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

BEFORE THE WAITANGI TRIBUNAL **WAI 3565**

IN THE MATTER OF	**the Treaty of Waitangi Act 1975**
AND	
IN THE MATTER OF	**Te Tinihanga o Ngā Mātāpono o te Tiriti – the Treaty Principles Reform Urgent Inquiry**

MEMORANDUM OF COUNSEL FOR THE CROWN

14 May 2026

Te Tari Ture o te Karauna
Crown Law

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RECEIVED
Waitangi Tribunal
15 May 26
Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL:

1. The Tribunal invited parties who have any issue with the appointment of Mr Prime to the panel for this inquiry to file submissions by 5pm today.[1]

2. No issue is taken with Mr Prime's appointment to the Tribunal panel for this inquiry. It would be appropriate for the Tribunal to record in subsequent memorandum-directions its consideration of the application of the principles of apparent bias in this instance.[2] The Tribunal has done this recently, where Mr Prime's past involvement regarding the Wai 682 claim was raised in relation to his sitting on other Tribunal panels considering claims brought by Wai 682.[3]

14 May 2026

G Allan / D Hunt
Counsel for the Crown

TO: The Registrar, Waitangi Tribunal

AND TO: Claimant Counsel

1 Wai 3565, #2.5.4 at [4].

2 *Saxmere Company Ltd v Wool Board Disestablishment Company Ltd* [2009] NZSC 72, [2010] 1 NZLR 35.

3 See Wai 1464, #2.5.4.