IN THE WAITANGI TRIBUNAL

WAI 2750
WAI 1781

IN THE MATTER of The Treaty of Waitangi Act 1975

AND

IN THE MATTER of claims in the Housing and Social Development Kaupapa Inquiry

AND the Wai 1781 claim, being a claim by Tracy Hillier and Rita Wordsworth on behalf of themselves and the hapū of Ngai Tama Haua

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MEMORANDUM OF COUNSEL REGARDING PARTICIPATION IN THE HOUSING & SOCIAL DEVELOPMENT KAUPAPA INQUIRY

DATED THIS 9TH DAY OF MARCH 2018

RECEIVED
Waitangi Tribunal
9 March 2018
Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL

1. This Memorandum of Counsel is filed on behalf of the Wai 1781 claim by Tracy Hillier and Rita Wordsworth on behalf of themselves and the hapū of Ngai Tama Haua.

2. The original Wai 1781 claim was filed by the late Matenga Biddle on 29 August 2008 on behalf of himself and the hapū of Ngai Tamahaua in the North-Eastern Bay of Plenty District Inquiry.[1]

3. Following Mr Biddle's passing, the Claimants were recorded and registered as the named claimants for the Wai 1781 claim.

4. This Memorandum is filed further to Counsel's Memorandum dated 16 February 2018 responding to the Memorandum-Directions ("Directions") of the Chairperson dated 16 November 2017[2] calling for submissions from parties intending to participate in the Housing and Social Development Kaupapa Inquiry ("the Housing Inquiry") and the upcoming Judicial Conferences scheduled for Tuesday 13 March 2018.

5. Counsel in our Memorandum dated 16 February 2018 advised the Tribunal that we were seeking instructions from the Wai 1781 claimants regarding the extent of their participation in this Inquiry and therefore counsel respectfully seek leave to file this Memorandum out of time. It is submitted that no prejudice will be suffered should leave be granted.

Eligibility

6. Ngai Tama Haua is a hapū of Whakatōhea, located within the North-Eastern Bay of Plenty District. This area is yet to have the benefit of a historical Inquiry.

7. The Wai 1781 claim has not been presented before or heard by the Tribunal, is not the subject of a settlement agreement with the Crown and

[1] Wai 1781, #1.1.1, Statement of Claim of Ngai Tama Haua, dated 29 August 2008.
[2] Wai 2750, #2.5.001, Memorandum-Directions of the Chairperson, dated 16 November 2017.

there is no current or pending parallel Inquiry in which this claim could be heard.

8. Counsel submit that the claim falls within the thematic scope of this Inquiry and the claim issues relating to landlessness, housing and social development are of national significance.

9. Therefore, counsel submit that this claim is eligible to participate in the Housing Inquiry.

Wai 1781 Claim

10. The Claimants key issues relevant to this Inquiry are set out in their original Statement of Claim dated 29 August 2008,[3] which are as follows:

    (a) The Crown's failure to prevent, rectify and remedy the rapid alienation of Ngai Tama Haua lands so that they have been left without sufficient lands for their present and future housing needs;
    (b) Legislation, policies and practices that had and continue to have prejudicial effect the socio-economic position of Ngai Tama Haua people;
    (c) The Crown's failure to provide adequate housing services and support to ensure access to adequate and affordable housing; and
    (d) The lack of social services and support for Ngai Tama Haua people to ensure adequate services, assistance and support for housing.

11. The Claimants reserve the right to Amend their Statement of Claim to further particularise their issues in respect of Crown breaches of Te Tiriti o Waitangi that have resulted in prejudice to the Claimants.

[3] Ibid, above n 1.

Judicial Conference

12. The Claimants are supportive of the Judicial Conference taking place on Tuesday 13 March 2018 and seek to participate through counsel as a first step in progressing this inquiry.

Dated at Auckland this 9th day of March 2018

Te Kani Williams/ Coral Linstead-Panoho

Counsel for the Claimants