IN THE WAITANGI TRIBUNAL

WAI 3450
WAI 507
WAI 2139

IN THE MATTER	of the Treaty of Waitangi Act 1975
AND	
IN THE MATTER	of the Natural Resources and Environmental Management kaupapa inquiry (Wai 2575)
AND	
IN THE MATTER	of a claim by Owen Lloyd on behalf of Ngā Ariki Kaipūtahi (Wai 507)
AND	
IN THE MATTER	of a claim by Timothy Tukapua and Dennis Greenland on behalf of Muaūpoko and the Muaūpoko Tribal Authority (Wai 2139)

JOINT MEMORANDUM OF COUNSEL REGARDING PARTICIPATION IN INQUIRY
Dated: 25 October 2024

RECEIVED
Waitangi Tribunal
25 Oct 24
Ministry of Justice
WELLINGTON

BENNION LAW

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MAY IT PLEASE THE TRIBUNAL

1. This memorandum of counsel is filed on behalf of:

    a. A claim by Owen Lloyd on behalf of Ngā Ariki Kaipūtahi (Wai 507)

    b. A claim by Timothy Tukapua and Dennis Greenland on behalf of Muaūpoko and the Muaūpoko Tribal Authority (Wai 2139)

    (together "the claimants")

2. And in response to Memorandum-Directions dated 4 October 2024 (Wai 3450 #2.5.2).

Eligibility – which claims raise issues that fall within the scope of the inquiry that have not already been heard or are being heard in other inquiries and Issues – which are the remaining issues to be heard in this inquiry

Wai 507

3. We have instructions to file an amended statement of claim that covers contemporary and nationally significant environmental issues that have yet to be, or will not be, heard in any inquiry. Issues will include:

    a. National deforestation policy and legislation;

    b. National commercial forestry policy and legislation;

    c. Soil erosion issues.

Wai 2139

4. The Wai 2139 amended statement of claim was filed on 18 April 2024 (Wai 2139, #1.1.1(f)).

5. The claim is currently aggregated into the Wai 2200 inquiry. However, issues of national significance to Māori are raised which are sought for inclusion in this inquiry as follows:

    a. National deforestation policy and legislation;

    b. National policy and legislation concerning the foreshore and seabed;

    c. Issues concerning water, sediment contamination;

d. The National Policy Statement for Freshwater Management and the National Policy Statement for Highly Productive Land;

e. Department of Conservation lands and scenic reserves and marine reserves;

f. Wahi tapu;

g. The Resource Management Act 1991, the Local Government Act 2002 and the Conservation Act 1987;

6. These issues have not been inquired into.

7. Consolidation into the Wai 2200 inquiry will be sought from the Wai 2200 Presiding Officer, Chief Judge Caren Fox, so that the Wai 2139 claim can also be included for aggregation into this inquiry.

Other claimant groups

8. Counsel is also in discussions with other possible claimant groups about participation in the inquiry in relation to contemporary environmental issues.

Whether the claimants and Crown are ready to proceed and what interlocutory steps may be required

9. Counsel submit that the first interlocutory step will be a date for filing amended statements of claim. Issues will flow from these claims and the scope an structure of the inquiry can then be finalised.

10. Counsel confirms attendance at the upcoming judicial conference.

Dated at Wellington this 25th day of October 2024

Tom Bennion / Emma Whiley / Kudrat
Counsel for the claimants