
BEFORE THE WAITANGI TRIBUNAL

WAI 2200
WAI 113A
WAI 113K
WAI 1623
WAI 1660
WAI 1461

IN THE MATTER OF The Treaty of Waitangi Act 1975

AND
IN THE MATTER OF claims concerning the Porirua ki Manawatū
Inquiry

AND
IN THE MATTER OF a claim on behalf of Ngāti Tahuriwakanui (Wai
113A)

AND
IN THE MATTER OF a claim by Dennis Emery on behalf of Ngāti
Hinepare (Wai 113A)

AND
IN THE MATTER OF a claim by Rachael Selby on behalf of Ngāti
Pareraukawa (Wai 113A)

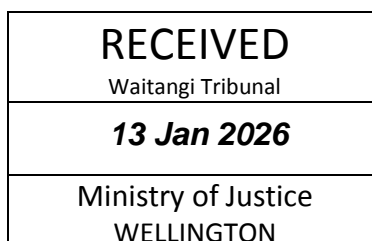
**MEMORANDUM OF COUNSEL REGARDING HEARING WEEK FIVE AND
EIGHT PROCEDURAL MATTERS**

13 January 2026

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AND IN THE MATTER OF	claim by Brian Emery on behalf of Ngāti Matakore (Wai 113A)
AND IN THE MATTER OF	a claim by Tony Manning on behalf of the Ōtaki Māori Committee on the Ōtaki River (Wai 113A)
AND IN THE MATTER OF	a claim by John Cribb on behalf of Ngāti Turoa (Wai 113A)
AND IN THE MATTER OF	a claim by Pita Savage and Robbie Richardson on behalf of Ngāti Parewahawaha (Wai 113 A)
AND IN THE MATTER OF	a claim by Danny Karatea Goddard, Sue Tumanako Herangi, Rawiri Meihana Durie, Mereti Taipana, Natasha Ropata, and Eljon Fitzgerald on behalf of Ngāti Rangatahi (Wai 1623)
AND IN THE MATTER OF	a claim by Jerald Twomey on behalf of Ngati Manomano (Wai 113K)
AND IN THE MATTER OF	Queenie Rikihana and Gabrielle Rikihana on behalf of Ngāti Koroki (Wai 113A)
AND IN THE MATTER OF	a claim by Dee Winterburn for herself and owners of Māori land blocks Topaatekaahu 7, Topaatekaahu 2 and Pukehou 4C4C1 (Wai 113A)
AND IN THE MATTER OF	a claim by Dennis Emery on behalf of Ngā Kaitiaki o Ngāti Kauwhata (Wai 1461)
AND IN THE MATTER OF	a claim by Mereti Taipana on behalf of Ngāti Kauwhata (Wai 1660)

E TE KAIWHAKAWĀ, TĒNĀ KOE

1. This memorandum of counsel addresses procedural matters regarding Wider Inquiry 2026 hearing weeks five and eight.

Further information relating to hearing week five, 13-17 July 2026 (tangata whenau evidence)

2. In memorandum-directions dated 1 December 2025, the Presiding Officer requested more detail on specifics proposed for a hearing week of tangata whenua evidence on Wider Inquiry issues in July 2026 (Wai 2200, #2.6.307, at [55]). The Presiding Officer sought the following information:

- 2.1. Further details on the nature of a claim by Warwick Ngapuhi Te Manuao Morehu on behalf of the Haira Whānau o Ngāti Wahiao (Wai 113A) (Wai 2200, #2.6.307, at [56]); and

- 2.2. Further specifics on tikanga matters following receipt of the Meredith and Belgrave reports (Wai 2200, #2.6.307, at [57]); and

- 2.3. More detail on the extent and nature of the proposed tangata whenua evidence and whether evidence is of a technical nature or not (Wai 2200, #2.6.307, at [59]); and

- 2.4. Updated submissions in regards to the venue for the tangata whenua hearing week that is proposed to cover evidence from claimants across the three iwi phases (Wai 2200, #2.6.307, at [60]).

Further details on the nature of a claim by Warwick Ngapuhi Te Manuao Morehu on behalf of the Haira Whānau o Ngāti Wahiao (Wai 113A)

3. Woodward Law act for Mr Morehu. A statement of claim was filed on 6 July 2021 (Wai 2200, #1.1.31(g)).
4. The claim relates to a tupuna of the Haira whānau, Himiona Hakaraia Haira, who resides as a tūpāpaku in the Western caves of Kāpiti Island (Wai 2200, #1.1.31(g), at [2]). The claimant seeks the following findings and recommendations:
 - 4.1. Himiona Hakaraia Haira rests in the western caves of Kāpiti Island, and
 - 4.2. The Haira whānau have rights and responsibilities stemming from the presence of their tupuna on Kāpiti Island, and their concern to protect their tūpuna's resting place; and
 - 4.3. A recommendation that the Crown and other parties protect Himiona Hakaraia Haira's resting place and recognise a duty to consult with his descendants, represented by Warwick Ngapuhi Te Manuao Morehu or his appointees, in relation to any policy, practice, act or omission that may impact on the western caves of Kāpiti Island or the surrounding ecosystem (Wai 2200, #1.1.31(g), at [6]-[7]).
5. This claim is principally about ancient burial caves on Kapiti Island and secondarily about Ngāti Wahiao.
6. Ngāti Wahiao is a hapū of Ngāti Tuhourangi, the iwi recognised by Ngāti Raukawa, and Himiona Hakaraia Haira's principal hapū.

7. In memorandum-directions dated 7 September 2021, the Presiding Officer directed this *take* to be presented during the hearings for the wider inquiry phase (Wai 2200, #2.6.149, at [44]).
8. Regarding further details, the same evidence and hearing time that was sought in 2021 will be requested for hearing week five – tangata whenua evidence. This evidence establishes the Haira whānau’s whakapapa connection to Te Akau and Himiona Hakaraia Haira (Wai 2200, #1.1.31(g)).
9. When this evidence was first proposed to be heard during the southern hearings for Ngāti Raukawa and affiliated groups, co-ordinating counsel allotted 30 minutes to the hearing of this evidence (Wai 2200, #3.2.1043(a)). Since that time the evidence has been peer reviewed by Kahu Ropata of Ngāti Toa. The amount of time requested for this issue in hearing week five is now 45 minutes. If there are any questions by Tribunal or other counsel than one hour may be necessary or direction that questions be put in writing.

Further specifics on tikanga matters following receipt of the Meredith and Belgrave reports

10. In memorandum-directions dated 20 May 2020, the Presiding Officer discussed how because most of the district-wide research had been heard for Te Ātiawa/Ngāti Awa and would be heard for the Ngāti Raukawa and Affiliated Groups phase, the wider inquiry phase would be changed from hearing district-wide issues to mainly being required for cross-examination and for any matters which have not been covered already in the iwi phases (Wai 2200, #2.6.95, at [27]-[29]).
11. In memorandum-directions dated 14 August 2023, the Presiding Officer commissioned Paul Meredith and Dr Mike Ross to prepare a research report on the intersection of Tikanga me Ture Pākehā in the Porirua ki Manawatū inquiry district (Wai 2200, #2.3.42, at [1]). The scope of the research report included the consideration of relevant areas of tikanga – including mana whenua and mana moana (Wai 2200, #2.3.42, at [3(a)]).

12. The original commission end date was 13 May 2024. After multiple extensions, the Tikanga me Ture Pākehā report (Wai 2200, #A253) was filed and released on 21 November 2025 (Wai 2200, 2.3.52).
13. Based on these memoranda-directions, counsel's expectation was that they would be able to rely on independently commissioned tikanga evidence for issues such as mana whenua and mana moana for the Ngāti Raukawa and affiliated groups phase. Additionally, if it was the case that the independent research did not adequately capture Ngāti Raukawa and affiliated groups' position on tikanga – counsel would commission and file their own research.
14. Unfortunately, with the Tikanga me Ture Pākehā report filed in November 2025, the release of this report clashed with the Ngāti Raukawa and affiliated groups closing submissions. Consequently, counsel have not had the time to assess whether the Tikanga me Ture Pākehā report adequately captures Ngāti Raukawa and affiliated groups' position on tikanga.
15. Additionally, Dr Michael Belgrave filed his report on evidence relating to Muaūpoko tikanga matters on 18 December 2025. For the same reasons as above, counsel have not had time to assess this research and determine whether any potential Ngāti Raukawa and affiliated groups' commissioned tikanga research would need to respond to Dr Belgrave's report.
16. Consequently, counsel may seek leave to file evidence with the Tribunal pertaining to Ngāti Raukawa and affiliated groups tikanga matters in response to the Meredith and Belgrave reports at a future date.
17. Counsel notes that proposed commissioned research would likely evaluate the strength of the Ngāti Raukawa and affiliated groups rights and interests in the whenua and moana at the time of 1840 compared to other iwi, and whether these rights and interests were settled in accordance with tikanga at this time.
18. In conclusion, counsel seeks the opportunity to first assess the Meredith and Belgrave evidence and then, by no later than **Tuesday 31 March 2026**, seek

prior Tribunal approval to commission evidence in reply, including a robust rationale and specifics on why the evidence should be entered on the Record of Inquiry, with indicative delivery dates, in line with the requirements laid out in previous memorandum-directions (Wai 2200, #2.6.285, at [61]).

More detail on the extent and nature of the proposed tangata whenua evidence and whether evidence is of a technical nature or not

19. In the proposed forward hearing programme filed by Bennion Law, the coordinating counsel committee agreed to a draft proposal for the 2026 Wider Inquiry hearings, in which hearing week four would be set aside for technical evidence and hearing week five would be set aside for tangata whenua evidence (Wai 2200, #3.2.1854(a)).
20. When we agreed to this proposal, we did so on the understanding that this was a draft proposal, and that the Tribunal had directed them to submit a proposed indicative hearing programme by Thursday 30 October, based upon the goal for all hearings to be completed by December 2026 (Wai 2200, #2.6.305, at [37]).
21. Consequently, counsel now query the strict differentiation between technical witnesses in hearing week four and tangata whenua evidence in hearing week five. We submit that an overly rigid approach is not helpful in an inquiry of this size, especially when research dates have consistently shifted.
22. We raise this issue now, because, as noted above, counsel may seek to commission a technical witness for the Ngāti Raukawa and affiliated groups' tikanga evidence which will have to be heard in hearing week five – currently described as the tangata whenua evidence hearing week.
23. Consequently, counsel confirm that the evidence our claimants intend to bring in hearing week five will cover:
 - 23.1. tangata whenua witnesses of a technical nature; and
 - 23.2. tangata whenua witnesses not of a technical nature.

Updated submissions regarding the venue for the tangata whenua hearing week that is proposed to cover evidence from claimants across the three iwi phases

24. Counsel proposes to use the Tribunal's Wellington office for this hearing week.

Further information relating to hearing eight, 14 – 18 December 2026 (closing submissions).

25. In the proposed forward hearing programme filed by Bennion Law, hearing week eight is proposed to be used for closing submissions, with each inquiry phase group (Muaūpoko, Te Āti Awa, Ngāti Raukawa and affiliated groups, and the Crown) being allocated one day to present closing submissions (Wai 2200, #3.2.1854(a)).

26. Should the Tribunal grant the hearing of closing submissions in person, counsel raises a major objection to this proposal.

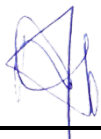
27. If Muaūpoko is to receive a whole day to close then Horowhenua claimants, Ngāti Kauwhata, Ngāti Parewahawaha-Manomano, Ngāti Rangatahi-Matakore, and Otaki hapū (with the Ōtaki River having at least one hour) should each have a day for closing submissions.

28. Additionally, we suggest that if closing submissions are granted in person, that the venue be the Tribunal's Wellington office.

29. Finally, we submit that no final allocation of time is made for closing submissions until written submissions are filed and considered. This would allow time for closing submissions to be based on issues in common and their specific issues. This would avoid 5 counsel querying essentially the same closing submissions for the same set of circumstances and lengthy

submissions quoting Treaty principles applied in other Tribunal Inquiries
could then be taken as read.

Dated at **Wellington** this Tuesday, 13 January 2026



Donna Hall



Phillip Cornegé



Kieran Hewett

Woodward Law

On behalf of its claimants.