

IN THE WAITANGI TRIBUNAL

Wai 2800

Wai 1073

Wai 1738

IN ACCORDANCE WITH

the Treaty of Waitangi Act 1975

AND

PURSUANT TO

Te Tiriti o Waitangi

IN THE MATTER OF

the Inquiry into Remaining Historical Claims: Southern North Island and South Island Claims

AND

IN THE MATTER OF CLAIMS BROUGHT BY:

Peture Kiwara and Chris Ngataierua on behalf of the descendants of Te Kere Ngataierua – WAI 1073,

AND

Rufus Bristol on behalf of the non sellers being the holders of unextinguished aboriginal title – WAI 1738

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MEMORANDUM OF COUNSEL

SEEKING SHORT EXTENSION TO FILE SUBMISSIONS REGARDING INCLUSION OF WAI 1073 AND WAI 1738 IN THE WAI 2800 INQUIRY

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**Counsel Acting:**

C Hirschfeld/B Tūpara  
Ranfurly Chambers  
Barristers-at-Law  
143 Great South Road  
Greenlane  
Auckland 1051



Mobile: 021-2289757; Email: charl@ranfurlychambers.co.nz

## MAY IT PLEASE THE TRIBUNAL

1. This memorandum is filed on behalf of Petuere Kiwara and Chris Ngataierua on behalf of the descendants of Te Kere Ngataierua – **WAI 1073** together with Rufus Bristol on behalf of the non sellers being the holders of unextinguished aboriginal title – **WAI 1738** (“the Claimants”).
2. This memorandum is in response to memorandum-directions Wai 2800, #2.5.2, dated 1<sup>st</sup> October 2018 wherein:

4. *Attached as **Appendix B** is a preliminary list of claims that staff have determined as not eligible to participate in this inquiry. The reason the historical aspects of each claim have been assessed as ineligible is noted briefly alongside the claim. These reasons include that the historical aspects of the claim:*

- (a) *have been settled by legislation and removed from the Tribunal’s jurisdiction;*

- (b) *are included in current settlement negotiations;*

- (c) *are participating in current Tribunal inquiries; or*

- (d) *have already been reported on by the Tribunal.*

5. *If any parties consider the assessment of their claim to be incorrect, they are to file submissions explaining how their claim comes within the scope of this inquiry by no later than midday, Friday 28 December 2018.*

3. The Claimants’ claims are listed in Appendix B as follows:

*1073 Ngāti Kowhaikura Waimarino and Ruapehu Blocks Alienation Claim*

*Listed as claim to be fully settled in Te Korowai o Wainuiārua (Central Whanganui) Terms of Negotiation (20 February 2017), cl 7.1.2(g).*

*Chris Ngataierua and Petuere Kiwara*

*1738 Waimarino Block (Bristol) Claim*

*Listed as claim to be fully settled in Te Korowai o Wainuiārua (Central Whanganui) Terms of Negotiation (20 February 2017), cl 7.1.2(u).*

*Rufus Bristol*

4. Counsels understand that the Claimants' claims fall within the scope of the Wai 2800 Inquiry notwithstanding their listing in Appendix B, however on that matter Counsels and the Claimants are still in the throes of 'piecing together' the arguments to support inclusion and with the Christmas-New Year break looming a short filing extension is sought to enable completion of that task.
5. It is also understood by Counsels that the Claimants' claims should not have been included in the Te Korowai o Wainuiārua (Central Whanganui) Settlement and steps were taken to effect withdrawal. However, the Claimants were represented by other Counsel in that regard. Therefore, these Counsels are in 'catch up' mode as the past events and actions are being worked though, as a matter of necessity.
6. The short extension sought is **to midday, Friday, 18<sup>th</sup> January 2019**.
7. Notably both claims are included in the Wai 2200 Porirua Ki Manawatū Inquiry and are being amended to meet the direction that particularised statements of claim file by midday, Thursday 28 February 2019.<sup>1</sup> Given that scenario it is also a matter of reconciling where, when and how both claims can and should be heard.
8. Counsels submit that all and any parties will not suffer adversely or be prejudiced by the short extension sought.

**Dated at Tamaki-makaurau - Auckland** this 20<sup>th</sup> day of December 2018

 

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**Charl Hirschfeld**  
**Counsels for the Claimants**

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**Barney Tūpara**

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<sup>1</sup> Wai 2200, #2.6.37, paragraph 11.