

Wai 1040

IN THE WAITANGI TRIBUNAL

CONCERNING the Treaty of Waitangi Act 1975

AND the Te Paparahi o Te Raki Inquiry

MEMORANDUM-DIRECTIONS OF JUDGE C T COXHEAD

27 June 2018

1. This memorandum-directions addresses further requests for filing extensions for claimant replies to Crown closing submissions for stage 2 of the Te Paparahi o Te Raki inquiry (Wai 1040).
2. All counsel and claimants are advised I have approved a blanket filing extension to the deadline for filing claim-specific replies to Crown closing submissions (see below).

Request for blanket extension to file specific replies to Crown closing submissions

3. Parties will recall that on 21 May 2018, I extended the filing deadline for claim-specific replies to Crown closing submissions to Tuesday 19 June 2018 (#2.7.15). On 8 June 2018, I granted an extension to counsel Janet Mason to file the generic replies for TSOI issue 1: Tino Rangatiratanga, Kawanatanga and Autonomy: Political Engagement between Māori and the Crown, and for TSOI issue 11: Takutai Moana/Foreshore and Seabed by 15 June 2018 (#2.7.17).
4. Ms Mason filed the generic reply for TSOI Issue 1 on 15 June 2018 (#3.3.450) and sought a further blanket extension for all claimant parties to file specific replies by Wednesday 15 August 2018 (#3.2.2707). On 18 June 2018, Ms Mason sought an extension to file the generic reply to TSOI Issue 11 by Friday 22 June 2018 (#3.2.2710). The Registrar confirms this was filed on 22 June 2018 and I grant leave for it to be placed on the Wai 1040 record of inquiry (#3.2.2725, #3.3.459 & #3.3.459(a)).
5. It appears from several memoranda filed last week that there have been issues with the co-ordination of a single reply on generic matters for TSOI 1 and TSOI 11, which now have caused problems in terms of timing to file replies for specific claims. A number of counsel have also filed memoranda seeking further time, for various reasons, to file replies for specific claims (see memoranda of counsel dated between 11 and 22 June 2018, #3.2.2702 to #3.2.2721).
6. I therefore grant a blanket extension to file specific replies by 15 August 2018. This is so that counsel and claimants can review both the generic replies for TSOI Issue 1 and Issue 11 and decide their applicability to their claim-specific replies.
7. Claimants and counsel are directed to file claim-specific replies to Crown closing submissions by **12pm, Wednesday 15 August 2018**.

Extension requests to file claim-specific replies in July 2018

8. For those counsel who have requested an extension to file claim-specific replies earlier than 15 August 2018, leave is granted as per each request itemised below. These counsel are to also note the blanket extension granted above.

Request to file by 6 July 2018

9. Counsel Robyn Zwaan for the Whakarara Mountain Claim (Wai 375), Kerikeri Lands Claim (Wai 520) and Kapiro Farm Claim (Wai 523) is granted an extension to file claim-specific replies by **12pm, Friday 6 July 2018** (#3.2.2711).

Request to file by 13 July 2018

10. Counsel Cameron Hockly for Marie Tautari and Rowan Tautari on behalf of the Te Whakapiko: Hapū of Ngāti Manaia (Wai 156) claim is granted an extension to file specific replies by **12pm, Friday 13 July 2018** (#3.2.2713).

Request to file by 19 July 2018

11. Counsel Gerald Sharrock is granted a 30-day extension as sought to file claim-specific replies for the following claims by **12pm, Friday 19 July 2018** (#3.2.2708):
 - (a) William Mohi Te Maati Manukau and others for the Ngāti Whatua Lands and Fisheries Claim (Wai 121);
 - (b) Dover Samuels for the Matauri and Putataua Bays Claim (Wai 230);
 - (c) Jane Helen Hotere for the Housing Corporation Claim (Wai 568);
 - (d) Kingi Hori Hamiora (deceased) and Joseph Kingi for the Te Pa O Tahuhu (Mt Richmond, Auckland) Claim (Wai 884);
 - (e) Hori Mariner (deceased) and Naomi Epiha for the Ngā Puhi Land and Resources Claim (Wai 1129);
 - (f) Jane Hotere for the Ngāpuhi (Mahurangi and Tāmaki Makau Rau) Claim (Wai 1313);
 - (g) Maramatanga Stead for the Tauhinu ki Mahurangi Claim (Wai 1460);
 - (h) Denis Patrick Hanley for the Descendants of Patuone of Ngāpuhi Claim (Wai 1896);
 - (i) Joseph Robert Kingi for the Kingi and Armstrong (Ngā Puhi) Claim (Wai 1941); and
 - (j) Elizabeth Warren for the Te Uri O Mate (Warren) Claim (Wai 1970).

12. The Registrar advises that Mr Sharrock seeks to file replies for two claims for which his representation is unclear at this stage. These are for:
 - i. Teresa Jo-Anne Ladinia Orsler and Elizabeth Baker for the Ngāti Rahiri Rohe Claim (Wai 654);
 - ii. Edryss Matenga Armstrong (deceased), and Kingi Taurua (deceased) for the Ngā Puhi Tāmaki Makaurau Settlement Negotiations (Armstrong) Claim (Wai 2191).

13. Mr Sharrock is directed to clarify the nature of his representation in respect of these two claims.

Requests to file claim-specific replies by 30 July 2018

14. All counsel itemised below are granted leave as sought to file claim-specific replies by **12pm, Monday 30 July 2018**.
 - i. Counsel Darrell Naden, Karuna Deobhakta, and Sarah Zellman for the following claims (#3.2.2702):
 - (a) Emma Gibbs Smith for the descendants of Ngāti Kawa, Ngāti Rahiri and Ngare Raumati (Wai 1477);
 - (b) Te Enga Harris and Lee Harris on behalf of the Wiremu Hemi Harris and Meri Otene whānau, and the descendants of Ngāti Rangī, Ngāti Here, Ngāi Tupoto, Ngāti Hohaitoko, Ngāti Kopuru, Te Rarawa and Ngāti Uenuku (Wai 1531);
 - (c) Chappy Harrison for the Harihona whānau and Ngāti Tara (Wai 2000);
 - (d) Ester Horton for the Horton whānau and the descendants of Ngāti Hineira and Te Uri Taniwha (Wai 1522);
 - (e) Denise Egen for her whānau and members of Mahurehure (Wai 2005);
 - (f) Jasmine Cotter-Williams for the Ngāti Taimanawaiti (Wai 2063);

- (g) Ian John Mitchell for the Mitchell whānau, and descendants of Ngāti Hineira and Te Uri Taniwha (Wai 1716);
 - (h) Bryce Peda-Smith, Steven Mark Renata and Russell Owen Smith for Ngāti Pakahi, and on behalf of Nuki Aldridge (deceased) (Wai 2377);
 - (i) John Pikari for the descendants of Hone Karahina, and on behalf of the Te Uri o Hua and Ngāti Torehina hapū (Wai 2394);
 - (j) Ruben Taipari Mare Porter for his whānau and members of Kaitangata, Ngā Tahawai and Whanau Pani hapū (Wai 1968).
 - (k) Wiremu Reihana for the Reihana whānau and members of the Ngāti Tautahi ki Te Iringa hapū (Wai 1957);
 - (l) James Henare Te Tuhi for the Te Tuhi whānau and members of the Te Popoto and Te Hikutu hapū (Wai 2061);
 - (m) Violet Walker and Nuki Aldridge (deceased), and on behalf of Te Tahawai and Ngāti Uru (Wai 2382);
 - (n) Charlene Walker-Grace for Te Hokingamai e Te Iwi o Mahurangi and Ngā Wahapu o Mahurangi-Ngāpuhi, and Te Tāōū hapū of Makawe (Wai 2206); and
 - (o) Violet Walker and Bryce Peda-Smith for Nuki Aldridge (deceased), and Te Whānau o Rataroa (Wai 2376).
- ii. Counsel Peter Johnston and Emily Stretch for Michael John Le Gros, Grace Ngaroimata Le Gros, the late Cedric Powhiriwhiri Tanoa, Rangi Tahuri Te Ruruku, Leata Tanoa and Toka Toka Te Retimana for the descendants of Tanoa Te Uhi, Te Whiutahi Warahi, Wakatere Matene Totara Te Retimana and Ngakapu Reremoana Motu (aka Mutu), and Ripeka Tane (Wai 1147) claim (#3.2.2703).
- iii. Counsel Chris Beaumont for the following claims (#3.2.2705):
- (a) Gray Theodore, Pereme Porter and Rangimarie Maihi for Ngāpuhi (Wai 966);
 - (b) Deirdre Nehua for the whānau, hapū and iwi of Te Tai Tokerau (Wai 1837);
 - (c) Maringitearoha Kalva Emily Pia Broughton and Violet Elaine Nathan on behalf of the Children of Te Taitokerau (Wai 2217); and
 - (d) Te Raumoa Balneavis Kawiti and Rhonda Aorangi Kawiti for the Kawiti Marae Committee, the Kawiti whānau, and descendants of Ngāti Hine, Ngāti Manu, Te Kapotai, Ngāti Rahiri, Ngāti Rangi, Ngāitewake and Ngā Puhi iwi (Wai 120).
- iv. Counsel David Stone, Brooke Loader, and Catherine Leauga for the following claims (#3.2.2706).
- (a) Donna Washbrook and Warren Moetara for the Pakanae School Site Claim (Wai 779);
 - (b) Otaiuru Lawrence for the Descendants of Hoori Rarani and Te Orewai Hapū Claim (Wai 1533);
 - (c) Eru Lyndon for the Ngā Puhi Economic Issues (Lyndon) Claim (Wai 1582);
 - (d) Marino Mahanga for the Descendants of Toi Te Hua Tahī and Te Maawe Claim (Wai 1712);
 - (e) Sheena Ross, Julia Mereana Makaore, Muriel Margaret Faithful, Vivian Dick, Miriam Ngamutu and Garry Hooker for the Ngāti Korokoro and Te Pouka (Sheena Ross and Kim Isaac) Claim (Wai 1857);
 - (f) Lissa Davies-Lyndon and Huhana Lyndon for the Descendants of Sylvia Jones Claim (Wai 1959);

- (g) David Carpenter for the Native Land Court Legislation (Carpenter) Claim (Wai 1961);
- (h) Hana Tarrant and Mike Pehi for the Te Mahurehure Lands Claim (Wai 1971);
- (i) Joseph Tarrant for the Te Mahurehure (Tarrant) Claim (Wai 2057);
- (j) Timothy Temple Edwards, Pirini Edwards, Henare Edwards and Annie Clark for the Descendants of Ngatote and Ngawai Pirini Lands (Edwards) Claim (Wai 2152);
- (k) Kolaski Lawrence and Otaiuru Lawrence for the Te Orewai Lands (Lawrence) Claim (Wai 2153); and
- (l) Marino Murphy for the Crown Administration of Lands (Murphy) Claim (Wai 2240).

Requests to file claim-specific replies by 31 July 2018

15. All counsel itemised below are granted leave as sought to file claim-specific replies by **12pm, Tuesday 31 July 2018**.

- i. Counsel Brian Gilling and Sarah Dysart for the Whangaroa Taiwhenua reply and the following claims (#3.2.2712):
 - (a) Patricia Jane Tauroa and the late Nuki Aldridge on behalf of Ngā Hapū o Whangaroa (Wai 58);
 - (b) Te Raa Nehua and others for and on behalf of the Ngāti Hau Trust Board and Ngāti Hau Hapū o Ngāpuhi (Wai 246);
 - (c) Karanga Pourewa, Hinemoa Pourewa, the late Tarzan Hori and William Hori on behalf of themselves and the descendants of Whakaki and Te Hapū o Ngāti Kawau (Wai 1312); and,
 - (d) Erimana Taniora on behalf of himself and Ngātiuru and Te Whānaupani (Wai 1333).
- ii. Counsel Moana Tuwhare for the following claims (#3.2.2715):
 - (a) Nita Brougham (dec), Matilda Shotter (dec), Harriet Alice Wilson (dec) and Paeata Brougham-Clarke for and on behalf of the descendants of George Lawrence Yorke and Peata Paraki Yorke (nee Mete) relating to Raurangi Land (Wai 109);
 - (b) Hone Mihaka, Arthur Ashby and Monica Ashby for and on behalf of the Hapū of Ngāti Hineira, Te Uri Taniwha, Ngāti Korohue, Te Whānau Whero and Ngāti Rangī, and Irihapeti Morgan and Murray Painting for and on behalf of the Hapū of Te Popoto (Wai 1131);
 - (c) Ted Te Puru Wihongi and Miller Kamira Wihongi for and on behalf of the whānau, and as members of Te Uri o Hua (Wai 1478);
 - (d) Wayne Graham Stokes and Maurice Edward Penney for and on behalf of themselves and the people of Te Urikapana and Ngare Hauata hapū, the beneficiaries of the Kiwikiwi Whānau Charitable Trust and the beneficiaries of the Remana and Arihi Kiwikiwi Whānau Trust (Wai 1679); and
 - (e) Hohipa Matene for and on behalf of the descendants of Kuaō, Whitianga and Takurua (Wai 1715).
- iii. Counsel Peter Johnston and Daniel Hunt for Rau Hoskins on behalf of the Motu Kokako Ahu Whenua Trust and the owners of Motu Kokako (Wai 2022) (#3.2.2714).

- iv. Counsel K Dixon and A Castle for the following claims (#3.2.2723):
- (a) Paki Pirihi on behalf of Patuharakeke (Wai 745);
 - (b) Ngawaka Pirihi and others on behalf of the owners of Pukekauri 1B1, 1B2, 1B3, 1B4 and 1B5 and Takahiwai 4C, 4D1, 4E, 7A, 7B2 and 7C (Wai 1308);
 - (c) Cheryl Turner, John Klaricich, Harerei Toia (deceased), Ellen Naera, Fred Toi, Warren Moetara and Hone Taimona on behalf of Ngāti Korokoro, Ngāti Wharara and Te Pouka Hapū (Wai 2003);
 - (d) John Klaricich and others on behalf of the whānau and hapū of Ngāpuhi, Te Rarawa and Te Roroa Iwi (Wai 250); and
 - (e) Frederick Thomas Clarke on behalf of himself and his whānau, and the descendants of Hiria Hiki Tana (Wai 1431).

Request to file claim-specific replies up to and including 31 July 2018

16. Counsel Linda Thornton and Bryce Lyall are granted leave to file claim-specific replies and any additional submissions replying to Crown TSOI issue 1 closings up to and including **12pm, Tuesday 31 July 2018** for the following claims (#3.2.2709):
- (a) John Rameka Alexander (deceased), Te Maramatanga Napia, Natalie Kay Baker, Bonny Craven for the Puketotara Block Claim (Wai 421);
 - (b) Jimmy Ruawhare (deceased) and Diane Ruawhare for the Tarairei 1E2 Block Claim (Wai 593);
 - (c) Michael John Beazley for the Great Barrier Island, Little Barrier Island, Mokohinau Group of Islands Claim (Wai 678);
 - (d) John Rameka Alexander (deceased), Rangimarie Thompson (deceased) and Bonnie Craven of Ngāpuhi for the Inland Kerikeri Claim (Wai 869);
 - (e) John Rameka Alexander (deceased), Cynthia Rameka, Te Iwingaro Rameka and Piki Mitchell for the Kororipo Lands and Resources Claim (Wai 1247);
 - (f) Steve Panoho for the Te Rae Trust Claim (Wai 1725);
 - (g) Pouri Te Wheoki Harris and others for the Ngā Uri o Tupoto Incorporated and Ngāti Toro Claim (Wai 1507);
 - (h) Ani Taniwha for the Ngāti Hine, Ngāti Kawau, Ngāti Kawhiti and Ngā Uri o Te Pona (Taniwha) Claim (Wai 1666);
 - (i) Tarewa Kingi and Owen Kingi on behalf of Whangaroa Papa Hapū and Ngāti Uru for the Hapū o Te Rohe Pōtae o Whangaroa (Kingi) Claim (Wai 1832);
 - (j) John Rameka Alexander (deceased) and Charlotte Alexander for the Te Whiu and Kin Hapū Claim (Wai 1890);
 - (k) Justyne Te Tana for the Taniwha and others Lands Claim (Wai 2010);
 - (l) Lorraine Joan Norris for the Porotī Lands (Norris) Claim (Wai 2058);
 - (m) Julie Taniwha for the Ngā Uri o Te Pona Waahi Tapu (Taniwha) Claim (Wai 2149);
 - (n) William Albert Haku Kapea and Michael John Beazley for the Ngā Uri o Maki-nui Lands (Kapea and Beazley) Claim (Wai 2181);
 - (o) Lydia Karaitiana for the Mohinui/Waiōmio Development Scheme and other lands (Karaitiana) Claim (Wai 2368); and

- (p) Kathleen Florence Smith, Georgina Clark and Maia Pitman for the Kaikohe Aerodrome (Smith) Claim (Wai 2373).
17. Counsel Annette Sykes, Rebekah Jordan and Jordan Bartlett are granted leave to file claim-specific replies on a staggered basis up until **12pm, Tuesday 31 July 2018** for the following claims (#3.2.2719):
- (a) Arapeta Wikito Pōmare Hamilton on behalf of the descendants of Pōmare II and members of Ngāti Manu, Te Uri Karaka, Te Uri o Raewera and Ngāpuhi ki Taumārere tribes (Wai 354);
 - (b) Geoffrey Fuimaono-Karena on behalf of the Kaneihana Wairemana Trust, the Wairemana Whānau Trust, the Eruera Garland Whānau Trust and the Wire Mohi Whānau Trust (Wai 1151-1169);
 - (c) Pita Apiata on behalf of Ngāti Kawa and Ngāti Manu (Wai 1514);
 - (d) Joyce Baker and Deon Baker on behalf of the descendants of Pōmare II and members of the Ngāti Manu, Te Uri Karaka, Te Uri o Raewera and Ngāpuhi ki Taumārere tribes (Wai 1535); and
 - (e) Marsha Davis, Wiremu Tane and Elizabeth Baker on behalf of the descendants and rightful successors of the Chiefs and people of Ngāti Rahiri ki Waitangi (Wai 1664).
18. At the time of writing, Mses Sykes, Jordan and Bartlett have filed specific replies for Wai 1151-1169 on 19 June 2018 (#3.2.2719), for Wai 1514 on 21 June 2018 (#3.2.2722, #3.3.451), and for Wai 354 and 1535 on the 22 June 2018 (#3.2.2724, #3.3.458).

The Registrar is to send this direction to all those on the notification list for Wai 1040, the Te Paparahi o Te Raki inquiry.

DATED at Rotorua this 27th day of June 2018



Judge C T Coxhead
Presiding Officer
WAITANGI TRIBUNAL