

WAITANGI TRIBUNAL

Wai 2490

CONCERNING

the Treaty of Waitangi Act 1975

AND

the Ngāpuhi Mandate Inquiry

MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER**Introduction**

1. On 12 February 2015, the Tribunal received an update on Crown disclosure and submissions from parties on the indicative inquiry timetable.
2. This memorandum-directions concerns final matters relating to disclosure and confirms the inquiry timetable for the remainder of the evidential phase of this inquiry.

Crown disclosure

3. In a memorandum on 12 February 2015, the Crown advised it had located eight of the ten documents it had previously been unable to locate and filed these with the Tribunal (para 3). They submitted they will continue in their efforts to locate and review the remaining two documents (para 5). The Crown is to provide an update at the next teleconference.
4. On the same date the Crown filed unredacted copies of 14 documents they had categorised as 'irrelevant'. The Crown submitted that, despite descriptions that suggest relevance, the documents are in fact irrelevant. They submitted that, should the Tribunal consider any of the documents to be relevant, they are not distributed until legally privileged material is redacted (paras 6 -7).
5. I have reviewed the 'irrelevant' documents and agree with the Crown that they are not relevant to the inquiry. I am currently reviewing those documents for which the Crown seeks confidentiality. I will update the parties in due course.
6. On 9 February 2015, counsel for Wai 2442 and Wai 2443 submitted a memorandum commenting on the Crown's disclosure process. I had previously granted leave for this submission in my memorandum-directions of 16 January 2015 (#2.7.4, para 13). I direct this submission be placed on the Wai 2490 record of inquiry.

Submissions on the indicative timetable

7. Submissions regarding the indicative filing timetable have been received from claimant counsel, the Crown, and counsel for Tūhoronuku.
8. The Crown have advised it is unlikely that Ms Hickey will be available on 2-3 March due to her role as an advisor to the select committee considering the Te Hiku Claims Settlement Bill which is scheduled to sit in Kaitia on those two days. As Ms Hickey is almost certain to be recalled as a witness in our proceedings, I confirm that our



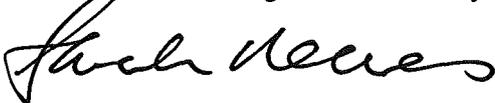
hearing will now take place on **Wednesday 4 March and Thursday 5 March 2015** at the:

**Waitangi Tribunal
Level 2
141 The Terrace
Wellington**

9. Claimant counsel have requested two additional days in which to provide a list of witnesses and documents (para 4a). This is reasonable given the significant number of disclosed documents to be considered and most claimant counsel being involved in the Te Paparahi o Te Raki hearing week beginning 16 February 2015. These indications are now due by **4pm, Wednesday 18 February 2015**.
10. Counsel for Tūhoronuku submitted that although advanced preparation is possible, given the likely volume of claimant closing submissions, they should be given two weeks instead of one to respond to the submissions(para 3). Claimant counsel have opposed this request on the grounds that Tūhoronuku have the same status as interested parties and the claims are against the Crown (para 5).
11. While I have sympathy for counsel's situation, I agree that advanced preparation is possible and that one week remains an adequate amount of time to respond to claimant closing submissions.
12. Claimant counsel also requested more time between the release of the March transcript and filing their closing submissions (para 4b). I am not willing to extend this time from the three days currently allocated. The majority of the evidence in this inquiry was heard in December 2014 and the transcript of that hearing is available. Any new material from the March hearing should be able to be rapidly incorporated into draft closings once the transcript is available. In any case, the audio of the March hearing will be available on request from the Tribunal prior to the transcript being distributed.
13. Claimant counsel have requested leave to file submissions in reply to the Crown and Tūhoronuku's closing submissions. They state they believe 'reply claimant closing submissions in response to the closing submissions of the Crown are an important part of the proceeding ... [and] that this would be the same process followed as the hearing of the applications for this proceeding' (para 4c). I have reviewed this request and grant claimant counsel leave to file reply closing submissions. These submissions should be filed by **12pm, Tuesday 7 April 2015**.
14. A filing timetable is appended to this memorandum-directions as appendix A.

The Registrar is directed to send a copy of this direction to counsel for the claimants, Crown counsel and all those on the distribution lists for Wai 2490, the Ngāpuhi Mandate inquiry.

DATED at Wellington this 13th day of February 2015



Judge S F Reeves
Presiding Officer

WAITANGI TRIBUNAL

Appendix A: Current filing timetable

Parties to file notice of which witnesses they wish to recall and what documents they will be referring to	18 February 2015
Teleconference	1pm, 19 February 2015
Parties to file a hearing timetable	20 February 2015
Hearing	4-5 March 2015
Draft transcript from March hearing available to parties	19 March 2015 (TBC)
Claimant counsel and counsel for interested parties in support to file written closing submissions	23 March 2015
Counsel for Tūhoronuku and interested parties in opposition to file written closing submissions	30 March 2015
Crown counsel to file written closing submissions	2 April 2015
Claimant counsel and counsel for interested parties in support to file written submissions in reply	7 April 2015