KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL **WAI 1750**

IN THE MATTER OF	**the Treaty of Waitangi Act 1975**
AND	
IN THE MATTER OF	**the North-Eastern Bay of Plenty Inquiry**

MEMORANDUM OF COUNSEL FOR THE CROWN

20 March 2026

Te Tari Ture o te Karauna
Crown Law

Pouaka Poutāpeta PO Box 2858
Te Whanganui-a-Tara Wellington 6140
Waea Tel: 04 472 1719

Whakapā mai: **Contacts:**

Daniel Hunt
Daniel.Hunt@crownlaw.govt.nz

Barrister instructed:

Craig Linkhorn
Craig.Linkhorn@cliftonchambers.co.nz

RECEIVED
Waitangi Tribunal
20 Mar 26
Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL:

1. This memorandum is filed in relation to the Tribunal's direction for the Crown to outline the nature of evidence to be filed for this inquiry. Leave is respectfully sought to file this memorandum after the deadline set by the Tribunal.[1]

Nature of Crown evidence

2. The Crown is currently exploring bringing expert evidence on historical claims issues concerning three topics: broadly, old land claims, the return of confiscated lands (through the Compensation Court and Crown grants processes), and nineteenth-century land alienation. Counsel are working with historical experts[2] to complete scoping reports defining the live historical claims issues that would be addressed by expert briefs of evidence on each topic. The purpose of this work is to ensure that the Crown makes a constructive contribution to the historical research and evidence available to the Tribunal concerning the live historical claims issues. Final confirmation that the Crown will bring evidence on each of these topics will follow the completion of the scoping reports.

3. Counsel are able to update the Tribunal as soon as further developments in relation to the engagement of evidence on these three topics occurs.

4. Counsel are also engaging with officials from relevant agencies in relation to the Crown bringing evidence on contemporary claims addressed by claimants in recent hearings.

Time required

5. Counsel have previously indicated that the Crown is working towards requiring a week for the presentation of a Crown opening on claim issues and the presentation of Crown evidence. This is still the case, subject to noting the caveat set out above in relation to the engagement of Crown evidence on the three historical claims issues.

---

1 Wai 1750, #2.6.49 at [14].

2 Historian John Armstrong and members of Crown Law's and Te Tari Whakatau's historical research teams.

19 March 2026

C Linkhorn / D Hunt
Counsel for the Crown

TO: The Registrar, Waitangi Tribunal

AND TO : Claimant Counsel