

I TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

Wai 3555
Wai 87
Wai 1794
Wai 2160

KEI RARO I TE MANA O

te Ture o Te Tiriti o Waitangi 1975

I TE TAKE O

the Waipāoa Remedies Inquiry
(Wai 3555)

Ā

I TE TAKE O

a claim by the late Claude Edwards and Adriana
Sylvia Edwards for and on behalf of Whakatōhea
hapū (Wai 87)

Ā

I TE TAKE O

a claim by William Smith, Aden Webb, and
Eugene Vini Stevens on behalf of Tūranga Pikitoi
Hapū (Wai 1794)

Ā

I TE TAKE O

a claim by Nepia Stevens, Christina Rolleston,
Adriana Sylvia Edwards, Theresa Patricia
McMurtrie, John Robert Edwards, Ruth Gage,
Georgina Hope Fleet, Alexander Joseph Edwards,
Frank Porter, Eva Edwards, Tony Rolleston,
Glenis Patricia Reeve, Stephen Paul Fleet,
Bronwyn Fleet, Geoffrey T Fleet, Dawn Elsie
Tuhakaraina, Margaret Tuhakaraina, the late Paku
Gordon Edwards, the late Raymond J Fleet, and
the late Adriana Gerrard on behalf of Ngāti
Muriwai Hapū
(Wai 2160)

JOINT MEMORANDUM COUNSEL

15 Haratua | May 2026

NGĀTAHI LAW

RECEIVED Waitangi Tribunal
15 May 2026
Ministry of Justice WELLINGTON

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Tēnā e Te Rōpū Whakamana i Te Tiriti o Waitangi

1. Introduction

1. This memorandum of counsel is filed on behalf of the claimants for:

- Wai 87 – Whakatōhea Iwi Raupatu Claim;
- Wai 2160 – Ngāti Muriwai Hapū Claim; and
- Wai 1794 – Tūranga Pikitoi Hapū Claim (together, the claimants).

2. Counsel provides an update to the Tribunal regarding the preparation and anticipated filing of:

- a. technical evidence; and
- b. oral and traditional evidence for the Wai 3555 Waipāoa Remedies Inquiry.

2. Relevant Tribunal Directions

Directions dated 20 November 2025 (Wai 3555, #2.5.15)

1. Her Honour Judge Milroy recorded that:

- a. There was general support among counsel in attendance at the judicial conference on 18 September 2025 for parties to proceed with filing their evidence by way of a single, aligned deadline, rather than a staggered approach (at [79]);
- b. The Crown is to file its evidence four weeks after claimant evidence (at [81]);
- c. The final date for filing amended statements of claim is to align with the deadline for claimant evidence (at [100]); and
- d. The Tribunal will set specific deadlines once it has sufficient information from parties regarding the delivery of new research (at [100]).

Directions dated 9 April 2026 (Wai 3555, #2.5.16)

2. The Tribunal further directed that:

- a. Site visits are deferred to the next available hearing week in summer, following completion of new research, including mapping (at [16]);
- b. There remains uncertainty as to when mapping evidence will be available (at [39]);
- c. The ability of claimants to file further amended statements of claim depends on the completion of new research (at [40]);
- d. Further detail is required from parties before the Tribunal can set deadlines for technical evidence and mapping (at [41]);
- e. Parties are to provide regular research updates as follows (at [43]):
 - i. 5pm, Thursday 7 May 2026;
 - ii. 5pm, Tuesday 11 August 2026;
 - iii. 5pm, Thursday 5 November 2026;
- f. The Tribunal will consider receiving evidential drone footage for inaccessible sites (at [16]); and
- g. Leave was granted for:
 - i. Dr Paul Husbands' technical evidence to be filed by **19 June 2026**; and
 - ii. oral and traditional evidence to be filed by **15 May 2026** (at [30]).

3. Previous Advice to the Tribunal

1. By memorandum dated 18 December 2025 (#3.1.43), counsel advised that:
 - a. The claimants had secured CFRT funding (via NMAT) and engaged historian Dr Paul Husbands, with research intended to commence on 19 January 2026 and conclude by 19 June 2026 ([4]– [5]); and
 - b. The claimants intended to file their oral and traditional evidence by 15 May 2026 ([6]).

4. Current Position

a) Technical Research and Evidence

1. Counsel advises that Dr Husbands' report is expected to be completed by 4 September 2026.¹
2. An updated table attached as Appendix "A" (Wai #2.5.16(a)).
3. Counsel further notes that the Tribunal's research update timetable extends through to November 2026; and no final deadlines for the filing of claimant evidence have yet been set.

b) Oral and Traditional Evidence

1. The claimants had been making good progress in preparing their oral and traditional evidence.
2. However, such progress was abruptly interrupted when severe weather events resulted in a civil defence emergency across the Eastern Bay of Plenty, directly impacting many of the claimants and their whānau.
3. As a consequence, planned hui and engagement could not proceed and preparation of oral and traditional evidence was temporarily suspended.
4. Counsel is to provide a further update to the Tribunal regarding claimant evidence progress by 5pm, Tuesday 11 August 2026.

c) Wider Inquiry Context

1. Counsel notes that a number of parties to the Wai 3555 inquiry have not yet secured technical witnesses; and/or remain without confirmed funding for research.
2. This has implications for the feasibility of coordinated evidence filing deadlines across all parties.

5. Submission

¹ Anita Miles CFRT Funding and Research Update, 5 May 2026

1. Counsel submits the indicative timeframes for filing oral and traditional evidence are no longer achievable.
2. In light of the Tribunal's indication that a **coordinated approach to evidence filing** is preferred, counsel submits that deadlines for claimant evidence should be set only once there is sufficient certainty regarding:
 - i. completion of technical research;
 - ii. availability of mapping evidence; and
 - iii. readiness of participating parties.
3. Counsel further submits that maintaining flexibility at this stage will promote procedural fairness; and the completeness and integrity of the evidential record before the Tribunal.

6. Conclusion

1. Counsel will provide updates in accordance with the Tribunal's directions.²
2. The claimants remain committed to progressing their evidence as efficiently as circumstances allow.

15 Haratua | May 2025



Tony Sinclair / Brett Cunningham / Michael Sharp
Counsel for the Claimants

² Memorandum-Directions, Judge Milroy, Waipāoa Remedies Inquiry (Waitangi Tribunal, Wai 3555, #2.5.16, 9 April 2026) at [43].