I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

IN THE WAITANGI TRIBUNAL **WAI 2358**

KEI RARO I TE MANA O te ture o te Tiriti o Waitangi 1975

ME

I TE TAKE O te pakirehua o te National Freshwater and Geothermal Resources (Wai 2358)

RECEIVED
Waitangi Tribunal
14 Sep 26
Ministry of Justice
WELLINGTON

JOINT MEMORANDUM OF COUNSEL SEEKING AN EXTENSION TO FILE CROSS-EXAMINATION DOCUMENTS FOR STAGE THREE, HEARING FOUR

Dated 14 Mahuru 2026

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TAUHARA NORTH No.2 TRUST

"Kia mau ki te whenua; Whakamahia te whenua; Hei painga mo nga uri whakatipuranga"

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TĒNĀ, E TE TARAIPUNARA

1. This Memorandum of Counsel is filed on behalf of:

    a. Te Urunga Aroha Evelyn Kereopa on behalf of her whānau, and of Te Ihingārangi, a hapū of Maniapoto (Wai 762);

    b. Merle Ormsby, Tiaho Pillot, and Daniel Ormsby on behalf of themselves, and the descendants of Te Taawhi Patena Mariu and Rauaiterangi Mary Patena (Wai 1196);

    c. Ian John Mitchell on behalf of Ngāti Hineira and Te Uri Taniwha of Ngāpuhi (Wai 1716);

    d. Bryce Peda-Smith on behalf of himself and on behalf of the late Nuki Aldridge, and Te Taumata o Tangitu – the Tahawai (Aldridge) claim (Wai 2377);

    e. Anthony Whareraupo Olsen on behalf of the iwi Waitaha and Kāti Māmoe (Wai 2460);

    f. Tauhara North No.2 Trust (Wai 3444); and

    g. The Ngāti Tahu-Ngāti Whāoa Collective, comprised of:

        i. Ngāti Tahu – Ngāti Whāoa Rūnanga Trust,

        ii. Ngāti Tahu Tribal Lands Trust,

        iii. Paeroa South B2B1 Trust,

        iv. Tahorakuri A1 Sec 33b Ah Whenua Trust,

        v. Tutukau East Z Trust,

        vi. Te Toke Marae,

        vii. Mataarae Marae,

        viii. Ohāki Marae, and

        ix. Waimahana Marae.

2. The updated inquiry timetable for stage three of the Wai 2358 inquiry[1] confirms that cross-examination documents for hearing four are to be filed with the Tribunal by 5pm on Monday 14 September 2026.

3. The purpose of this joint memorandum is to seek an extension of time for the filing of the cross-examination documents.

4. The Crown filed its evidence on 1 September 2026 with a further bundle of evidence filed on 3 September 2026. The bundles of evidence filed are substantial, a total of 934 pages in addition to the briefs of evidence.

5. Counsel, along with the claimant counsel from the Firms listed in Appendix A to this memorandum, attended an online hui on 11 September 2026 to discuss claimant counsel cross examination coordination for the Crown witnesses presenting in hearing four.

6. The general consensus among counsel in attendance appears to be that the full three days will be required for the hearing as the cross-examination estimates provided in the draft timetable provided by the Crown are insufficient. This will be confirmed shortly once final estimates are provided by Counsel.

7. Given the volume of Crown evidence filed, claimant counsel requires more time to review the Crown's evidence, along with the numerous references in the evidence bundles, to determine the type and extent of cross examination documents to put to the Crown witnesses.

8. Accordingly, counsel seeks leave for and extension to Friday 18 September 2026 to file cross-examination documents for hearing four.

DATED at **Tamaki Makaurau** this **14th** day of **September 2026**

[1] Wai 2358, #2.6.150(a)

Tania Waikato

Counsel Acting for Tauhara North No.2 Trust (Wai 3444)

Victoria Tumai

Counsel Acting for Wai 762, Wai 1196, Wai 1716, Wai 2460 and Wai 2377 Claimants

APPENDIX A

FIRMS
1. Tukau Law
2. Sykes & Co
3. Paul Harman Barrister
4. Corban Revell Lawyers
5. Bryce Lyall / Kokiri Chambers
6. Kahui Legal
7. McCaw Lewis