OFFICIAL

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

6 August 2013

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1. This memorandum-directions addresses matters regarding funding for hearing week 5 and week 4 procedural matters.

Crown Forestry Rental Trust funding position for hearing week 5

2. Crown Forestry Rental Trust (CFRT) recently provided a letter to the Tribunal to notify us that the Māori Appointor-appointed Trustee conflict of interest situation will not be resolved in time for them to fund hearing week 5. I attach the letter as Appendix A.
3. This leaves uncertainty regarding scheduled week 5 technical evidence witnesses Heather Basset and Richard Kay (#A10, *Tai Tokerau Maori Development Schemes, 1930-1990*). This is outlined in the memorandum from claimant counsel John Kahukiwa and Alana Thomas dated 26 July 2013.
4. Mr Kahukiwa and Ms Thomas advise that Ms Basset has advised counsel that preparation for her summary presentation needs to start during the first week of August for her to meet the filing deadlines.

Crown funding assistance request

5. We acknowledge the funding assistance the Crown has provided for hearing weeks 1, 2, 3 and 4. It has allowed parties to the inquiry to proceed with scheduled hearings thus far. Given the continuing CFRT issues, the Tribunal ask the Crown if there is any funding assistance available for week 5 hearings.

Week 4 amended filing dates for Dr Manuka Henare's report (#A9)

6. In her memorandum dated 30 July 2013, claimant counsel Moana Tuwhare seeks leave to file Dr Manuka Henare's summary of the Te Waimate Taiamai oral and traditional history report (#E33, *Ko Te Tino o Taiamai*) one day late on 30 July 2013. I grant the leave sought.
7. Ms Tuwhare subsequently seeks leave to file Dr Henare's answers to the relevant statement of issues questions on Monday 5 August. I grant the leave sought. This also necessitates moving the related filing deadlines. These new deadlines are as follows:

Amended filing deadlines regarding Dr Manuka Henare's report (#E33) for hearing week 4	
Answers to Tribunal Statement of issues by Dr Henare	**DUE:** 12pm, Monday 5 August 2013
Questions of clarification	**DUE:** 12pm, Monday 12 August 2013
Answers to questions of clarification	**DUE:** 12pm, Monday 19 August 2013
Lead and Crown counsel to provide time estimates for their questioning of Dr Henare	**DUE:** 12pm, Friday 23 August 2013
Non-lead counsel to advise which evidence they seek leave to cross-examine and why, providing time estimates.	**DUE:** 12pm, Tuesday 27 August 2013

Week 4 proposed site visit

8. In a memorandum dated 22 July 2013, Ms Tuwhare filed an updated week 4 hearing timetable. She also sought leave to hold a site visit and appended the draft site visit proposal. Ms Tuwhare states that she has not received final instruction from her clients regarding a full list of sites and that the site visit proposal will be added to 'over the coming weeks'. I ask to see the full list of sites to be visited, before leave will be granted. Counsel is to file the site visit details with a full list of sites by **12pm, Friday 9 August, 2013.**

Late leave sought filing questions of clarification for Dr Barry Rigby (#H1 & #H2)

9. On 2 August 2013 at 1pm claimant counsel Linda Thornton and Bryce Lyall filed a memorandum accompanying the questions of clarification for Dr Barry Rigby (#H1, Rosemary Daamen, Paul Hamer and Barry Rigby, *Auckland*, Rangahaua Whanui Series, district report 1 (part 1), 1996; and #H2, Duncan Moore, Barry Rigby and Matthew Russell, *Old Land Claims*, Rangahaua Whanui National Theme A, 1997). These questions were due to be filed at 12pm. In another memorandum filed 5 August 2013, counsel sought leave to file the questions late. I grant the leave sought.

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 6th day of August 2013

Judge C T Coxhead
Presiding Officer
WAITANGI TRIBUNAL

Ngā Kaitiaki Rēti Ngahere Karauna
CROWN FORESTRY RENTAL TRUST

24 July 2013

Judge Craig Coxhead
Presiding Officer
Te Paparahi o Te Raki Inquiry
Waitangi Tribunal
Wellington

Tēnā koe e te Rangatira

Update on Technical Witnesses in Te Paparahi o Te Raki

In an update to the Te Paparahi o Te Raki Inquiry on 28 May 2013, Trust staff advised that until the Maori Appointor-appointed Trustee conflict of interest situation was resolved Trustees could not consider any requests for Approved Client status or funding. Trust staff also advised that in the absence of Approved Clients in Te Paparahi o Te Raki Inquiry, they could not distribute any funding and that this would likely have an impact on the preparation and presentation of expert witness evidence in Hearing Week 4.

Further to the letter from Trust Chairperson, Angela Foulkes of 23 July 2013, the Maori Appointor-appointed Trustee conflict of interest situation has not been resolved, and as such there will likely be an impact on the expert witness scheduled to present evidence in Hearing Week 5 (Heather Bassett, 'Te Tai Tokerau Maori Land Development Schemes' during the week of 14-18 October). The filing date for the summary of this evidence is 2 September 2013, which means that this witness needs to be contracted by early August 2013 at the latest to enable her to meet the filing deadline.

Naku noa, na

Evald Subasic
Research Facilitator

RECEIVED
Waitangi Tribunal
24 July 2013
Ministry of Justice
WELLINGTON

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