Wai 1040

IN THE WAITANGI TRIBUNAL

CONCERNING the Treaty of Waitangi Act 1975

AND the Te Paparahi o Te Raki Inquiry

MEMORANDUM-DIRECTIONS OF JUDGE C T COXHEAD

4 June 2013

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1. This memorandum-directions addresses filing requirements for technical witness Craig Innes.

Craig Innes, 'Northland Crown Purchase Deeds, 1840-1865' (#A4)

2. On 4 February 2013, counsel Moana Tuwhare and Season-Mary Downs, on behalf of the Counsel Coordinating Committee (CCC) noted that technical witness Craig Innes would not be expected to present his report, 'Northland Crown Purchase Deeds, 1840-1865' in person during hearing week 3, but would be available to answer written questions of clarification (#3.1.872).

3. On 4 February 2013, claimant counsel Bryan Gilling also noted that as Mr Innes' report was an accompanying report to Dr Vincent O'Malley's 'Northland Crown Purchases, 1840-1865' (#A6), it would not be necessary for Mr Innes to present this report in person (#3.1.879).

4. Dr Gilling proposed that counsel could file questions of clarification for Mr Innes at the same time as they would be required to do so for Dr O'Malley (#3.1.879).

5. In memorandum-directions of 20 February 2013, I accepted the suggestion that Mr Innes not present his report, but should be available to answer written questions of clarification. I also noted that Mr Innes was still expected to file a summary of his report that addressed the relevant questions in the Tribunal Statement of Issues (#2.5.152).

6. On 22 May 2013, Dr Gilling and Hanna Stephen submitted on behalf of the CCC that counsel were advised that 'it is extremely difficult for Mr Innes to produce a summary which adequately addresses the Tribunal Statement of Issues' (#3.2.68). Counsel noted that Dr O'Malley would be better placed to address the Tribunal Statement of Issues, but that Mr Innes would still be available to answer written questions of clarification.

7. Counsel also sought leave for Mr Innes to submit answers to written questions of clarification in February 2015, at the same time as Dr O'Malley is scheduled to file his written questions of clarification (#3.2.68).

8. I accept counsel suggestions and grant the leave sought. Mr Innes is no longer required to provide a summary of his report addressing the relevant questions in the Tribunal Statement of Issues. He will be required to submit answers to any written questions of clarification at the same time as Dr O'Malley files his written questions of clarification, currently due to be filed in February 2015.

The Registrar is to send this direction to all those on the notification list for Wai 1040, the Te Paparahi o Te Raki inquiry.

DATED at Rotorua this 4th day of June 2013

Judge C T Coxhead
Presiding Officer
WAITANGI TRIBUNAL