OFFICIAL

BEFORE THE WAITANGI TRIBUNAL

WAI 2391
WAI 2393

IN THE MATTER OF	The Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	Wai 2391 a claim by GRAHAM HOETE, UMUHURI MATEHAERE and JACQUELINE TARO HAIMONA for and on behalf of themselves and the Motiti Rohe Moana Trust; and CLETUS MAANU PAUL for and on behalf of himself and the Mataatua District Māori Council
AND	
IN THE MATTER OF	Wai 2393 an application for an urgent hearing by ELAINE BUTLER on behalf of Ngāi Te Hapū Incorporated Society

CROWN MEMORANDUM

26 September 2013

CROWN LAW
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Waitangi Tribunal
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Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL:

1. The Crown opposes this latest application for an extension of time. The Wai 2391 Claimants sought leave to file on 27 September on 3 September – over three weeks ago. The Wai 2391 Claimants have provided notice to the Tribunal and other parties on the eve of the date for filing. The Wai 2391 Claimants have had three months to prepare their reply to the Crown response.

2. If the Tribunal is minded to accept this latest request for an extension, the Crown respectfully seeks leave, in the interests of justice given the time taken to reply and to account for intervening events, to provide a combined Crown response to both claims, rather than provide a response next week (midday, 2 October 2013) to the Wai 2393 claim only. Depending on the nature of the reply, and how extensive it is, the Crown might require a further two weeks to respond.

3. The Crown anticipates this will necessitate an extension to all dates, including the judicial conference. The Crown accepts that a resource consent application from the Rena owner is not imminent (as it has previously advised the Tribunal), but considers in the interests of all parties involved, certainty around timeframes is now required.

4. The Crown also raises the matter of the interested parties (Bay of Plenty Regional Council, Ngai Te Rangi, Ngati Whakahemo, Te Whanau a Tauwhao, Ngati Whakaue Ki Maketu), who have indicated an interest in these proceedings. In the event the Tribunal sets a date for holding a conference to determine these claims in urgency, Crown counsel respectfully suggests consideration may need to be given as to how best to ensure their interests are appropriately provided for.

26 September 2013

Jeremy Prebble / Matthew Andrews
Counsel for the Crown

TO: The Registrar, Waitangi Tribunal
AND TO: Claimant Counsel