

**IN THE WAITANGI TRIBUNAL
TE ROHE POTAE INQUIRY DISTRICT**

**WAI 898
WAI 972**

IN THE MATTER of The Treaty of Waitangi Act 1975

AND

IN THE MATTER of Te Rohe Potae Inquiry District (Wai 898)

AND

IN THE MATTER of a claim by Edward Penetito and others on behalf of the Ngati Kauwhata Claims Komiti, Te Marae o Kauwhata Trust and Nga Uri Tangata o Ngati Kauwhata (Wai 972)

**Memorandum of Counsel
dated 25 October 2012**



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MAY IT PLEASE THE TRIBUNAL

1. This Memorandum of Counsel ("Memorandum") is filed on behalf of the Wai 972 Claimants: Mr Edward Penetito and others on behalf of themselves, the Ngati Kauwhata Claims Komiti, Te Marae o Kauwhata Trust and Nga Uri Tangata o Ngati Kauwhata.
2. This Memorandum is filed further to the Joint Memorandum of Counsel dated 15 October 2012 (Wai 898, #3.1.599) concerning the cross-examination of Ms Cathy Marr.
3. Counsel note that Ms Marr refers to the Ngati Kauwhata Claims Commission Report of 1881 in her Wai 898, #A78 *Te Rohe Potae Political Engagement 1864 – 1886 Report*¹ ("The 1881 Commission Report"). However, this document is not included in the document bank accompanying Ms Marr's Report.
4. Counsel, therefore, respectfully seek leave to provide a copy of the 1881 Commission Report to Ms Marr in advance of the November 2012 hearing week. A copy of this document is, therefore, **attached** as "Appendix 1".
5. Counsel also respectfully request that the Tribunal add a copy of the 1881 Commission Report to the Te Rohe Potae Record of Inquiry.

Dated at Wellington, this 25th day of October 2012



C J Duncan / R M Sandri
Counsel for the claimants

¹ Wai 898, #A78, page 276, footnote 958, which refers to the Report of the Ngati Kauwhata Claims Commission, AJHR G-2a. The Commission's actual Report is on page 3-6 of the attached document.