In the Waitangi Tribunal
Te Rohe Potae

Wai 898

IN THE MATTER of The Treaty of Waitangi Act 1975

AND

IN THE MATTER of Te Rohe Pōtae Inquiry District

Memorandum of Counsel Regarding Filing of Amended Overview Documents

Dated 06 January 2015

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Waitangi Tribunal
6 Jan 2015
Ministry of Justice
WELLINGTON

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May it please the Tribunal

1. This memorandum is filed in accordance with the directions that claimant counsel file follow up matters from Hearing Week 16 by Monday 22 December 2014 (Wai 898, #2.6.109). We seek seek leave to file out of time and it is submitted that minimal prejudice will be caused by this late filing. We have been seeking to liase with Crown counsel regarding the revised land alienation table and this has caused delay in filing these documents.

2. Attached to this memorandum are overview documents as follows:

   (a) Generic Closing Submissions with spelling and referencing amendments;

   (b) Chronology to Generic Closing Submissions with spelling amendments; and

   (c) A revised land alienation table.

Revised Land Alienation Table

3. We note in relation to the revised land alienation table that we have reconciled claimant TSOI 19 figures with the Crown's figures and have adopted the Crown's calculations as provided in their closing submissions.

4. Claimant counsel had used untracked alienation figures rather than tracked alienation figures for their closings. This explains the significant difference between Claimant and Crown figures for the period 1976 – 2010 (Wai 898, #3.4.298 para 24). This brings our total alienation figure to 1,672,600 acres (rounded to the nearest 100 acres). We are yet to reach consensus with the Crown on this total alienation figure.

5. We were also asked at Hearing Week 16 whether there was an 'opt out' option with regard to the 25,607 acres of land in the Rangitoto Tuhua block that was voluntarily transferred to the Maniapoto Tuwharetoa Māori Land

Council 'for administration.'[1] We are yet to confirm this, however will endeavor to do so when finalizing total alienation figures with the Crown.

Land Quality Maps

6. We were also asked at Hearing Week 16 to follow up whether there are any land quality maps on the Record of Inquiry. The following maps may assist the Tribunal in identifying different types of land within the Inquiry District:

   (a) '*Forest cover 1850 & 1880 (approximate)*' (Wai 898, #A21 p 142);

   (b) '*Forest Cover 1910 & 1938 (approximate)*' (Wai 898, #A21 p 143);

   (c) '*Exotic and indigenous forest cover and land remaining in Maori ownership in the Rohe Potae inquiry district, 2010*' (Wai 898, #A25 p 186);

   (d) '*Land Use Capability (LUC) map series analysis*' (Wai 898, #A30 267);

   (e) '*Land use capability in Te Rohe Pōtae inquiry district*' and '*Land in Māori ownership in Te Rohe Pōtae inquiry district*' (Wai 898, #A146 pp 299 – 302).

Dated at Wellington this 6th day of January 2015

Tom Bennion / Emma Whiley

Counsel for the Claimants

[1] Wai 898, #A146 p128.