OFFICIAL

IN THE WAITANGI TRIBUNAL	WAI 2374 WAI 2378
IN THE MATTER OF	The Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	The Ministry of Justice
AND	
IN THE MATTER OF	A claim by Apihaka Mack, Gina Mahara and Diane Holloway

MEMORANDUM OF COUNSEL CONCERNING WAI 2378 APPLICATION FOR URGENCY DATED 5 OCTOBER 2012

RECEIVED
Waitangi Tribunal
05 Oct 2012
Ministry of Justice
WELLINGTON

Te Mata a Maui Law
PO Box 44331
Point Chevalier
AUCKLAND 1246
Tel: 0508-TEMATA (0508-836282)

MAY IT PLEASE THE TRIBUNAL

1. This memorandum of counsel is filed on behalf of the following claimants:
    a. Apihaka Mack;
    b. Gina Mahara; and
    c. Diane Holloway ("the claimants").

2. Counsel refers to the Memorandum-Directions dated 19 September 2012, directing parties to these proceedings to make contact with each other to ascertain if further discussion between them might be of assistance and to advise the Tribunal whether they have been able to make any progress by no later than midday today[1].

3. Counsel seeks the Tribunal's leave to file this memorandum of counsel. Counsel apologises for the lateness of this memorandum. Counsel has been attending to urgent matters beyond counsel's control concerning the Wai 898 Te Rohe Potae Inquiry. Counsel submits that there is no prejudice to the Crown or the Wai 2374 claimants if the Tribunal accepts the filing of this memorandum.

4. The Ministry of Justice has provided counsel with a list of possible mediators a copy of which was sent to the Wai 2378 claimants. Counsel has only recently received instructions from one of the Wai 2378 claimants who was away on leave. Having now obtained instructions from all three Wai 2378 claimants, counsel is now in a position to advise the Ministry of their choice for mediator. Counsel expects that the mediation should take place within a month if not sooner and with the Tribunal's leave counsel will advise the Tribunal of the outcome of the mediation promptly thereafter.

DATED at Auckland this 5 October 2012.

[1] Wai 2374,#2.5.7, Wai 2378,#2.5.4

David Martin Stone

TO: The Registrar, Waitangi Tribunal; Crown Law Office and those on the Wai 2374 and Wai 2378 notification lists.