OFFICIAL

Wai 1510, #2.5.4
Wai 2180, #2.5.4
Wai 2200, #2.5.4

WAITANGI TRIBUNAL

Wai 1510

CONCERNING the Treaty of Waitangi Act 1975

AND the Taihape ki Kāpiti Inquiry Region

MEMORANDUM-DIRECTIONS OF THE ACTING CHAIRPERSON

1. On 27 April 2009 Judge L R Harvey and I issued memorandum-directions relating to the Taihape ki Kāpiti region (Wai 1510 #2.5.3). This direction makes two changes to that document:

   - The reference in paragraph 25 to paragraph 20 was incorrect: it ought to have referred to paragraph 23;
   - After discussion with the Legal Services Agency, we agree that paragraph 13 should read: "We also note in passing that unlike conventional civil legal aid grants, the Agency cannot require Tribunal claimants to repay part of the resulting settlement assets in order to recover any grant of aid (See section 15(6)(a) of the Legal Services Act 2000)." It is important to clarify that although settlement assets are immune from charge by LSA, it **does** have power by virtue of section 45 to impose a condition that a Waitangi Tribunal claimant repays legal aid. Although to our knowledge this power is rarely deployed, the Legal Services Agency **may** do so.

The Registrar is to distribute this direction to all parties on the notification list for Wai 1510, the combined record for the Taihape ki Kāpiti claims.

DATED at Raetihi this 4th day of May 2009

Judge C M Wainwright
Acting Chairperson
WAITANGI TRIBUNAL