

MAY IT PLEASE THE TRIBUNAL:

1. This memorandum is filed jointly by counsel for the Crown and counsel for the following claimants:
 - 1.1 Ngāi Tai (Wai 78).
 - 1.2 Whakatōhea Raupatu (Wai 87).
 - 1.3 Te Aitanga a Māhaki (Wai 274/ 283).
 - 1.4 Ngā Uri o Tamanui claimants (Wai 499, Wai 507, and Wai 874).
 - 1.5 Ngāti Ira o Waiōweka (Wai 558).
 - 1.6 Moutohora Quarry (Wai 864).
 - 1.7 Ngāi Tamahaua (Wai 1781).
 - 1.8 Tūrangapikitoi (Wai 1794).
 - 1.9 Whakatōhea and Ngāti Muriwai of Ōmarumutu (Wai 2160).
2. The parties have conferred in relation to the procedural matters to be discussed at the 18 September 2025 judicial conference, as set out below.¹ Counsel are able to speak to these matters further at the judicial conference.

Inclusion of the Mangaorongo block

3. Claimants support the inclusion of the Mangaorongo block in the inquiry. Reasons for this preference are set out in individual claimant memoranda filed for the conference. The Crown does not oppose inclusion of the block in the inquiry.

Amended statements of claim and Crown responses***Timelines for further filing***

4. Claimants would prefer a process whereby they update their amended statements of claim as the inquiry proceeds and as preparation of research allows, rather than setting down specific timetabling for an amended pleadings process.

¹ Wai 3555, #2.5.5 at [48]; Agenda circulated by the Tribunal on 12 September 2025.

5. The Crown does not oppose this approach. The Crown will file its response to any amended statements of claim as soon as possible, after amended claim documents are filed.
6. In due course, the Tribunal may wish to set down a close of pleadings date. For instance, pre-hearing timetabling could include deadlines for the filing of final amended claims and Crown responses.

Production of claim area maps by claimant groups

7. Counsel for claimant parties can address this matter at the judicial conference.

Nature and extent of research

8. Counsel for Te Aitanga a Māhaki advise that their research is underway and can be completed within 2-3 months if necessary. Counsel for Ngā Uri o Tamanui claimants are working toward a similar timeframe.
9. Other claimant parties to this memorandum are taking steps to secure expert technical researchers and are hoping to do so to be in a position to file their research by the end of March next year. Ngāi Tamahaua (Wai 1781) is still in the process of securing CFRT funding, though active steps are being taken to ensure research can be prepared in a timely manner.

Update on CFRT funding

10. Counsel for claimant parties can address this matter at the judicial conference.

Jurisdictional matters raised by the Crown

11. The parties continue to support a comprehensive inquiry and hearing process that deals with the claims and associated legal issues, including the jurisdictional matters raised by the Crown, at once.²
12. Where they file amended statements of claim in response to the Crown's statements of response, claimants may address jurisdictional matters raised by the Crown. These matters will then be addressed by parties in legal submissions at hearing.

² Wai 3555, #3.1.21 at [5].

Other matters***Court of Appeal judgment in Mangatū proceedings***

13. Counsel have received a further update from the Court of Appeal that its judgment on the appeals from the judicial review proceedings concerning the *Mangatū Remedies Report 2021* will not be available until mid-October.
14. Parties do not think that the delay in the Court of Appeal's judgment will prevent them from continuing with progress in this inquiry. Counsel are also mindful of the Presiding Officer's comments that once the judgment is released parties will take time to consider the judgment and to decide next steps in response to it.³

Hearing

15. The parties to this memorandum prefer a comprehensive hearings process in which the claims of all claimants are heard over 1-2 weeks. These parties consider it would be efficient to hear all claims and evidence relating to the Waipāoa blocks in a single hearing process. Parties would be available for a hearing in the final quarter of the current financial year, provided the research outcomes referred to at [9] above have been achieved within that timeframe.
16. All parties to this memorandum respectfully request that the Tribunal provide an indication of whether it is in a position to hold hearings this financial year and, if so, available hearing dates.

17 September 2025



C Linkhorn / D Hunt
Counsel for the Crown

³ Wai 3555, #2.5.2 at [33].



K Feint KC
Counsel for Wai 274/ 283



B Lyall / M Sreen / H Swedlund
Counsel for Wai 499 and Wai 874



T Bennion / E Whiley / Kudrat
Counsel for Wai 507



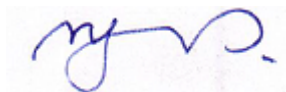
A Sykes / M Te Hira
Counsel for Wai 558



J Cole
Counsel for Wai 864



R Clark
Counsel for Wai 1781



M Sharpe
Counsel for Wai 2160



E Rongo
Counsel for Wai 78



T Sinclair / B Cunningham
Counsel for Wai 87 and Wai 1794

TO: The Registrar, Waitangi Tribunal