

IN THE WAITANGI TRIBUNAL**WAI 2358****WAI 726****IN THE MATTER** of The Treaty of Waitangi Act 1975**A N D****IN THE MATTER** Applications for urgency hearings by Sir Graham Latimer, Tom Murray, Taipari Muroe, Kereama Pene, Rangimahuta Easthope, Peter Clarke, Jocelyn Rameka, Eugene Henare, Nuki Aldridge, Ani Martin, Ron Wihongi, Eric Hodge, Walter Rika, Emily Rameka, C. Maanu Paul, Charles White and Whatarangi Winiata.

**MEMORANDUM OF COUNSEL SEEKING LEAVE TO FILE
OPENING SUBMISSIONS
DATED THIS 28TH DAY OF JUNE 2012**

RECEIVED

Waitangi Tribunal

28 Jun 2012Ministry of Justice
WELLINGTON

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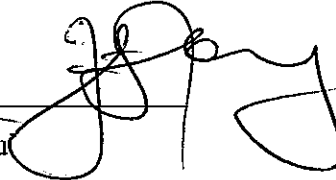

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MAY IT PLEASE THE TRIBUNAL

1. We refer to the Memorandum Direction of the Presiding Officer of 11 June 2012 (Wai 2358, document #2.5.24) directing that opening submissions for interested parties be filed by midday 26 June 2012.
2. Leave is respectfully sought to file the opening submissions for and on behalf of Wai 729 Ngāti Haka Patuheuheu upon the following grounds:
 - (a) While it has been indicated that Legal Aid may be granted for Counsel's participation and preparation for the hearings for this Inquiry, the Ministry of Justice have not confirmed that Legal Aid extends to the drafting of opening submissions. Counsel have been liaising with the Ministry of Justice to confirm this over the last two weeks and at the time of the filing of this memorandum, Counsel still remains without confirmation.
 - (b) Counsel is part of the co-ordinating group of counsel for interested parties. While our submissions are made on behalf of Ngāti Haka Patuheuheu, we have been delegated the task of making submissions relevant to the Ika Whenua reports and cases. Despite the fact that Counsel still has not heard from the Ministry of Justice, we are still required to fulfil our role as part of this group. We have been advised by the Ministry of Justice to keep attendances for this Inquiry to a minimum until Legal Aid is granted, and accordingly, given the length and participation of Counsel in this Inquiry to date, we are cognisant of the need to balance this against Counsel's role as part of a co-ordinating group of interested parties.
 - (c) Counsel are now in the position where the hearing for this Inquiry approaches, Legal Aid for the drafting of submissions has not been granted and the decision has been made that opening submissions will need to be filed in the absence of confirmation from Legal Aid that we are aided to do so.

- (d) As directed by the Tribunal, the co-ordinating interested parties have made a significant effort to avoid the duplication of submissions made by the Claimants and the other interested parties. Accordingly, the submissions that will be filed by Counsel are focussed, limited, avoid duplication and restricted. As a result, it is submitted that no prejudice will be suffered by any party in the late filing of these submissions.
3. We note the recent Memorandum Directions of the Presiding Officer (Wai 2358 #2.5.28) and suggest that leave be granted for Counsel to file opening submissions by 5pm Friday 29 June – the same day that the opening submissions of co-ordinating counsel for interested parties Ms Sykes has been directed to file opening submissions by.

Dated this 28th day of June 2012



Counsel for Ngati Haka Patuheuheu
Te Kani Williams / Bernadette Arapere / James Fong