

IN THE WAITANGI TRIBUNAL

WAI 2374

In the matter of The Treaty of Waitangi Act 1975

And a claim by Sir Graham Latimer on behalf of himself and the hapū of Te Paatu; Mr Haami Piripi on behalf of himself and the iwi of Te Rarawa; Mr David Potter and Mr Andre Paterson on behalf of themselves and hapū of Ngāti Rangitihi; Ms Michelle Marino and Mr Errol Churton for and on behalf of themselves and the descendants of Tāringa Kuri (Te Kaeaea); and Mr Russell Kemp on behalf of himself and the hapū, marae and whānau of Te Uri o Hau

**MEMORANDUM ON BEHALF OF THE CROWN AS TO THE
AMENDMENT OF WAI 2374**

22 November 2012

RECEIVED

Waitangi Tribunal

22 Nov 2012

Ministry of Justice
WELLINGTON

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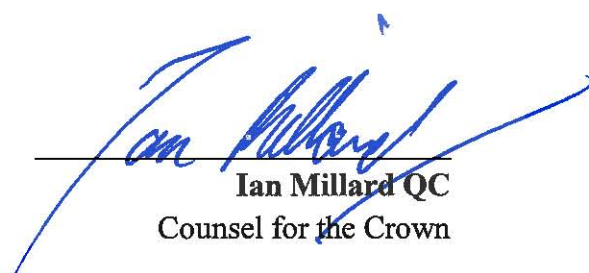
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MAY IT PLEASE THE TRIBUNAL:

- 1 The Crown refers to the recent exchanges of memoranda between the claimants in Wai 2374 and the New Zealand Māori Council. The Crown does not propose to comment on the substance of those memoranda.
- 2 However, it does note that the memorandum on behalf of the claimants, in para 3(c), states that leave was granted to file an amended statement of claim cross-referring that to the Memorandum-Directions of the Deputy Chairperson #2.5.15. Counsel for the Crown notes that in fact what was recorded there (as indeed was stated at the hearing) is:

As I stated during the judicial conference, the best approach would be for Ms Mason to re-file these amendments as a new claim, accompanied by separate application for urgency.
- 3 The Crown had understood that to mean that this was a separate claim from Wai 2374 which would in due course receive its own number and be dealt with as a separate application and claim, rather than an amendment of the existing claim.
- 4 Counsel has consulted counsel for the claimants who has a different understanding and will shortly be filing a memorandum on behalf of the claimants setting out their understanding.

DATED at Wellington this 22nd day of November 2012



Ian Millard QC
Counsel for the Crown