

IN THE WAITANGI TRIBUNAL

**WAI 2800
WAI 1623**

UNDER the Treaty of Waitangi Act 1975

AND IN THE MATTER of remaining historical inquiries

AND IN THE MATTER of a claim on behalf of Ngāti Rangatahi (Wai 1623)

**MEMORANDUM OF COUNSEL FOR NGĀTI RANGATAHI IN
RELATION TO VARIOUS CLAIMS AND INQUIRY DISTRICTS**

Dated: 21 December 2018

RECEIVED

Waitangi Tribunal

24 Dec 2018

Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL:

1. This memorandum of counsel, on behalf of the Ngāti Rangatahi claimants (Wai 1623), is submitted in the Wai 2200 Porirua ki Manawatu Inquiry and also in the Wai 2800 Remaining Historical Claims Inquiry. It seeks directions as to how Ngāti Rangatahi can best proceed with its claims in respect of the Wairau Valley, Heretaunga and Manawatu.
2. Ngāti Rangatahi did not appear in the Northern South Island District Inquiry, nor in the Wellington District Inquiry. The Treaty of Waitangi Act 1975 does not require appearance in every district in respect of which a claimant has a claim, nor does tikanga provide for this. Rather, according to tikanga, a claimant or claimant group should speak from its own turangawaewae or marae, which is now in the Manawatu.
3. Therefore, the preference of Ngāti Rangatahi is for all its claims, in respect of the Wairau Valley, Heretaunga and Manawatu, to be heard within the Wai 2200 Porirua ki Manawatu Inquiry. This approach is also most coherent and convenient, provided that the Tribunal can make provision for the hearing of claims outside of the district inquiry boundaries.
4. Security of interest also supports such an approach. By way of illustration, Ngāti Rangatahi understands that its neighbours Ngāti Waewae appeared in the Ngāti Tuwharetoa Inquiry and settled, and that the Crown now challenges their right to a settlement in respect of their losses in the Manawatu. Ngāti Rangatahi is wary of such unintended adverse consequences. Furthermore, Ngāti Rangatahi only wishes to settle once, rather than two or three times.
5. If it is not possible for all its claims to be heard in the Wai 2200 Porirua ki Manawatu Inquiry, then Ngāti Rangatahi seeks directions from the Tribunal as to how the claims in respect of the Wairau Valley and Heretaunga should be heard, presumably within the Wai 2800 Remaining Historical Claims Inquiry.

6. Ngāti Rangatahi notes that directions in this regard will influence its particularisation of its statement of claim, due for filing in the Wai 2200 Inquiry by 28 February 2019.

DATED at Wellington this 21 December 2018.



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D Hall / D Kleinsman
Solicitors for the Claimants