THE WAITANGI TRIBUNAL

WAI 1200 DUPLICATE
WAI 268, 317, 384, 335

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of the Central North Island Inquiry

AND

IN THE MATTER of claims by Ngati Whakaue under WAI 268, 317, 335, 384

BRIEF OF EVIDENCE OF HAMILTON MANAIA PIHOPA KINGI

Dated 29 July 2005

Rangitauira & Co
D Rangitauira/ M Armstrong / L Te Kani
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1. My name is **HAMILTON MANAIA PIHOPA KINGI.** I filed a brief of evidence on behalf of Ngati Whakaue under Wai 335 which evidence was not presented vive voce during the 6th week of hearings at Tamatekapua meeting house. (Document F66).

2. During the 8th week of hearings at Rotorua evidence was given on behalf of Bay of Plenty Regional Council by Mr B O'Shaughnessy which amongst other matters he spoke of included comment on the Rotorua Geothermal Regional Plan (Document H41).

3. It is understood that particular emphasis was made by Mr O'Shaughnessy how this particular plan was really as a result of tangatawhenua requirements relating to the closure of the geothermal bores in close proximity to the Whakarewarewa Geothermal Valley. Part of the plan to rationalise the draw down of geothermal was to place all areas where there was, and still is, significant geothermal activity under this particular management plan. This included coverage of geothermal features in Ohinemutu Village.

4. In my earlier brief in paragraphs 13 et seq I specifically make mention of the scheme that was intended to fulfil the aspirations of both the Crown and Ngati Whakaue in the proper and measured use of geothermal in the village area. I will not repeat what I have said in my previous brief except to say that the Tribunal for CNI Hearings should not be impressed by Mr O'Shaughnessy's evidence that Ngati Whakaue have been well served by the plan as the scheme intended for the Ohinemutu Village has not been implemented.

5. No where does either the Crown nor the Bay of Plenty Regional Council recognise Ngati Whakaue's customary interests in the geothermal and this was reflected when counsel for Wai 335 was able to elicit by way of cross examination of Mr O'Shaughnessy that "control and management" by Ngati Whakaue of its resource ("taonga" in treaty speak) had not been forth coming to Ngati Whakaue particularly in respect of the Ohinemutu Village but also generally in respect of geothermal. I therefore as a claimant and as a member of Ngati Whakaue do not necessarily accept that the Regional Plan so well spoken of by Mr O'Shaughnessy has fulfilled its intent as far as the aspirations of Ngati Whakaue were, and are, concerned.

DATED at this day of 2005.

Hamilton Manaia Pihopa Kingi