

**IN THE WAITANGI TRIBUNAL
KE MUA I TE TARAIPUNARA**

**WAI 1040
WAI 2181
WAI 354**

UNDER

The Treaty of Waitangi Act 1975

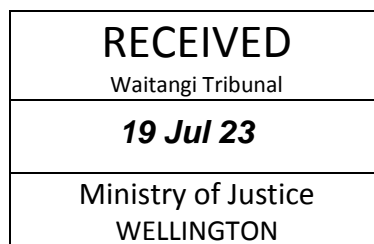
CONCERNING

**A claim by Michael John Beazley (dec),
Fletcher Beazley and others, for and on
behalf of Te Uri o Maki-nui**

AND

**a claim by Arapeta Hamilton on behalf of
Ngati Rongo ki Mahurangi, and others**

**JOINT MEMORANDUM OF COUNSEL
Dated: 19 July 2023**



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MAY IT PLEASE THE TRIBUNAL

1. This joint memorandum is on behalf of
 - a. Wai 2181, a claim by the late Michael John Beazley, and Fletcher Beazley, and others on behalf of Te Uri o Makinui, specifically Ngati Maraeariki and Ngati Rongo hapu of the Kawerau confederation (Wai 2181); and
 - b. Wai 354, a claim on behalf of Arapeta Hamilton on behalf of Ngati Rongo ki Mahurangi, and others (Wai 354), collectively “the claimants.”
2. This memorandum concerns the Wai 1040, Stage Two, Part One report, *Tino Rangatiratanga me Te Kawanatanga*,
3. Specifically, at page 1419 that report describes Native Land Court hearings of February 1884 and commented on the improper conduct of the Native Land Court judge and his interactions with Native Minister John Bryce. The report concludes:

The Court awarded the land to those associated with Te Kawerau (Ngāti Whātua) but did not impose any restrictions on alienation, at their request.¹

4. Although that sentence itself is not referenced to the report of Ralph Johnson,² all the surrounding references in the Tribunal’s report are to the Ralph Johnson history. Reference to the context of the Johnson report and the Tribunal’s report make it evident that the Tribunal is referring to the hearing held at the beginning of February 1884 which resulted in the order, as described by Johnson:

The court reconvened on Thursday 7 February and the Judge announced his decision in favour of 'the descendents of Maki and Mataahu , - viz to Te Kawerau, including Rahui, the daughter of Te Kiri.³

¹ *Tino Rangatiratanga me Te Kawanatanga*, p 1419.

² Johnson, Ralph, Report on the Crown Acquisition of Hauturu (Little Barrier Island), Wai 1040, #E8, see pp 12 – 16.

³ Johnson, E8, at 15, footnote omitted.

5. It is unnecessary, and in claimants' view, inaccurate to describe the descendants of Maki and Mataahu as Ngati Whatua. They are the founding tupuna of the Kawerau tribes.

6. The parenthetical description of the grantees in the Tribunal's report has the potential to work collateral harm to the Wai 354 and 2181 claimants as they face their MACA claims, claiming overlapping claims of Ngati Whatua applicants. It would be, at the very least, regrettable for the Waitangi Tribunal report to be used as evidence for a point that was not plainly established in the court of the Wai 1040 hearings.

7. Accordingly, it is claimants' request that language of the Tribunal report be amended to delete the parenthetical reference to "(Ngati Whatua)" on page 1419.

Dated: 19 July 2023



Linda Thornton
Counsel for Wai 2181



Annette Sykes
Counsel for Wai 354