IN THE WAITANGI TRIBUNAL
OF NEW ZEALAND

IN THE MATTER	of the Treaty of Waitangi Act 1975
A N D	
IN THE MATTER	of the Te Rohe Pootae District Inquiry (Wai 898)
A N D	
IN THE MATTER	of Wai 1588, 1589, 1590 and 1591 being claims by Phillip Tauri King and Verna Tuteao for and on behalf of Ngaati Mahuta

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MEMORANDUM OF COUNSEL ON BEHALF OF NGAATI MAHUTA
IN RELATION TO WEEK 3 HEARING

18 February 2013

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Waitangi Tribunal
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Ministry of Justice
WELLINGTON

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LAWYERS

May it please the Tribunal

1. This memorandum is filed on behalf of Ngaati Mahuta in relation to the claims filed by Phillip Tauri King and Verna Tuteao – Wai 1588, 1589, 1590 and 1591.

2. By this memorandum we file and serve on behalf of Ngaati Mahuta the following Statements of Evidence:

   (a) Statement of Evidence of Rahui Papa;

   (b) Statement of Evidence of Merv Ranga;

   (c) Statement of Evidence of Nelly Rikiao Whitiora;

   (d) Statement of Evidence of John Moncur Te Uaanehu Forbes;

   (e) Statement of Evidence of Harry Maki-Midwood;

   (f) Statement of Evidence of Thomas John Moke;

   (g) Statement of Evidence of Peggy Milly Willison;

   (h) Statement of Evidence of Jeanette Hinetuhi Taylor;

   (i) Statement of Evidence of Connie Tuaupiki (Hepi);

   (j) Statement of Evidence of Pari Maikuku; and

   (k) Statement of Evidence on behalf of the Tahaaroa A7A2A Trust.

Presentation of Evidence

3. Rahui Papa would like to present his evidence in Maaori and we are currently waiting for the written Maaori version to be finalised by Mr Papa. We will file that as soon as possible. We trust that this will not cause the Crown or any other party in prejudice, given that the English version has been filed today.

4. As directed by Judge Ambler an updated timetable for week 3 hearings will be filed by **Monday 25 February 2013**. Once counsel has an opportunity to speak with other counsel acting for claimants presenting in week 3 of the Inquiry, we will be in a better position to advise the Tribunal as to how the presentation of the Ngaati Mahuta evidence will proceed.

5. Counsel will identify witnesses who may need to prepare summaries given the length of their statement. We propose to file any summaries on the day the witness is to be heard, unless the Tribunal directs otherwise.

6. Some Statements of Evidence may also be taken as read on the basis that all witnesses will be available to answer any questions in person and/or in writing.

7. How we structure the final presentation of the Ngaati Mahuta evidence will be determined in consultation with other counsel involved in the week 3 hearing and the CCCC and of course any directions from the Tribunal.

Leave to file evidence late

8. With respect, counsel seeks leave to file two Statements of Evidence late. That is the evidence of Verna Tuteao and Shirley Tuteao.

9. Verna Tuteao's evidence is a comprehensive statement providing an overview of the Ngaati Mahuta relationship with the Crown from 1840 through to the present time. Shirley Tuteao's evidence will be the final statement presented on behalf of Ngaati Mahuta outlining contemporary issues and the overall future aspirations for Ngaati Mahuta.

10. Both Verna and Shirley Tueao have been heavily involved in preparation of the overall case for Ngaati Mahuta and the logistics for the week 3 hearings and have therefore been unable to complete their final statements by the deadline today. Their evidence is critical to the Ngaati Mahuta case as they both seek to cover a range of relevant historical and contemporary issues as outlined the Tribunal's Statement of Issues.

11. On that basis, Counsel seeks leave to file both statements of evidence no later than **5.00pm on Wednesday 20 February 2013**. Counsel apologises if this causes any inconvenience.

Proposed site visit

12. As the Tribunal will be aware, there are a number of significant sites in and around the Maketuu Marae (within walking distance) that are relevant to the evidence being presented by Ngaati Mahuta in week 3. Subject to there being sufficient time available in the timetable, Ngaati Mahuta wishes to flag that they would like to conduct a short site visit during the course of the week 3 hearings. We will provide the Tribunal with further information as to what is proposed once the timetable has been finalised.

Amended Statement of Claim ("ASOC")

13. Ngaati Mahuta wishes Counsel to prepare and file an ASOC to ensure the Tribunal is well aware of the issues it brings before it. Counsel was only engaged in late 2012 and was advised that no particularised ASOC had been prepared and filed.

14. Our assessment is that all claim issues are captured in the Tribunal's Statement of Issues and therefore the ASOC will simply identify the particulars as they relate to Ngaati Mahuta. It is proposed that an area of interest map will be filed with the ASOC so as to orientate the Tribunal and other parties as to the area subject to the claims of Ngaati Mahuta.

15. Given that no new issues will be raised, the fact that an ASOC will be helpful for the Tribunal and the Crown and that we see no prejudice to any parties we seek leave to file the ASOC by **5.00pm on Monday 25 February 2013**.

Dated this 18th day of February 2013

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A H C Warren
Counsel for Ngaati Mahuta