

OFFICIAL

IN THE WAITANGI TRIBUNAL

WAI 898

IN THE MATTER of The Treaty of Waitangi Act 1975

AND Claims in Te Rohe Pōtae Inquiry and consolidated under Wai 898

AND the Wai 928, 987 and 1255 claims

**MEMORANDUM OF COUNSEL PROVIDING QUESTIONS OF
CLARIFICATION AND CROSS EXAMINATION INDICATIONS FOR
HEARING WEEK 9 TECHNICAL WITNESSES**

18 NOVEMBER 2013

RECEIVED

Waitangi Tribunal

18 Nov 2013

Ministry of Justice
WELLINGTON

WACKROW WILLIAMS & DAVIES LIMITED

Barristers & Solicitors

Level 14, 48 Emily Place,

PO Box 461, Shortland Street; DX CP20503

Auckland.

Bernadette Arapere / James Fong

Ph. (09) 379 5026; Fax (09) 377 6553

Email: bernadette@wwandd.co.nz / james@wwandd.co.nz

MAY IT PLEASE THE TRIBUNAL

1. This memorandum is filed in response to the memorandum-directions of the Presiding Officer directing that questions of clarification and requests to cross-examine technical witnesses appearing in Week 9 should be filed by midday Monday 18 November 2013.¹
2. This memorandum is filed on behalf of:
 - i The Wai 928 claim by Raymond Tawhaki WI, Michael Tangahoe Burgess and Jane Crown on behalf of themselves and the hapū of Ngāti Raerae;
 - ii The Wai 1255 claim by John Titari Wi, Pauline Kay Stafford, Hone Titari Turu and Mere McGee on behalf of themselves and the hapū of Ngāti Urunumia; and
 - iii The Wai 987 claim by Tame Te Nuinga Tuwhangai and Wayne Anthony Houpapa on behalf of themselves and the hapū of Ngāti Hari/Ngāti Urunumia.

Questions of clarification and cross examination indications

#A63 Public Works and other takings in Te Rohe Pōtae District

3. Counsel seek leave to file questions of clarification and cross examination indications for the report *#A63 Public Works and other takings in Te Rohe Pōtae District*.
4. Leave is sought to file the questions of clarification attached hereto and marked "Appendix A".
5. Leave is reserved to file cross examination topic indications on the answers to questions of clarification depending on responses received.
6. Counsel seek leave to cross examine Mr Alexander as follows:

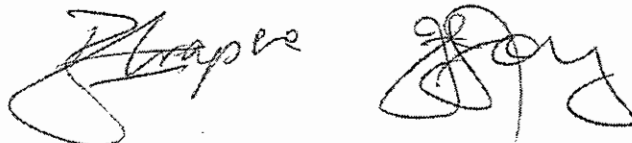
¹ Wai 898 # 2.1.259.

- i For Wai 1255 Ngāti Urunumia and Wai 987 Ngāti Hari/Ngāti Urunumia on the actions of the Crown to deprive the claimants of their lands (the Rangitoto Tuhua blocks in particular) and the loss of economic benefit from their lands through legislative confiscation; and
 - ii For Wai 928 Ngāti Raerae on public works takings in Ongarue.
7. Counsel estimates that 5-10 minutes will be required for this cross-examination.

#A76 Te Rohe Pōtae Environmental and Wāhi tapu report

8. Counsel seek leave to cross examine the authors of the *#A76 Te Rohe Pōtae Environmental and Wāhi tapu report* as follows:
 - i For Wai 1812, Wai 1255 Ngāti Urunumia and Wai 987 Ngāti Hari/Ngāti Urunumia on the gravel extraction and erosion on the Ongarue and Taringamotu rivers;
 - ii For Wai 1255 Ngāti Urunumia on the Ngāti Urunumia and Wai 987 Ngāti Hari/Ngāti Urunumia on the claimants interests in Te Horongopai region;
 - iii For Wai 1812 on Tuna, Pā Tuna and environmental issues regarding awa, streams and waterways.
9. Counsel estimates that 10 minutes will be required for this cross-examination

Dated this 18th day of November 2013 at Auckland



Counsel for the claimants
Bernadette Arapere / James Fong