Rau o te Tika: the Justice System Inquiry

HE MANATU RŌIA TUKUTAHI MŌ TE WĀHANGA WHAKATIKA KI RUNGA

JOINT MEMORANDUM OF COUNSEL REGARDING WHAKATIKA KI RUNGA

Dated: 20 May 2022



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MAY IT PLEASE THE TRIBUNAL:

1. This memorandum of counsel is filed on behalf of the counsel set out in Appendix “A”.
2. On 11 May 2022, the Waitangi Tribunal issued a memorandum-directions (Wai 3060, #2.5.009) confirming the timetable filed by Te Ohu Māngai on 29 April 2022 (Wai 3060, #3.1.92(c)). The confirmed timetable provided that claimants were to file evidence for Whakatika ki Runga on 20 May 2022. Crown evidence is due to be filed on 27 May 2022 (Wai 3050, #2.5.9(b)).
3. Due to time constraints, a number of claimants have not been able to prepare briefs of evidence for all of their witnesses by today’s filing deadline. To a large extent these delays have arisen in relation to expert witnesses, and have come about because of those expert witnesses having limited availability to meet with counsel and prepare evidence around their other commitments. As a result of these challenges, counsel seek amendments to the timetable to provide additional time for these briefs of evidence to be prepared and filed.
4. In order to accommodate the extended timeframe, counsel propose that the first hearing week between 13-17 June 2022 continues as scheduled, but that this week be utilised for the presentation of opening submissions and claimant evidence only.
5. The second week of the hearing set for 18-22 July 2022 could then be allocated for the presentation of expert evidence, Crown evidence and closing submissions. Counsel propose that the timetable be amended in accordance with the draft timetable attached as Appendix “B” to allow for staged filing of evidence, with expert evidence to be filed on **Friday 1 July 2022**.
6. Counsel are aware that other counsel are proposing to file a memorandum seeking to vacate the first week of hearing, and for another hearing week to be allocated later in 2022. Counsel do not support that approach but seek to proceed with the hearing dates as proposed by the Tribunal in April 2022.

7. Counsel are conscious that any delay in the hearing of Whakatika ki Runga is likely to have flow on effects for the completion of the wider Wai 3060 Inquiry programme and wish to avoid such delays by completing this stage of hearings in a timely manner.

Date: 20 May 2022



Roimata Smail / Kellie Dawson
Counsel for Wai 2608