

In the Waitangi Tribunal  
Remaining Historical Claims: South Island Claims

Wai 2800  
Wai 158

**In the Matter** of the Treaty of Waitangi Act 1975

**And**

**In the Matter** of the Inquiry into the Remaining Historical Claims: Southern North Island and South Island Claims (Wai 2800)

**And**

**In the Matter** of a claim by Robert Kenneth McAnergney, as a member of the Murihiku negotiating team, and Tā Mark Solomon, on behalf of the owners of lands arising from the provisions of the South Island Landless Natives Act 1906 (Wai 158)

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**Memorandum of Counsel seeking an Extension regarding Feedback to Claim Assessment**

**Dated 16 September 2022**

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**RECEIVED**

Waitangi Tribunal

**16 Sept 22**

Ministry of Justice  
WELLINGTON

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**Mahony Horner Lawyers**

Counsel: Dr Bryan Gilling / Evangeline Coffey

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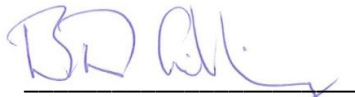

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**MAY IT PLEASE THE TRIBUNAL**

1. This Memorandum of Counsel (**Memorandum**) is filed on behalf of a claim by Robert Kenneth McAnergney, as a member of the Murihiku negotiating team, and Tā Mark Solomon, co-claimant, on behalf of the owners of lands arising from the provisions of the South Island Landless Natives Act 1906 (Wai 158).
2. This memorandum is filed in response to the Tribunal's Memorandum-Directions dated 7 August 2022 (Wai 2800 #2.5.9) in which the Chairperson directed that claimant responses to the Tribunal's claim assessments for Wai 158 and others be filed by 22 September 2022.
3. Counsel advise that, for reasons that remain unclear, counsel, our entire team, and the claimants have received none of the documents in this line of activity from the circulation email list. As a result, counsel only became aware of the claim assessments themselves and the Tribunal's resulting directions by chance less than two days ago.
4. Very helpful and prompt communications and meeting with the deputy registrar have meant that counsel are now in possession of the relevant documents. However, we have had no time to review the assessment, inform the claimants, receive instructions, and provide a considered response and feedback. Counsel are also participating in a series of other Tribunal hearings over the next weeks.
5. Accordingly, we respectfully seek an extension for filing the response and submissions until Tuesday 11 October 2022. Counsel are also supportive of the Crown then being given leave to file its response at an appropriate interval after that time.
6. Counsel submit that no other parties will be prejudiced if the leave sought is granted. However, if the leave sought is not granted the claimants, through

no fault of their own, will be severely prejudiced in their ability to present submissions and information to the Tribunal after waiting since the late 1980s to do so.

**Dated** at Wellington this 16<sup>th</sup> day of September 2022

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**Dr B D Gilling and Evangeline Coffey**  
**Counsel for the Claimants**