

**WAITANGI TRIBUNAL**

Wai 1750  
Wai 78

**CONCERNING**

the Treaty of Waitangi Act 1975

**AND**

the North-Eastern Bay of Plenty  
District Inquiry

**AND**

the Torere claim

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**MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER DETERMINING  
NAMED CLAIMANT ISSUES OF THE WAI 78 CLAIM**

28 November 2025

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1. This memorandum-direction addresses the replacement of named claimants on the Torere (Wai 78) claim.

### **Issues regarding named claimants of Wai 78**

2. The procedural history of this issue is set out in my memorandum-directions dated 29 September 2025 (Wai 1750, #2.6.45). The relevant context is as follows.

#### *Request to replace the named claimants*

3. On 8 August 2025, the Tribunal received a memorandum from Eve Rongo, counsel for the Wai 78 claim, seeking to remove all six of the existing named claimants, Hone Maxwell (dec), Joseph Maxwell, Muriwai Jones, Te Aururangi Davis, O’Sonia Hotereni, Ashlee Mio and Ruahine Te Moana, and replace them with Lucy Steel and Kaareen Hotereni (Wai 1750, #3.2.177).
4. At that time, counsel had not received consents to removal from all the named claimants, as required by the *Guide to the Practice and Procedure of the Waitangi Tribunal (2023)*.<sup>1</sup> They had only received the consents of Ms Hotereni and Ms Mio, with those of Ms Steel and Ms Hotereni as the new named claimants (Wai 1750, #3.2.177(a)–(b)).
5. Counsel asked that the Tribunal depart from its regular procedure and allow the amendment of the claim so that Wai 78 could participate in the Waipāoa Remedies Inquiry (Wai 3555). Filing deadlines in that inquiry were pending. Counsel said that the change of named claimants followed a resolution made by Ngāi Tai because the named claimants’ had difficulty working cohesively together.
6. On 27 August 2025, Ms Rongo filed further signed consent forms of Muriwai Jones, Te Aururangi Davis and Hohepa Maxwell. Only Ms Te Moana’s consent was outstanding. Counsel stated that Ms Te Moana had not been in contact with counsel or other named claimants in over a year and is not responding to the recent steps taken by the iwi to change the named claimants (Wai 1750, #3.2.207, #3.2.207(a)–(c)).

#### *Submissions in opposition to the request*

7. On 8 August 2025, the Tribunal received a memorandum from Garry Watson, Heke Collier and Katene Williams opposing the addition and removal of named claimants.
8. Following consideration of further submissions both for and against the proposed change of named claimants<sup>2</sup>, I noted on 29 September 2025 that it was my preliminary view that in large part the issues raised were ultimately internal matters for Ngāi Tai to resolve. The Tribunal does not confer mandate on named claimants, it responds to claims lodged (Wai 1750, #2.6.45).
9. The Crown, in a memorandum of counsel of 19 August 2025, confirmed that they had no submissions to make on this matter (Wai 1750, #3.2.184).

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<sup>1</sup> Waitangi Tribunal, *Guide to the Practice and Procedure of the Waitangi Tribunal (2023)* at [2.24].

<sup>2</sup> Wai 1750, #3.2.178, #3.2.184, #3.2.193, #3.2.207, #3.2.207(a)–(c), #3.2.208 & #3.2.210.

## Decision

10. The procedural status of named claimants is provided for in the *Guide to the Practice and Procedure of the Waitangi Tribunal* (2023):<sup>3</sup>

Unless authority to prosecute the claim has been duly transferred by the original claimant or claimants, the Tribunal will generally register an amendment to a claim only if it has been signed by the same individual or individuals who submitted the original claim or their counsel. Where a claimant(s) wishes to withdraw from prosecuting a claim, the claimant(s) may at any stage in the inquiry transfer authority to prosecute the claim to another person(s), provided that person(s) meets the statutory requirements.

11. Section 6(1) of the Treaty of Waitangi Act 1975 (the Act) relevantly provides:

Where any Māori claims that he or she, or any group of Māoris of which he or she is a member, is or is likely to be prejudicially affected...he or she may submit that claim to the Tribunal under this section.

12. The statutory right to lodge a claim with the Tribunal is framed widely and claims can be lodged on behalf of an individual Māori or by an individual Māori for and on behalf of a group of Māori. The Act does not preclude the lodging of more than one claim on behalf of a whānau, hapū, or iwi collective (or indeed non-whakapapa based groups of Māori).
13. With respect to the role of named claimants, the *Guide to Practice and Procedure* focusses on ensuring that there is continuity of authority to prosecute the claim in accordance with the threshold requirements of the Act.
14. The administrative requirements for a change of named claimants for Wai 78 have clearly been met, with respect to the removal and replacement of five of the current six named claimants.
15. Garry Watson, Heke Collier, and Katene Williams object to the proposed change and ask that the Tribunal direct and help facilitate an alternative process by which Ngāi Tai can address the issues that they raise.
16. Messrs Watson, Collier and Williams also seek interested party status in this inquiry. Garry Watson signs as 'Pākeke of Ngāi Tai and Ngāi Tai iwi member', Heke Collier signs as 'Pākeke of Ngāi Tai', and Katene Williams signs as 'Pākeke of Ngāi Tai and trustee on the Torere Reserves Trust.'
17. It is clear from the nature of the objections they raise, and from associated information and correspondence received from counsel for Wai 78 and from the chair of the Ngāi Tai Iwi Authority, that matters associated with the historical Treaty claims of Ngāi Tai and Crown Treaty Settlements processes have proved difficult and at times have been divisive for the iwi.
18. I note these matters because I do not wish to diminish or downplay the significance of these issues and the fact that there is room for legitimate differences of opinion amongst Ngāi Tai iwi members about them. The present application for change of named claimants

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<sup>3</sup> *Guide to the Practice and Procedure of the Tribunal*, at [2.24]; Treaty of Waitangi Act 1975, Schedule 2, clause 5(1): the Chairperson may issue practice notes to regulate the process and procedure of the Tribunal.

does not however require that the Tribunal must first direct that the iwi run a new process. There is sufficient and appropriate information to direct the removal of five of the six named claimants and to replace them with two new named claimants.

19. With respect to the position of Ruahine Te Moana (Flowers) it would appear from information available, including information provided by the objectors, that she has disengaged with the claim following what appears to be a protracted period of dissatisfaction in 2023.
20. For the time being I think the correct approach, in the absence of clarity as to her present position, is to leave her as a named claimant on the basis that if she continues to remain inactive the two new named claimants will have clear authority to act and prosecute the claim. In the event Ms Te Moana re-engages or confirms consent to be removed, I will consider what further directions may be required at that point.
21. With respect to the request by Messrs Watson, Collier and Williams for interested party status in the Wai 1750 inquiry, I note that the Tribunal's *Guide to Practice and Procedure* records the obligation on the Tribunal pursuant to the Commissions of Inquiry Act 1908 to hear any person who establishes that he or she has an interest in the inquiry apart from the interest in common with the general public, or who may be adversely effected by evidence before the Tribunal.<sup>4</sup>
22. At this point, I do not have sufficient information to assess the application against these criteria. This is because the hearings of the Wai 78 claim are still sometime off and research is yet to be commissioned. The respective position of Messrs Watson, Collier and Katene with respect to the evidence that will be provided on behalf of Wai 78 is not yet clear. It is conceivable, given their respective experience and roles, that they may themselves be called to give evidence for Wai 78.
23. If, on the other hand, they wish to be heard in opposition to aspects of the Ngāi Tai evidence or claim, then that is a matter that I would need to address at that time, in light of the available evidence. For now, I make no decision on the application for interested party status.

#### *Aggregation*

24. In her memorandum of 26 August 2025, Ms Rongo notes that Wai 78 is currently consolidated in the Wai 1750 inquiry. Counsel sought leave for Wai 78 to be aggregated in the Wai 1750 inquiry, so that Wai 78 may participate in the Wai 3555 Waipaoa remedies inquiry.
25. On 29 September 2025, this application was granted and I accordingly directed the Registrar to move the Wai 78 claim from the list of claims consolidated into the Wai 1750 inquiry into the list of claims that are aggregated into the Wai 1750 inquiry (Wai 1750, #2.6.44).
26. The named claimants of Wai 78 will be amended as follows:

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<sup>4</sup> Waitangi Tribunal, *Guide to the Practice and Procedure* (2023) at [3.67].

- (a) Joseph Maxwell, Muriwai Jones, Te Aururangi Davis, O'Sonia Hotereni, Ashlee Mio are removed as named claimants of Wai 78;
- (b) Lucy Steel and Kaareen Hotereni are now added as named claimants with authority to act; and
- (c) Ruahine Te Moana will remain a named claimant pending further directions.

The Registrar is to send this direction to all those on the notification list for Wai 1750, the North-Eastern Bay of Plenty District Inquiry.

**DATED** at Wellington this 28<sup>th</sup> day of November 2025



Judge M J Doogan  
Presiding Officer

**WAITANGI TRIBUNAL**