OFFICIAL

IN THE WAITANGI TRIBUNAL

Wai 898
Wai 1995

UNDER	The Treaty of Waitangi Act 1975
And	
IN THE MATTER OF	The Rohe Potae Inquiry District
And	
IN THE MATTER OF	a claim by **Howard Jerry** on behalf of himself, his whanau and for the owners of Awaroa A2H1, A2B1, A2J1 and B4 4B1.

MEMORANDUM OF COUNSEL – HOWARD JERRY ANSWERS TO TRIBUNAL AND CROWN QUESTIONS
Date: 22 November 2013

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Waitangi Tribunal
22 Nov 2013
Ministry of Justice
WELLINGTON

Counsel Acting: Darrell Naden

MAY IT PLEASE THE TRIBUNAL

1. This Memorandum of Counsel is filed on behalf of the named claimant for the Wai 1995 claim, Mr Howard Jerry **("the Claimant")**.

Quarrying on Awaroa A2B1

2. The Claimant was scheduled to present his brief of evidence during hearing week 7 at Waipapa Marae, Kawhia, but was unable to do so due to ill-health.

3. In the Tribunal's memorandum-directions dated 21 October 2013 (**"the Directions"**),[1] His Honour Judge Ambler directed the Claimant to provide a response to a question from the Tribunal Panel.[2]

4. Please find attached the Claimant's response to the Tribunal Panel's questions marked Appendix "**A**".

5. In the Directions, the Presiding Officer granted leave to Crown Counsel to file questions in writing **("the questions")** in respect of a number of witnesses from Hearing Week 7, including the Claimant.[3]

6. The questions were filed by way of Crown Memorandum on 1 November 2013.[4]

7. Please find attached the Claimant's response to the Crown's questions marked Appendix "**A**".

Re-filing of Documents

8. In the Directions, His Honour Judge Ambler directed the Claimant to re-file missing documents from his supporting documents (pages 13-27 of #N14(a)).[5]

9. We have confirmed with the Waitangi Tribunal Registrar that a complete set of supporting documents comprising N14(a) were filed on the 23rd of September 2013, including pages 13-27.

Maori Trustee Purchasing Interests in Awaroa A2J1

10. In the Directions, His Honour Judge Ambler referred to Counsel's opening submissions and the submission that the Maori Trustee purchased

[1] Wai 898, # 2.6.43
[2] Ibid, paragraph 1.20
[3] Ibid, paragraph 1.23
[4] Wai 898 #3.3.489
[5] Wai #898 2.6.43, paragraph 1.21

interests in Awaroa AJ21 thereby becoming a two-fifths owner in the block.[6]

11. His Honour directed Counsel to clarify where this is addressed in the Bassett and Kay report 'Crown Administration and Alienation of Maori Lands in Te Rohe Potae District Inquiry' c. 1931-2010 (#A75) **("the Report")**.[7]

12. The submission at [5][8] is not addressed in the Report. Evidence for the submission was obtained from the document entitled 'List of Owners of A2J1 dated 10 June 1966', page 10 of the supporting documents N14(a), which accompanied the Claimant's brief of evidence.

DATED this 22nd day of November 2013

Darrell Naden - Claimant Counsel

[6] Ibid, paragraph 1.22
[7] Ibid
[8] Wai 898 #3.3.35