

**WAITANGI TRIBUNAL**

Wai 2800

**CONCERNING**

the Treaty of Waitangi Act 1975

**AND**

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

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**FURTHER MEMORANDUM-DIRECTIONS OF CHIEF JUDGE W W ISAAC**  
**CONCERNING ELIGIBILITY**

18 December 2019

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1. On 1 October 2018, I directed parties to respond to the preliminary lists of claims assessed by Tribunal staff as eligible or ineligible to participate in Wai 2800, the Inquiry into Remaining Historical Claims: Southern North Island and South Island Claims (Wai 2800, #2.5.2). I considered the submissions received in my memoranda-directions of 12 June 2019 (Wai 2800, #2.5.4) and 11 December 2019 (Wai 2800, #2.5.5), in which I directed that five claims be formally aggregated or consolidated into this inquiry. I also gave a further opportunity for counsel for Wai 158, Wai 2163 and Wai 2228 to file by 17 January 2020 (Wai 2800, #2.5.4 at [6] & [18]).
2. The Tribunal has since received further filing from counsel for claimants wishing to participate in the Wai 2800 inquiry. This memorandum-directions responds to those requests.

### **Wai 1490, the Ngāti Whanokirangi Hapū Lands and Resources Claim**

3. On 9 September 2019, counsel for Wai 1490 filed submissions requesting that the claim be included in this inquiry (Wai 2800, #3.1.13). The Wai 1490 claim is currently included in Wai 2200, the Porirua ki Manawatū Inquiry, but counsel submit that the claimants' allegations extend beyond that inquiry district into the Wai 2800 inquiry region.
4. As this claim was not included in the Tribunal's preliminary list of claims assessed as eligible or ineligible to participate in this inquiry, the Crown has not yet had the opportunity to file submissions on the eligibility of Wai 1490 to participate. Accordingly, I direct the Crown to file any submissions it wishes to make on this matter by **midday, Friday 17 January 2020**.

### **Wai 158 and Wai 2163 – claims relating to forestry**

5. The Crown submitted that some elements of the Wai 158 and Wai 2163 claims would be best suited to be heard in the future economic development kaupapa inquiry because that would allow those matters to be dealt with by a panel with expertise on economic development and for the claims to be considered alongside other forestry claims. In my memorandum-directions of 12 June 2019, I directed counsel for Wai 158 and Wai 2163 to respond to this proposal by 10 July 2019 (Wai 2800, #2.5.4).
6. As no submissions were received from counsel for the claimants, I proceeded to decide that the claims would be inquired into in full in the Wai 2800 inquiry, unless the claimants filed by 17 January 2020 seeking a different approach.
7. On 11 December 2019, the Tribunal received submissions from counsel for the Wai 158 and Wai 2163 dated 10 July 2019 (Wai 2800, #3.1.14). In this memorandum, counsel submitted that the claims should be inquired into fully as part of the Wai 2800 inquiry.
8. Claimant counsel's submissions are in line with the directions I have already made. The claims will be fully inquired into as part of this inquiry and counsel are not required to file any further submissions on this matter.

### **Wai 2176, the Descendants of Aperahama Hutoitōi (Heaslip) Claim**

9. Wai 2176 is on the list of claims Tribunal staff assessed as possibly eligible to participate in the Wai 2800 inquiry (Wai 2800, #2.5.2, Appendix B). The Crown submitted that Wai 2176 appeared to be fully settled by the Ngāi Tahu Claims Settlement Act 1998 but that a lack of information in the statement of claim raised some ambiguity (Wai 2800, #3.1.3). The Crown suggested that the Tribunal seek further information from the claimant in order to determine whether it has jurisdiction to inquire into the claim.
10. On 16 December 2019, the Tribunal received a memorandum of counsel for Wai 2176 dated 9 September 2019, responding to the Crown's submissions (Wai 2800, #3.1.15). Counsel respond to the Crown's question as to the claimant's iwi or hapu affiliation, clarify the nature of the allegations made and submit that the claim is eligible to participate despite the Ngāi Tahu Claims Settlement Act 1998.
11. The Crown should be given the opportunity to respond to these submissions. If the Crown wishes to respond, it is to do so by **midday, Friday 17 December 2019**.

The Registrar is to send this direction to all those on the notification list for Wai 2800, the Inquiry into Remaining Historical Claims: Southern North Island and South Island Claims.

**DATED** at Gisborne this 17<sup>th</sup> day of December 2019



Chief Judge W W Isaac  
Presiding Officer

**WAITANGI TRIBUNAL**