

**IN THE WAITANGI TRIBUNAL**

Wai 1040

**CONCERNING**

the Treaty of Waitangi Act 1975

**AND**

the Te Paparahi o Te Raki  
Inquiry

---

**MEMORANDUM-DIRECTIONS OF JUDGE C T COXHEAD**

15 July 2022

---

## **Requests concerning the aggregation of claims currently consolidated in the Te Paparahi o Te Raki inquiry**

1. These memorandum-directions concern requests to change the status of claims from consolidated to aggregated in the Te Paparahi o Te Raki (Wai 1040) inquiry.

### *The nature of aggregation and consolidation*

2. In 2011, at the beginning of the aggregation and consolidation process for Wai 1040, I outlined the nature of consolidation and aggregation to parties (Wai 1040, #2.5.87):

Where there are multiple claims in an inquiry, the Tribunal's practice is to combine the record of inquiry of each claim into one common record of inquiry. In doing so, the record of each individual claim is either consolidated or aggregated within the combined record.

If a claim is consolidated, it means that all allegations in the claim fall within the Te Paparahi o Te Raki inquiry boundaries. The entire claim will be heard as part of our inquiry.

If a claim is aggregated, it means that some allegations in the claim fall within the Te Paparahi o Te Raki inquiry boundaries, and some allegations fall within the boundaries of other inquiries. Only aspects of the claim that fall within the Te Paparahi o Te Raki inquiry boundaries will be heard in our inquiry.

3. I released the Tribunal's assessment of which claims should be aggregated or consolidated within the Te Paparahi o Te Raki record of inquiry, and invited parties to file any responses they may have (Wai 1040, #2.5.87 at [6]). The Tribunal did not receive any objections at the time and therefore many claims were consolidated into the Te Paparahi o Te Raki inquiry on 22 December 2011 (Wai 1040, #2.5.106).
4. The Tribunal has since commenced its kaupapa inquiry programme. The Chairperson, in his memorandum concerning the kaupapa inquiry programme dated 1 April 2015, has emphasised that claims or parts of claims cannot be inquired into twice (at [15]).

### *Change of claims' status from consolidated to aggregated directed to date*

5. Following consideration of submissions received regarding the commencement (from 25 September 2014) of an inquiry into claims concerning military veterans issues (Wai 2500, #2.5.1) – and with the agreement with the Presiding Officer for the Military Veterans Kaupapa Inquiry – on 25 August 2015, I directed that the Te Paparahi o Te Raki Tribunal would not inquire further into veterans issues. I consequently aggregated those claims raising military veterans allegations that had been consolidated in this inquiry. This was to allow those claimants with veterans issues to also participate in the Military Veterans Kaupapa inquiry (Wai 1040, #2.6.153).
6. Similarly, on 7 February 2020, I confirmed a change of status from consolidated to aggregated in relation to nine claims on the basis that from the additional allegations that the claimants had indicated they intended to raise, it was apparent that the Wai 1040 inquiry would not fully inquire into and report on those claims. I observed, however, that this did not mean the claims were necessarily eligible for inclusion in the kaupapa inquiries they wish to participate in because eligibility would be determined by the respective Tribunal panels of those inquiries (Wai 1040, #2.7.30). I noted that for some of these claims there was substantial overlap between some of the kaupapa inquiry topics and the evidence and submissions that had been heard by the Wai 1040 Tribunal and indicated those I considered that remained within the scope of this Tribunal.

7. On 23 August 2021, I confirmed a change of status from consolidated to aggregated in relation to the Emma Gibbs Smith and Whānau (Bay of Islands) (Wai 1477) claim as the mana wāhine and military veterans allegations had not been heard in the Te Paparahi o Te Raki inquiry (Wai 1040, #2.7.33).

*Change of claim status from consolidated to aggregated for claims to participate in the Housing Policy and Services kaupapa inquiry*

8. On 22 December 2020, in a Housing Policy and Services kaupapa inquiry memorandum-directions, I, as the Presiding Officer for the Te Paparahi o Te Raki inquiry, directed the Tribunal's Registrar to remove the following claims from the list of consolidated claims in the Te Paparahi o Te Raki inquiry and add them to the list of aggregated claims (Wai 2750, #2.5.29 at [19]):
  - (a) the Opuā Lands and Waterways (Wai 120) claim;
  - (b) the Puketōtara Block (Wai 421) claim;
  - (c) the Taiāire 1E2 Block (Wai 593) claim;
  - (d) the Patuharakeke Hapū Lands and Resources (Wai 745) claim;
  - (e) the Inland Kerikeri (Wai 869) claim;
  - (f) the Ngāpuhi Te Tiriti o Waitangi (Wai 966) claim;
  - (g) the Hokianga Regional Lands (Wai 985) claim;
  - (h) the Kororipo Lands and Resources (Wai 1247) claim;
  - (i) the Patuharakeke Hapū ki Takahiwai (Wai 1308) claim;
  - (j) the Kauwhata, Rangī and Wharetōtara (Wai 1383) claim;
  - (k) the Whangaruru Lands (Wai 1384) claim;
  - (l) the Descendants of Wiremu Pou (Wai 1537) claim;
  - (m) the Hapū o Te Rohe Pōtae o Whangaroa (Kingi) (Wai 1832) claim;
  - (n) the Whānau and Hapū of Te Tai Tokerau Settlement Issues (Nehua) (Wai 1837) claim; and
  - (o) the Waitaha (Te Korako and Harawira) (Wai 1940) claim.
9. I noted the change of status of these claims would be confirmed in corresponding memorandum-directions issued in the Te Paparahi o Raki inquiry.
10. I now confirm that the status of the claims listed at [8(a)-(o)] is changed from consolidated to aggregated.

## Recent requests for change in status from consolidated to aggregated

11. The Wai 1040 Tribunal has received 27 further specific requests for change in status from consolidated to aggregated as follows:

- (a) the Whangaroa Lands and Fisheries (Wai 58) claim (Wai 1040, #3.4.39);
- (b) the Ngāti Hine Lands, Forests and Resources (Wai 682) claim (Wai 1040, #3.4.19);
- (c) the Pakanae School Site (Wai 779) claim (Wai 1040, #3.4.10);
- (d) the Kaikohe Whenua Public Works (Wai 974) claim (Wai 1040, #3.4.42);
- (e) the Ngāpuhi Kuia and Kaumatua (Wai 1427) claim (Wai 1040, #3.4.18);
- (f) the Kerikeri Lands and Waterways (Ngāti Hineira and Te Uri Taniwha (Wai 1552) Wai 1040, #3.4.44);
- (g) the Pomare Kingi (Wai 1524) claim (Wai 1040, #3.4.12);
- (h) the Descendants of Hoori Rarani and Te Orewai Hapū (Wai 1533) claim (Wai 1040, #3.4.10);
- (i) the Descendants of Hinewhare (Wai 1541) claim (Wai 1040, #3.4.14);
- (j) the Ngāti Kawau (Collier and Dargaville) (Wai 1673) claim (Wai 1040, #3.4.15);
- (k) the Pukenui Blocks (Wai 1681) claim (Wai 1040, #3.4.16);
- (l) the Ngāti Hine, Ngāti Kawau Ngāti Kawhiti and Ngā Uri o Te Pona (Taniwha) (Wai 1666) claim (Wai 1040, #3.4.43);
- (m) the Puru, Torckler and Katene Whānau (Wai 1684) claim (Wai 1040, #3.4.40);
- (n) the Kerikeri Inlet and Lake Omapere Waterways (Mitchell) (Wai 1716) claim (Wai 1040, #3.4.44);
- (o) the Aeto Hapū (Wai 1843) claim (Wai 1040, #3.4.41);
- (p) the Ngāti Korokoro and Te Pouka (Sheena Ross and others) (Wai 1857) claim (Wai 1040, #3.4.10);
- (q) the Coroners Act (Wai 1864) claim (Wai 1040, #3.4.10);
- (r) the Te Whiu and Kin Hapū (Wai 1890) claim (Wai 1040, #3.4.35);
- (s) the Descendants of Ngatau Tangihia (Wai 1917) claim (Wai 1040, #3.4.17);
- (t) the Descendants of Sylvia Jones (Wai 1959) claim (Wai 1040, #3.4.10);
- (u) the Tutamoe Pa (Wai 1968) claim (Wai 1040, #3.4.45)
- (v) the Te Mahurehure Lands (Wai 1971) claim (Wai 1040, #3.4.10);
- (w) the Te Mahurehure (Tarrant) claim (Wai 2057) claim (Wai 1040, #3.4.10);
- (x) the Crown Administration of Lands (Murphy) (Wai 2240) claim (Wai 1040, #3.4.10);

- (y) the Te Tai Tokerau Mana Wāhine (Reid & Evans) (Wai 2260) claim (Wai 1040, #3.4.9);
- (z) the Moetara Uri (Wai 2354) claim (Wai 1040, #3.4.38); and
- (aa) the Te Whānau o Rataroa (Aldridge) (Wai 2376) claim Wai 1040, #3.4.44).

*Claims already changed from consolidated to aggregated*

12. Several of the claims listed above had their status changed from consolidated to aggregated in memorandum-directions of 27 August 2015 referred to above (Wai 1040, #2.6.153). Those claims require no further directions and I reconfirm their status as aggregated within the inquiry. The relevant claims are:

- (a) the Ngāti Hine Lands, Forests and Resources (Wai 682) claim;
- (b) the Pomare Kingi (Wai 1524) claim;
- (c) the Descendants of Hinewhare (Wai 1541) claim;
- (d) the Ngāti Kawau (Collier and Dargaville) (Wai 1673) claim;
- (e) the Pukenui Blocks (Wai 1681) claim;
- (f) the Ngāti Korokoro and Te Pouka (Sheena Ross and others) (Wai 1857) claim; and
- (g) the Coroners Act (Wai 1864) claim.

**Directions on further requests to change claims' status**

*Wai 974*

13. The Kaikohe Whenua Public Works (Wai 974) claim has filed an amended statement of claim raising military veterans allegations. As I have previously excluded military veterans issues from the Te Paparahi o Te Raki inquiry, therefore the status is changed from consolidated to aggregated.

*Wai 779 and Wai 1533*

14. The Pakanae School Site (Wai 779) and Descendants of Hoori Rarani and Te Orewai Hapū (Wai 1533) claims have amended statements of claim that further particularise housing allegations that have not been heard in the Te Paparahi o Te Raki inquiry. Therefore, the status is changed from consolidated to aggregated.

*Wai 1522, Wai 1716, Wai 1968 and Wai 2376*

15. The Kerikeri Lands and Waterways (Ngāti Hineira and Te Uri Taniwha (Wai 1552), Kerikeri Inlet and Lake Omāpere Waterways (Mitchell) (Wai 1716), Tutamoe Pa (Wai 1968) and Te Whānau o Rataroa (Aldridge) (Wai 2376) claims have amended statements of claim that are to be heard in the mini-inquiry Whakatika ki Runga as part of Wai 3060, Te Rau o Te Tika: the Justice System inquiry. The allegations have not been heard in the Te Paparahi o Te Raki inquiry. Therefore, the status is to be changed from consolidated to aggregated.

*Wai 1890*

16. The Te Whiu and Kin Hapū (Wai 1890) claim raises health and housing allegations that have not been heard in the Te Paparahi o Te Raki inquiry. Historical matters related to health and housing were heard in the inquiry, but the amended statements of claim raise contemporary allegations not heard which may be relevant to those kaupapa inquiries. Therefore, the status is changed from consolidated to aggregated.

*Wai 1959*

17. The Descendants of Sylvia Jones (Wai 1959) claim has an amended statement of claim that further particularises mana wāhine allegations that have not been heard in the Te Paparahi o Te Raki inquiry. Therefore, the status is changed from consolidated to aggregated.
18. To the extent that the claim has non-mana wāhine allegations, I highlight a note of caution that many of these allegations, for example concerning health and the environment, have been heard in the Te Paparahi o Te Raki inquiry. Accordingly, counsel for the Wai 1959 claim must show how the allegations are different from those heard in this inquiry and, if not, submit further on why it is necessary to rehear any of those matters.

*Wai 1971, Wai 2260 and Wai 2354*

19. The Te Mahurehure Lands (Wai 1971), Te Tai Tokerau Mana Wāhine (Reid & Evans) (Wai 2260) and the Moetara Uri (Wai 2354) claims raise mana wāhine allegations that have not been heard in the Te Paparahi o Te Raki inquiry. Therefore, the status is changed from consolidated to aggregated.

*Wai 2057*

20. The Te Mahurehure (Tarrant) (Wai 2057) claim raises housing and mana wāhine allegations that have not been heard in the Te Paparahi o Te Raki inquiry. Therefore, the status is changed from consolidated to aggregated.

*Wai 2240*

21. The Crown Administration of Lands (Murphy) (Wai 2240) claim raises health allegations that have not been heard in the Te Paparahi o Te Raki inquiry. Therefore, the status is changed from consolidated to aggregated.

*Wai 1427*

22. On 16 September 2015, the Chairperson aggregated the Ngāpuhi Kuia and Kaumatua (Wai 1427) claim into the combined record of inquiry for the urgent inquiry into claims concerning the Trans-Pacific Partnership Agreement (Wai 2522) (Wai 2522, #2.5.11).
23. On 18 March 2020, counsel on behalf of the Ngāpuhi Kuia and Kaumatua (Wai 1427) claim sought leave to change the claim's status from consolidated to aggregated and said the claimants had filed new amended statements of claim in the Oranga Tamariki urgent inquiry (Wai 2915) (Wai 1040, #3.4.18). No amended statement of claim has been registered concerning Oranga Tamariki allegations. However, I note that the claim has since been amended to raise mana wāhine allegations (Wai 1427, 1.1.1(e)). Therefore, the status is changed from consolidated to aggregated.

*Wai 1917*

24. On 9 March 2020, counsel on behalf of the Descendants of Ngatau Tangihia (Wai 1917) claim sought leave to change the claim's status from consolidated to aggregated and said the claimants had filed new amended statements of claim in the Housing Policy and Services kaupapa inquiry (Wai 1040, #3.4.17). No amended statement of claim has been registered concerning housing allegations. However, I note that the claim has previously been amended to raise military veterans and mana wāhine allegations (Wai 1917, #1.1.1(a) & #1.1.1(b)). Therefore, the status is changed from consolidated to aggregated.

*Wai 58, Wai 1666, Wai 1684 and Wai 1843*

25. Counsel for the Whangaroa Lands and Fisheries (Wai 58), Ngāti Hine, Ngāti Kawau, Ngāti Kawhiti and Ngā Uri o Te Pona (Taniwha) (Wai 1666), Puru, Torckler and Katene Whānau (Wai 1684) and Aeto Hapū (Wai 1843) claims have requested to change the claims' status from consolidated to aggregated in order to participate in the Renewed Muriwhenua Land Inquiry (Wai 45).
26. Counsel submit that the acts of the Crown heard in the Wai 1040 inquiry did not include acts involving lands in the Wai 45 geographical boundary. Therefore, their status is changed from consolidated to aggregated.

*Conclusion*

27. I direct the Registrar to remove the Wai 58, Wai 779, Wai 974, Wai 1427, Wai 1522, Wai 1533, Wai 1666, Wai 1684, Wai 1716, Wai 1843, Wai 1890, Wai 1917, Wai 1959, Wai 1971, Wai 1968, Wai 2057, Wai 2240, Wai 2260, Wai 2354 and Wai 2376 claims from the list of consolidated claims in Wai 1040, the Te Paparahi o Te Raki inquiry, and to add those claims to the list of aggregated claims.
28. I remind parties that claims or parts of claims cannot be inquired into twice and reiterate that it is ultimately at the discretion of the various Tribunal panels inquiring into kaupapa matters to determine which claims will be included in their inquiries.

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 the Rotorua this 15<sup>th</sup> day of July 2022



Judge C T Coxhead  
Presiding Officer

**WAITANGI TRIBUNAL**