BEFORE THE WAITANGI TRIBUNAL **WAI 3565**
TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Te Tinihanga o Ngā Mātāpono o te Tiriti – the Treaty Principles Reform Urgent Inquiry

AND

IN THE MATTER OF an application for interested party status by **SHERIDAN AROHA WAITAI** on behalf of themselves as individual Māori, as a representative of Wai 262 Taumata Whakapūmau, and on behalf of all Māori generally

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MEMORANDUM OF COUNSEL FOR SHERIDAN AROHA WAITAI SEEKING TO JOIN AS AN INTERESTED PARTY

15 MAY 2026

RECEIVED
Waitangi Tribunal
15 May 26
Ministry of Justice
WELLINGTON

KĀHUI LEGAL
Solicitors
PO Box 1654
WELLINGTON
Telephone: (04) 495 9999
Counsel: P T Walker / L T Huria / S K J Miles

MAY IT PLEASE THE TRIBUNAL

Introduction

1. This memorandum of counsel is filed on behalf of **Sheridan Aroha Waitai** and others as a representative of Wai 262 Taumata Whakapūmau (**Taumata Whakapūmau**).

2. Taumata Whakapūmau supports the statement of claim and application for an urgent hearing filed on behalf of Te Rūnanga o Ngāti Hine (Wai 682) (**Ngāti Hine**) and seeks to join the Wai 3565 proceedings in relation to the Crown's proposals to repeal or amend Te Tiriti o Waitangi | the Treaty of Waitangi (**Te Tiriti**) provisions in legislation, following the "Review of References to the Principles of the Treaty of Waitangi in Legislation" (the **Proposed Reform**).

3. Counsel for Taumata Whakapūmau respectfully seeks leave to file out of time. Taumata Whakapūmau have only become aware of the scope of the Proposed Reform in recent days and considered it important for the Tribunal to be provided with evidence of prejudice and issues relating to specific aspects of the Proposed Reform, as set out below.

4. Counsel submits that no prejudice to the Crown or other parties arises on the basis that Taumata Whakapūmau:

   (a) does not seek to advance any additional issues beyond those already in scope; and

   (b) is able to meet all filing and timetabling requirements already set by the Tribunal.

Leave to participate as an interested party

5. Pursuant to section 4A of the Commissions of Inquiry Act 1908, Taumata Whakapūmau seeks leave to participate as an interested party in the Wai 3565 Te Tinihanga o Ngā Mātāpono o te Tiriti – the Treaty Principles Reform Urgent Inquiry on the basis that Taumata Whakapūmau's interests are distinct and different from those of the general public.

Wai 262 Taumata Whakapūmau

6. Taumata Whakapūmau is made up of the descendants of the original Wai 262 claimants and their six iwi, Ngāti Kurī, Te Rarawa, Ngāti Wai, Ngāti Porou, Ngāti Kahungunu, and Ngāti Koata.

7. The role and purpose of Taumata Whakapūmau is to maintain the mauri and uphold the vision of Wai 262, a claim which examined the impacts of law and policy on Māori culture and identity, and sought recognition and protection of the rights of Māori in relation to taonga, intellectual property, genetics and biological resources, and data, and the relationship Māori has with the environment, taonga, the conservation estate, te reo Māori, mātauranga Māori, rongoā Māori, and international instruments.

8. Taumata Whakapūmau has advanced work in this area to develop a tikanga led protection framework for the recognition and protection of the rights of Māori in relation to taonga, intellectual property, genetics and biological resources, and data, and the relationship Māori has with the environment, taonga, the conservation estate, te reo Māori, mātauranga Māori, rongoā Māori, and international instruments.

9. Taumata Whakapūmau represents the group advocating on behalf of the original Wai 262 claimants to ensure the aspirations of the Wai 262 claim are realised.

Taumata Whakapūmau supports the application for urgency

10. Taumata Whakapūmau supports the application for urgency and statement of claim filed by Ngāti Hine.[1]

11. Taumata Whakapūmau has interests that are distinct and materially different from those of the general public. Taumata Whakapūmau represents the claimants from the Wai 262 claim. Taumata Whakapūmau is principally concerned with issues that affect the rights of Māori in relation to taonga, intellectual property, genetics and biological resources, and data, and the

[1] Te Puka Tono Mō Wētahi Ruku Tātari Ohotata Application For An Urgent Inquiry, 20 o Paengawhāwhā 2026.

relationship Māori has with the environment, taonga, the conservation estate, te reo Māori, mātauranga Māori, rongoā Māori, and international instruments.

12. It is within the above context that Taumata Whakapūmau is particularly interested in:

    (a) the Crown's decision to include the Plant Variety Rights Act 2022, the Data and Statistics Act 2022, and the Hazardous Substances and New Organisms Act 1996 within the scope of the Proposed Reform and any proposed, pending, or future changes to these Acts, where those changes are to reduce the practical effect and implementation of the Crown's Te Tiriti obligations; and

    (b) any pending or future Crown actions or policies in relation to the Proposed Reform in so far as it relates to Māori intellectual property, and traditional knowledge of Māori, where those actions or policies are to reduce the practical effect and implementation of the Crown's Te Tiriti obligations.

Taumata Whakapūmau's participation as an interested party

13. Taumata Whakapūmau seeks to file discrete and focused submissions on the impact of this Proposed Reform for Taumata Whakapūmau and the recognition and protection of the rights of Māori in relation to taonga, intellectual property, genetics and biological resources, data, and the relationship Māori has with the environment, taonga, the conservation estate, te reo Māori, mātauranga Māori, rongoā Māori, and international instruments.

14. Taumata Whakapūmau will file evidence.

15. Taumata Whakapūmau is able to meet the filing deadlines set by the Waitangi Tribunal.

DATED this 15th day of May 2026

P T Walker / L T Huria / S K J Miles
Counsel for Wai 262 Taumata Whakapūmau