

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

WAI 1750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the North Eastern Bay of Plenty inquiry (Wai 1750)

**JOINT MEMORANDUM OF CO-ORDINATING COUNSEL AND THE CROWN
ATTACHING TIME REQUESTS AND TOPIC INDICATIONS FOR HEARING WEEK THREE**

Dated: 8 November 2024

RECEIVED

Waitangi Tribunal

11 Nov 24

Ministry of Justice
WELLINGTON

 **WACKROW PANOHO**
& ASSOCIATES

Level 5, 50 Kitchener Street

DX CP 20503

AUCKLAND

Raewyn Clark / Josi Witehira

Ph. (09) 379 5026, Fax (09) 377 6553

E mail: raewyn@wpalawyers.co.nz / josi@wpalawyers.co.nz

MAY IT PLEASE THE TRIBUNAL:

1. This joint memorandum of co-ordinating counsel and counsel for the Crown is filed in response to Memorandum-Directions dated 16 August 2024, wherein his Honour Judge Doogan directed claimant and Crown counsel to file requests to cross-examine hearing week 3 witnesses with time and topic indications by 5pm, Friday, 8 November 2024.¹
2. This memorandum is filed with the support of those claimant counsel listed in **Appendix A**.
3. Counsel have prepared a spreadsheet, setting out time requests and topic indications by counsel in relation to each of the witnesses and this is attached at **Appendix B**.
4. Based on the hearing timetable indicated in the hearings protocols,² we calculated the following number of minutes available per day (taking account of one 5 minute micro break per session):

| | | |
|----------------------|--|--|
| Session One | 9:00 – 11:00am (5 minute micro break) | 115 |
| Kapu tī | 11:00am – 11:20am | |
| Session Two | 11:20am – 1:00pm (5 minute micro break) | 95 |
| Kai | 1:00pm – 1:40pm | |
| Session Three | 1:40pm – 3:00pm (5 minute micro break) | 75 |
| Kapu tī | 3:00pm – 3:20pm | |
| Session Four | 3:20pm – 5:00pm (5 minute micro break) | 95 |
| | | 380 minutes of hearing time per day |

¹ Wai 1750, #2.6.8(a); see also Hearing Protocols Wai 1750 #2.6.17(a), at [15]

² Wai 1750, 2.6.17(a), at [7]

5. On the basis of 380 minutes of hearing time per day, there is a total of 1,900 minutes of hearing time in the week. Per Appendix B, we have included the estimated presentation times for each of the witnesses as indicated by the Tribunal.³ We allowed (as a placeholder/estimate) for 60 minutes of questions from the Tribunal for each witness (this can be adjusted up or down or as between the witnesses as needed). The total of all time requests (including estimate for Tribunal time) comes to 1885 minutes. In some cases, counsel have requested a band of time and the number of minutes in the table represents the upper limit of the band. These are marked on the table in red. There is therefore some flexibility within the indicated times for adjustments to be made by the Tribunal as needed.
6. As at late on Friday, not all counsel have been able to provide their topic indications. An updated Appendix B including all topic indications will therefore be provided as soon as possible on Monday 11 November.

DATED at Tāmaki Makaurau and Pōneke, 8 November 2024:



Raewyn Clark / Josi Witehira

Claimant Co-ordinating Counsel



Craig Linkhorn / Daniel Hunt

Counsel for the Crown

³ 2.6.16 at [8]