

**IN THE WAITANGI TRIBUNAL
KI MUA I TE TARAIPUNARA O WAITANGI**

**Wai 2800
Wai 2228**

UNDER the Treaty of Waitangi Act 1975

IN THE MATTER OF remaining historical claims

AND

IN THE MATTER OF a claim by Andrea Maria Moana Moore
and Robert Trent Taylor in the Taranaki
Inquiry District

**MEMORANDUM OF COUNSEL FOR CLAIMANTS ANDREA MARIA MOANA
MOORE AND ROBERT TRENT TAYLOR SEEKING TO BE INCLUDED IN
THE WAI 2800 INQUIRY
Dated: 8th January 2019**

RECEIVED

Waitangi Tribunal

8 Jan 2019

Ministry of Justice
WELLINGTON

Counsel Directly Instructed:
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Leave to File This Submission After Midday on Friday 28 December 2018

8. Counsel was first made aware of the WAI 2800 inquiry when Andrea Moore and Robert Taylor's former counsel (Catherine Leauga of Te Mata Law) advised by email, on 14th December 2018, that the Claimants may have an interest in the WAI 2800 inquiry. At that stage counsel had had a first meeting with the Claimant Andrea Moore on 20 November and had arranged to meet with Robert Taylor on 18 December. Counsel has received instructions from Robert Taylor to pursue this matter but not from Andrea Moore who is presently in Australia caring for a grandchild.

9. Counsel seeks leave to file this submission late for the following reasons:
 - 9.1 Counsel has only recently been instructed in respect of the claimants' WAI 2228 claim. Te Mata Law, who were previously acting, were required by the Law Society to rectify a conflict of interest by ceasing to act for the WAI 2228 claimants. Counsel is not involved in any Treaty matters within the areas covered by the WAI 2800 inquiry (counsel was only involved in the Te Rohe Potae (WAI 898) inquiry prior to being instructed by the WAI2228 claimants).

 - 9.2 Legal Aid was transferred to Counsel on 24th October 2018, and a Notice of Change of Counsel was filed with the Tribunal on 5th November 2018.

 - 9.3 Counsel only received notice of the WAI 2800 inquiry on 14 December 2018.

Eligibility

13. It is submitted that the WAI 2228 (as it is presently numbered) claim in its original form received by the Tribunal on 1 September 2008 is eligible as a historic claim.

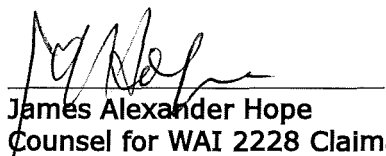
14. The claim:
 - 14.1 Has not been excluded from further inquiry (not included in the **Appendix B** list).

 - 14.2 Was not fully investigated in the Taranaki inquiry that resulted in the *Kaupapa Tuatahi* report.

 - 14.3 Raises a valid issue for investigation, namely the existence of Ngati Awa and its connection with the denigration of Te Rangitaake.

 - 14.4 Is supported by the *Ngatiawa: Land and Political Engagement issues, c.1819-1900* report (**#A194**), dated 11 December 2017 and researched and written by Tony Walzl. This report was commissioned for the WAI 2200 Porirua ki Manawatu Inquiry. It is relevant to the Claimants' Waitara claim. Any further research commissioned on this matter would undoubtedly use this report as a foundation.

Dated this 8th day of January 2019


James Alexander Hope
Counsel for WAI 2228 Claimants