KEI MUA I TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI

WAI 1040
WAI 1464, 1546

MO TE TAKE O	Te Ture Te Tiriti o Waitangi 1975
ME	
TE TAKE O	Te Paparahi o Te Raki (Wai 1040)
ME	
TE TAKE O	Nga kereme o Te Riwhi Whao Reti ratou ko Hau Tautari Hereora, ko Romana Tarau (1464), ko Edward Henry Cook (1546) mo Te Kapotai

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MEMORANDUM OF COUNSEL REGARDING THE DRAFT CROWN STATEMENT OF POSITION AND CONCESSIONS

Dated this 17th Day of May 2012

RECEIVED
Waitangi Tribunal
17 May 2012
Ministry of Justice
WELLINGTON

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LAWYERS

MENA E PAI ANA KI TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI:

Introduction

1. This memorandum of counsel is filed in response to the Memorandum and Directions of the Presiding Officer (Wai 1040 #3.1.722), which directed that parties file submissions in response to the Draft Crown Statement of Position and Concessions by 17 May 2012.

2. This Memorandum of Counsel is filed on behalf of the Wai 1464 and 1546 claims by Te Riwhi Whao Reti, Hau Tautari Hereora, Romana Tarau and Edward Henry Cook for and on behalf of Te Kapotai.

Draft Crown Statement of Position and Concessions

3. Having considered the Draft Crown Statement of Position and Concessions and the Crown's Response to Questions of Clarification, there are very few matters, if any, in agreement between the Crown and claimants and therefore most of the key issues raised by the claimants and their counsel in the proposed Statement of Generic Issues remain in contention for this inquiry.

4. Counsel has had the opportunity to read the comprehensive written submissions filed by Morrison Kent concerning the Draft Crown Statement of Position and Concessions dated Thursday 17 May 2012. Counsel supports those submissions and does not wish to make additional submissions.

5. The Crown has said that it will respond to questions regarding the track of the Stage Two inquiry when it files its finalised Statement of Position and Concessions on 30 May 2012. Counsel seeks leave to respond to matters raised by the Crown at that point.

Memorandum of Counsel - Wai 1040 #3.1.758

6. Counsel refers to the Memorandum of Counsel filed on 13 April 2012 by Mr Doogan (#3.1.758) regarding the draft Crown Statement of Position and Concessions and additional Memorandum and Directions of the

Presiding Officer on timetable matters following the 12 March 2012 Judicial Conference. The claimants wish to formally record their support of the matters raised in the Memorandum of Counsel.

7. In particular Te Kapotai supports the request that the Tribunal give consideration to the issues regarding resourcing and the scheduling of the generic hearings, and that the Tribunal considers the possibility of scheduling a Judicial Conference earlier than 30 July 2012 and as soon as reasonably practical after the filing of the final Crown Statement of Position and Concessions on 30 May 2012.

8. In regards to the scheduling of generic hearings Counsel has been instructed to inform the Tribunal that at the Nga Hapu o Te Takutai Moana Claimant Collective hui held on 9 May 2012 claimants passed a resolution that the generic hearings commence on 29 October 2012. Counsel respectfully requests that that the Tribunal gives consideration to this resolution when determining timetabling for the Stage Two generic hearings.

Dated this 17th Day of May 2012

Aidan Warren / Season-Mary Downs
Counsel for Te Kapotai