

WAITANGI TRIBUNAL

Wai 1791

CONCERNING

the Treaty of Waitangi Act 1975

ANDthe Ngāti Whakaue ki Maketu
Lands claim**MEMORANDUM-DIRECTIONS OF THE DEPUTY CHAIRPERSON**

1. On 1 September 2008, the Tribunal received a statement of claim from Huia Tapsell, Jackie Butcher, Clement Tapsell, Larissa Wharepōuri and Gilly Parker on behalf of Ngāti Whakaue ki Maketu, filed by Kāhui Legal (Wai 1791, #1.1.1).
2. On 10 November 2023, the Tribunal received a letter from Mr Clement Tapsell, Mr Butcher and Ms Wharepōuri that advised Mr Clement Tapsell and Mr Butcher were no longer able to fulfil their obligations and responsibilities as claimants, and accordingly gave their authorisation to be removed from the claim (Wai 1791, #1.1.1(a)).
3. On 24 January 2024, the Tribunal received a letter from Ms Wharepōuri that acknowledged Huia Tapsell is deceased. It requested Paora Tapsell to be added as a named claimant for Wai 1791 (Wai 1791, #1.1.1(b)).
4. On 26 March 2024, I directed this amendment to be entered on the Wai 1791 claim (Wai 1791, #2.2.1). The living named claimants were accordingly Larissa Wharepōuri and Paora Tapsell.
5. On 26 July 2024, the Tribunal received a memorandum of counsel from Phoenix Law on behalf of Huia Tapsell (dec), Jackie Butcher, Clement Tapsell, and Gillie Parker (dec). This memorandum advised that Mr Clement Tapsell had decided to retire from the claim, and names Terry Tapsell as his successor. Counsel requests that Mr Terry Tapsell be added as a named claimant on that basis. Counsel also requested that Darryl Tapsell be added to as a named claimant as Huia Tapsell's successor, and for Marianne Parker to be added as a named claimant as Gillie Parker's successor (Wai 1791, #3.1.2).
6. On 30 July 2024, the Tribunal informed counsel via an e-mail from the Registry that Mr Terry Tapsell, Mr Darryl Tapsell and Ms Marianne Parker could not added to the claim without the authorisation of Ms Wharepōuri and Mr Paora Tapsell.
7. On 11 April 2025, the Tribunal received a further memorandum of counsel from Phoenix Law that submitted to the Tribunal that the 26 July 2024 request was 'not an application to add additional named claimants, but to give effect to the Named Claimants' wishes to be replaced by their chosen successors' (Wai 1791, #3.1.3).
8. On the same day, the Tribunal received a further memorandum of counsel from Phoenix Law alongside a joint affidavit of Mr Clement Tapsell and Mr Terry Tapsell (Wai 1791, #3.1.4, #A1 & #A1(a)).

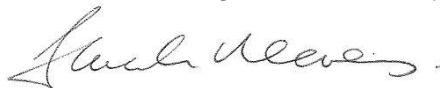
9. Counsel submit that the authorisation of 10 November 2023 (Wai 1791, #1.1.1(a)) is not valid, which counsel says is supported by the joint affidavit. Counsel seek directions from the Tribunal that the purported 10 November 2023 authorisation is not valid, and reiterates its previous request for Mr Terry Tapsell to be added as Mr Clement Tapsell's successor (Wai 1791, #3.1.4).
10. On 26 June 2025, the Tribunal received a further memorandum of counsel from Phoenix Law that sought a direction that the authorisation by Mr Butcher in the 10 November 2023 letter was also not valid, and for Mr Butcher to remain a named claimant on the claim (Wai 1791, #3.1.5).

Directions

11. This claimant dispute seems to involve the same claimants and claimant group as the dispute I have recently made a decision on in the Ngāti Whakaue ki Maketu Lands (Wai 1475) claim (Wai 1475, #2.5.2).
12. In light of the decision I have made regarding Wai 1475, I invite Phoenix Law to make submissions on whether it maintains its position outlined at [5] – [10] above, and any further submissions counsel would like to make on this issue by **5pm, 4 August 2025**.
13. I also invite counsel for Ms Wharepōuri and Mr Paora Tapsell to make submissions on the matters Phoenix Law have raised above by **5pm, 4 August 2025**.

The Registrar is to send a copy of this direction to counsel for both claimants, Crown counsel and those on the notification list for Wai 1791, the Ngāti Whakaue ki Maketu Lands claim

DATED at Wellington this 21st day of July 2025



Judge Sarah Reeves
Deputy Chairperson

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