INDEX TO EXHIBITS

SUPPLEMENTARY BRIEF OF EVIDENCE OF TRACEY BAGULEY

September 2022

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RECEIVED
Waitangi Tribunal
6 Sep 22
Ministry of Justice
WELLINGTON

on behalf of the **Legal Services Commissioner**

11 December 2015

Ms Annette Sykes
Kathy Ertel & Co - Rotorua
PO Box 734
Rotorua 3040

For enquiries: Manawa Johnson
Tel: 04 472 0916
Email: Manawa.Johnson@justice.govt.nz

Legal aid number	**15622032**
Client name	**Mr Lewis Winiata** [redacted] **Phone**: [redacted]
Matters	Waitangi Tribunal Proceedings
WAI number(s)	WAI 1835

Dear Ms Annette Sykes,

We have considered your request for assistance with expert witness costs for the Wai 1835 claim. The amendment received 04/12/2015 is refused. Paragraph 3 of the Memorandum-Directions of the Presiding Officer (**Wai 2500, #2.5.16**) provides:

Nature of the hearing and the Thematic Issues Document

> During the teleconference, it was emphasised to the parties that oral hearings are an opportunity for veterans and their families to give an account of their personal stories and experiences. Briefs of evidence are optional but would assist the Tribunal. There will be no cross-examination, but with leave, questions of clarification can be put to witnesses.

Technical evidence is not required at this stage of proceedings therefore assistance with expert witness costs is not necessary.

The maximum grant has been set at the standard maximum guideline rate in the Proceedings Steps.

We told your client that if they wish to discuss this further, they may talk to you or to Manawa Johnson on 04 472 0916 or by email Manawa.Johnson@justice.govt.nz.

Yours sincerely,

Manawa Johnson

Manawa Johnson
Grants Officer

Reconsideration rights

If your client is aggrieved by the decision made they may apply for a reconsideration of the decision using the reconsideration form on our website www.justice.govt.nz or by calling Manawa Johnson on 04 472 0916 who will send a form to you, to complete with your client.

If your invoice has been declined for being submitted outside of the statutory time frame, you may apply for a reconsideration of that decision.

An application for reconsideration must be lodged within twenty (20) working days from the date of notice of this decision. If a reconsideration is not sought, this decision is final. This decision stands pending the outcome of any reconsideration.

on behalf of the **Legal Services Commissioner**

18 December 2015

Ms Annette Sykes
Kathy Ertel & Co - Rotorua
PO Box 734
Rotorua 3040

For enquiries: Manawa Johnson
Tel: 04 472 0916
Email: Manawa.Johnson@justice.govt.nz

Legal aid number	**15622032**
Client name	**Mr Lewis Winiata** [redacted] **Phone**: [redacted]
Matters	Waitangi Tribunal Proceedings
WAI number(s)	WAI 1835

Dear Ms Annette Sykes,

I refer to our email dated 15 December 2015 advising that a grant of aid had been approved for Expert Witness costs for the Wai 1835 claim at a set amount of hours.

A total of 42 hours have been granted to cover costs inclusive of and up to the second Oral Hearing Week 19 – 21 October 2015. In submitting the next Amendment to Grant for Expert Witness costs, could you please provide further detail as to the nature of the Experts evidence given the preliminary stage of the hearing process.

Again, we apologise for the technical difficulties we are having with our system which have prevented the amendment being processed sooner. We have received your invoice and will process the invoice in accordance with the hours granted.

About your client's legal aid

Maximum grant

We have considered your amendment(s) to the grant and approved the following services.

For the amendment received 30/11/2015
Disbursements
$1,000.00 for Travel - Witnesses and Expert Witnesses - travel
$9,240.00 for Witness - Expert
Individual approved items are detailed here with GST exclusive amounts.

The maximum grant includes 'actual hearing time' where applicable. Please refer to the 'Maximum Grant' column on the attached Grant Schedule for the services that have been approved for this case. The proceedings steps are also available for further reference and can be found at www.justice.govt.nz.

If you expect to exceed the maximum grant, you need prior approval. Please provide an amendment in the prescribed manner and an explanation of why you expect the maximum grant to be exceeded.

We told your client that if they wish to discuss this further, they may talk to you or to Manawa Johnson on 04 472 0916 or by email Manawa.Johnson@justice.govt.nz.

Yours sincerely,

Kavya Shrivastava

Kavya Shrivastava
Grants Officer

Reconsideration rights

If your client is aggrieved by the decision made they may apply for a reconsideration of the decision using the reconsideration form on our website www.justice.govt.nz or by calling Manawa Johnson on 04 472 0916 who will send a form to you, to complete with your client.

If your invoice has been declined for being submitted outside of the statutory time frame, you may apply for a reconsideration of that decision.

An application for reconsideration must be lodged within twenty (20) working days from the date of notice of this decision. If a reconsideration is not sought, this decision is final. This decision stands pending the outcome of any reconsideration.

on behalf of the **Legal Services Commissioner**

8 May 2019

Ms Annette Sykes
Annette Sykes & Co Limited
PO Box 734
Rotorua 3040

For enquiries: Vivienne Field
Tel: 0800 2 LEGAL AID (0800 253 425)
Email: waitangilegalaid@justice.govt.nz

Legal aid number	**15631740**
Client name	**Mrs Angeline Greensill** [redacted] **Phone:** [redacted]
Matters	Urgency application
WAI number(s)	WAI 2522

Dear Ms Annette Sykes,

The request for funding for Professor Kelsey and Dr Moana Jackson has been considered by a specialist adviser.

The Operational Policy on Granting Aid for Waitangi (Operational Policy) matters allows expert witnesses to be funded where the expert is relevant and necessary to progress the claim.

Would you please provide further detail regarding the witnesses' areas of expertise, how their expertise links to the issues in Stage 2 of the inquiry and why the evidence of these particular experts is relevant and necessary.

With regards to the travel costs sought for a non-expert witness, could you please clarify:

1. Who the witness is?

2. If the witness is a claimant, why costs are being sought for claimant expenses, if this is a claimant? The Operational Policy is clear that legal aid is available for funding legal services and disbursements. Legal Aid Services is defined in the Legal Services Act 2011.

3. What travel costs are being sought as there appears to be a request for travelling between Wellington and Auckland by car as well as by plane.

Please provider the requested additional information within 10 working days to enable the prompt further consideration of your request.

Yours sincerely,

Vivienne Field

Vivienne Field
Grants Officer