

BEFORE THE WAITANGI TRIBUNAL

WAI 2490

IN THE MATTER OF

The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

The Ngapuhi Mandate Inquiry (Wai 2490) and the claims concerning the Crown's recognition of the Tuhoronuku Deed of Mandate Wai 2341, 2429, Wai 2431, Wai 2433, Wai 2434, Wai 2435, Wai 2436, Wai 2437, Wai 2438, Wai 2440, Wai 2442, Wai 2483

**JOINT MEMORANDUM OF COUNSEL ON BEHALF OF CLAIMANTS AND
INTERESTED PARTIES OPPOSING THE TUHORONUKU MANDATE**

10 February 2015

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MAY IT PLEASE THE TRIBUNAL:

1. This Joint Memorandum of Counsel is filed on behalf of claimants and interested parties opposing the Tuhoronuku mandate in this proceeding, and is in respect of further hearing planning for newly-released Crown documents.
2. In the Tribunal's Memorandum-Direction dated 22 December 2014, the Tribunal indicated that additional hearing days in March 2015 would be an efficient way to incorporate newly-released Crown documents into this inquiry and complete the hearing process.¹
3. In the Tribunal's Memorandum-Direction dated 2 February 2015, the Tribunal also confirmed that it intends to convene a two-day hearing in the first week of March 2015 in Wellington for this purpose.²
4. On 3 February 2015, a judicial teleconference was held to discuss these matters further. During the judicial teleconference claimant counsel informed the Tribunal that they required more time to review the documents, which they had received from the Crown only the day prior, in order to determine the relevancy of the information and whether witnesses needed to be recalled. Claimant counsel advised that, having reviewed the documents, they would then convene a teleconference on Monday 9 February 2015 to discuss the matter further. Claimant counsel also suggested that a further judicial teleconference be held on Tuesday 10 February 2015 to update the Tribunal on counsel's discussions.
5. Claimant counsel convened a teleconference yesterday (Monday 9 February 2015) and can now advise the Tribunal that there is a general agreement among counsel that the newly-released documentation from the Crown does include relevant information, which requires that Crown witnesses be recalled.

¹ Wai 2490, # 2.7.3, Memorandum-Directions, 22 December 2014.

² Wai 2490, #2.7.5, Memorandum Directions, 2 February 2015.

6. Counsel generally agreed that two hearing days would be required for the questioning of Crown witnesses. Counsel propose that the hearing be held between 2-3 March 2015.
7. Counsel await the release of the Memorandum-Directions of the Presiding Officer, which will set out further requirements in terms of hearing preparations and timetabling, and will respond accordingly. Counsel will then be in a position to confirm exactly which witnesses will likely recalled.



Aidan Warren / Season-Mary Downs
On behalf of counsel for claimants and interested parties