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 Pōtae District Inquiry (Wai 898)

MEMORANDUM OF COUNSEL FILING FINAL REVISED TIMETABLE FOR HEARING WEEK THREE

RECEIVED
Waitangi Tribunal
25 Feb 2013
Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL:

1. This Memorandum of Counsel is filed on behalf of the Claimant Counsel Coordinating Committee ("CCCC") in response to the Memorandum-Directions of Judge Ambler dated 1 February 2013 (Wai 898, #2.6.7).

2. In his directions Judge Ambler indicated that the hearing week three timetable required further detail. The Judge advised the CCCC to further liaise with the Hearing Organising Committee ("HOC") and file a final revised timetable for hearing week three by midday today.[1]

CCCC and HOC

3. On Tuesday 19 February 2013 the CCCC held a teleconference to discuss hearing planning matters including the hearing week three timetable and 2013-2014 hearing programme.

4. On Wednesday 20 February 2013 the HOC also met to discuss the hearing week three timetable and the 2013-2014 hearing programme.

Updated Hearing Week 3 Timetable

5. Please find **attached** a final revised hearing week three timetable.

6. The CCCC have, in this final revised timetable, taken into account a number of factors including:

   (a) An estimate of time required for technical witnesses to present, be cross-examined (based on the latest indications provided by the Tribunal[2]) and questioned by the Tribunal;

   (b) Estimates as to how long tangata whenua witnesses will require to present, be cross-examined and questioned by the Tribunal;

   (c) The presentation of opening submissions by counsel as follows:

      (i) Pre-Treaty Transactions – Old Land Claims – Wackrow Williams and Davies; and

[1] Wai 898, #2.6.7, para 2.6
[2] Wai 898, #2.6.11, para 2.8

(ii) 1885-1909: Land Alienation during the Period of Pre-emption – Bennion Law.

(d) A site visit by Ngaati Mahuta.

7. We have indicated where witness Statements of Evidence will be taken as read or where a summary will be filed and presented. At this stage all witnesses whose evidence is to be taken as read are available to be questioned and have been allocated time in the **attached** final revised timetable.

8. As always, whilst best efforts have been made to ensure the timetable is as robust as possible, some changes may be necessary given the fluidity of the Tribunal process. Counsel can provide the Tribunal with updated hearing timetables where these changes occur.

2013-2014 Hearing Programme

9. Also **attached** is a revised 2013-2014 Hearing Programme. Please note this includes a number of changes from the previous version of the timetable including:

(a) Wai 898, #A23: 'Te Rohe Potae Political Engagement, 1840-1863' by Dr Vincent O'Malley is scheduled to be heard during hearing week 6;

(b) Dr Tanya Allport's report (Wai 898, #A80) has been removed from the hearing timetable;

(c) Wai 898, #A93: 'The Bane of the Native Race: The problem of unused Maori lands in King Country during the first decade of the 20th century', by Dr Donald Loveridge is scheduled to be heard during hearing week 9;

(d) Wai 898, #A95: 'Report on Crown Purchase Price, Value and Sale', by James Parker is scheduled to be heard during hearing week 5;

(e) Wai 898, #A96: Report on North Island Main Trunk Railway Compensation Hearing,' by James Parker is scheduled to be heard during hearing week 5; and

(f) Wai 898, #A105: 'Ngati Te Wehi and the Crown 1950-2000: a supplement to the Ngati Te Wehi Oral and Traditional History Report,' by Justine Jenkins is scheduled to be heard during hearing week 7.

10. The CCCC will continue to update the 2013-2014 Hearing Programme as the hearings progress and have asked all counsel to ensure claimants they represent, who intend to present evidence, are noted in the programme.

DATED this 25th day of February 2013.

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Aidan Warren/Glenn Tootill
On Behalf of the Claimant Counsel Coordinating Committee