OFFICIAL

IN THE WAITANGI TRIBUNAL WAI 898

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Te Rohe Pōtae District Inquiry

CROWN MEMORANDUM REGARDING QUESTIONS OF CLARIFICATION AND SEEKING LEAVE TO CROSS-EXAMINE WITNESSES IN HEARING WEEK 9

Dated 18 November 2013

RECEIVED
Waitangi Tribunal
18 Nov 2013
Ministry of Justice
WELLINGTON

CROWN LAW
TE TARI TURE O TE KARAUNA
PO Box 2858
WELLINGTON 6140
Tel: 04 472 1719
Fax: 04 473 3482

Counsel Acting:
Geoffrey Melvin / Liam McKay

MAY IT PLEASE THE TRIBUNAL:

1. This memorandum responds to the Tribunal's timetabling directions that counsel file by Monday 18 November 2013 questions of clarification and requests for cross-examination for hearing week 9 from 9-13 November 2013.

Questions of Clarification

1. The Crown's questions of clarification for witnesses appearing in hearing week 9 are attached as appendices to this memorandum, as follows:

    1.1 Appendix 1: questions for David Alexander regarding his report, "Public Works and Other Takings in Te Rohe Pōtae District" (Wai 898, A63);

    1.2 Appendix 2: questions for Professor Belgrave and others regarding their report, "Te Rohe Pōtae Environmental and Wahi Tapu Report" (Wai 898, A76); and

    1.3 Appendix 3: questions for Wayne Taitoko regarding his report, "A History of the Tokanui Blocks" (Wai 898, A145).

2. The Crown does not have questions of clarification for Professor Belgrave and others in respect of their report "Te Rohe Pōtae Harbours and Coast, Inland Waterways, Indigenous Flora and Fauna, Sites of Significance and Environmental management and Environmental Impacts Scoping Report" (Wai 898, A64).

Request for leave to cross-examine

2. The Crown seeks leave to cross-examine each of the witnesses presenting professional evidence in hearing week 9.

3. The Crown provides the following estimates of time for cross-examination of witnesses and an indication as to the main topics that may be covered:

Witness	Time Estimate	Topic
D Alexander (Wai 898, A63)	1 ½ hours	• Sources and methodology • Legislative framework • Crown acts and omissions in respect of takings covered in the report (including, but not limited to, takings for Tokanui Mental Hospital, Waikeria Prison, Te Kuiti Aerodrome, Raglan Aerodrome and Golf Course) • Prejudice to Rohe Pōtae

		Māori • Matters arising from answers to questions of clarification
Professor M Belgrave (Wai 898, A64 and A76)	1 ½ - 2 hours	• Sources and methodology • Māori and European views of the environment and environmental management • Crown acts and omissions within the Rohe Pōtae inquiry district concerning the environment • Matters arising from answers to questions of clarification
W Taitoko (Wai 898, A145)	30 minutes	• Sources and methodology • Crown acts and omissions covered in the report • Matters arising from answers to questions of clarification

18 November 2013

Geoffrey Melvin/Liam Mckay
Crown Counsel/Assistant Crown Counsel

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