

**IN THE WAITANGI TRIBUNAL
PORIRUA KI MANAWATŪ DISTRICT INQUIRY**

**WAI 2200
WAI 2139**

IN THE MATTER of the Treaty of Waitangi Act 1975
AND
IN THE MATTER of the Porirua ki Manawatū District Inquiry (Wai 2200)
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 THE WIDER INQUIRY
Dated: 20 December 2024

**BENNION
LAW**

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Waitangi Tribunal

20 Dec 2024

Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL

1. This memorandum is filed on behalf of:
 - a. Wai 2139, a claim by Tim Tukapua and Dennis Greenland Muaūpoko Tribal Authority claim (represented by Bennion Law);
 - b. Wai 1629, a claim by Vivienne Taueki on behalf of herself and Ngati Tamarangi hapū (represented by Ara Moana Law);
 - c. Wai 493, a claim by the late Tom Waho and Sheryl Stanford on behalf of themselves and the Hokio Lands Trust (represented by Ara Moana Law);
 - d. Wai 1490, a claim on behalf of Ngati Whanokirangi (represented by Hockly Legal);
 - e. Wai 237, a claim by Ron Taueki and William James Taueki on behalf of themselves and on behalf of Muaūpoko and the Taueki whānau (represented by Bryce Lyall, Barrister); and
 - f. Wai 2383, a claim by Trevor Hill (represented by Oranganui Legal).
2. And in response to memorandum-directions dated 17 December 2024.¹

General approach to witness recall for the wider inquiry phase

3. In your Honour's most recent memorandum-directions, you reaffirmed the approach in this inquiry that findings of breach involving inter-iwi relationships would not be made until all parties have been heard:²

11. At the commencement of the Muaūpoko priority hearings, the Porirua ki Manawatū Tribunal indicated (on 25 September 2015) would not make findings as part of that inquiry phase on the following two issues (Wai 2200, #2.5.121 at [21]):

(a) any historical acts or omissions of the Crown in respect of the relationships between Muaūpoko and Ngāti Raukawa, and between Muaūpoko and Te Ati Awa/Ngāti Awa ki Kāpiti; and

¹ Wai 2200, #2.6.282.

² Wai 2200, #2.6.278 at [11]–[12].

(b) any historical acts or omissions of the Crown relating to the respective rights and interests of Muaūpoko, Ngāti Raukawa, and Te Ati Awa/Ngāti Awa ki Kāpiti.

12. As far as necessary to report on all relevant Porirua ki Manawatū claims, these matters were to be dealt with after the Ngāti Raukawa and Te Ati Awa/Ngāti Awa ki Kāpiti research had been completed and heard.

4. You concluded:³

17. In summary, to date I have directed that the Wider Inquiry phase would cover:

(a) hearing all remaining claim issues. issues relating to overlapping interests between iwi, and any other issues which can only be reported on after hearing all parties;

5. Consequently, we are proceeding on the basis that the Ngāti Raukawa report will record Ngāti Raukawa narratives and perspectives on the strength and nature of their claimed customary rights and interests vis a vis other traditional groups in:

- a. land blocks purchased by the Crown - for example Rangitīkei-Manawatū, Awahou, etc.
- b. Native Land Court title investigations under Native Land Acts passed by the Crown - for example Horowhenua, Manawatū-Kukutauaki, Tararua, etc.

but the Tribunal will ***not*** make any findings on whether the Crown made any historical acts or omissions in relation to those claimed respective rights and interests in the Ngāti Raukawa inquiry phase. For example, that Crown actions (whether through direct actions or the NLC) resulted in Ngāti Raukawa rights in Horowhenua or the Rangitīkei-Manawatū not being given sufficient weight. Such findings will be made only after the wider inquiry phase has been completed.

6. Muaūpoko claimants argue that Crown processes for dealing with customary interests did not accord with Māori preferences, but they strongly resist suggestions that the Crown favoured Muaūpoko rights over those of Ngāti Raukawa. They argue that, if anything, the reverse is the case.

Particular witness recall evidence

7. On that basis, we do not seek to recall witnesses if the Tribunal does not intend to rely on that evidence to make findings on whether the Crown made any historical acts or omissions in relation to claimed respective rights and interests.
8. The recall requests below are therefore made on the assumption that the Tribunal may seek to place some reliance on this evidence for such findings following the wider inquiry phase.
9. We summarise the reasons for seeking recall of each witness and reports in the **attached** table.
10. As directed by the Tribunal, we have considered further the claimed expertise of witnesses, their approach to sources, and the extent to which they rely on outside sources which can be interrogated in other ways. This has reduced the list to seven reports, with two reports where cross examination is requested on be limited to specific topics.

Dated at Wellington this 20th day of December 2024

The image shows two handwritten signatures in blue ink. The signature on the left is 'Tom Bennion' and the signature on the right is 'Emma Whiley'. Both signatures are written in a cursive, flowing style.

Tom Bennion / Emma Whiley
On behalf of counsel listed above