IN THE WAITANGI TRIBUNAL	**WAI TBC** **WAI 3481**
IN THE MATTER OF	The Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	An application for an urgent inquiry filed by the Ngāti Hine Lands, Forests and Resources claim (Wai 682)
AND	
IN THE MATTER OF	A claim by Dr Mere Kepa on behalf of herself, Te Parawhau Hapu Te Patuharakeke o Te Parawhau Hapu (Wai 3481)

MEMORANDUM OF COUNSEL IN SUPPORT OF THE WAI 682 APPLICATION FOR URGENCY DATED 31 JULY 2026

RECEIVED
Waitangi Tribunal
31 Jul 26
Ministry of Justice
WELLINGTON

Te Mata Law Limited
Barristers and Solicitors
PO Box 44331
Point Chevalier
AUCKLAND 1246
Tel: 0508-TEMATA (0508-836282)
Counsel Acting: David Stone | Catherine Leauga | Harry Clatworthy | Matthew Kennelly | Mihikeita Tibble | Awanuiārangi Morris
David@tematalaw.co.nz | Catherine@tematalaw.co.nz | Harry@tematalaw.co.nz | Matthew@tematalaw.co.nz | Mihikeita @tematalaw.co.nz | Awanuiarangi@tematalaw.co.nz

MAY IT PLEASE THE TRIBUNAL

Introduction

1. This memorandum of counsel is filed on behalf of Dr Mere Kepa, the named claimant for Wai 3481 ("the claimant").

2. On 24 July 2026, an application for an urgent inquiry was filed on behalf of Wai 682, the Ngāti Hine Lands, Forests and Resources claim concerning Mana Whakahono ā Rohe agreements ("MwaR").[1]

3. In Memorandum-Directions dated 24 July 2026 Deputy Chairperson Judge Sarah Reeves directed any interested parties to respond to the application for an urgent inquiry no later than midday, Friday 7 August 2026.[2]

Claimant's interest in urgent inquiry

4. The claimant supports the application for an urgent hearing as filed, and seeks leave to participate pursuant to section 4A of the Commissions of Inquiry Act 1908.

5. The claimant seeks leave to participate as an interested party with substantive participation rights, including the ability to file discrete and targeted submissions and evidence, and appear at any hearings, should the urgent application be granted.

6. The claimant submits they have an interest in the application (and any subsequent inquiry granted) apart from any interest in common with the general public.

[1] Wai 682: #1.1(ao).
[2] Wai 682, #2.142 at [2].

7. The claimant is an uri of Te Patuharakeke and Te Parawhau o Patuharakeke. The claimant and her hapū are the kaitiaki, mana whenua and the Treaty partner to the Crown within their rohe of the coastal lands and adjoining moana of Terenga Paraoa o Whangārei, Takahiwai, Ruākaka, Whanga-A-Tamure stretching down to Mahurangi.

8. In 2020, the Te Patuharakeke Iwi Trust Board ("the Trust Board") signed MWaR agreements with Whangārei District Council and Northland Regional Council on behalf of the collective interests of the Takahiwai hapū. Under the proposed policy change, these MWaR agreements will be scrapped.

9. While not bringing this claim on behalf of or in representation of the Trust Board itself, the claimant as an uri of the hapū, is significantly affected by the scrapping of these MWaR agreements.

Support for Urgency

10. The claimant supports the submissions made in the Wai 682 application and do not repeat those matters here. In addition, the claimant says they are likely to suffer significant and irreversible prejudice if the proposed scrapping of MWaR agreements continues; in particular, their ability to exercise tino rangatiratanga over their rohe and their ability to work in partnership with councils in decision-making over their rohe will be diminished.

11. The claimant further says there is no adequate alternative remedy available, and that the Tribunal is the only forum capable of urgently inquiring into the impacts of the proposed changes.

12. Further, there is clear utility in the Tribunal conducting an urgent inquiry, given the advanced stage of Crown decision-making and the immediate risk of prejudice to the claimant and her hapū.

Participation

13. Accordingly, the claimant seeks leave to participate in this inquiry as an interested party. Upon the granting of urgency the claimant is prepared and intends to file evidence in support of the application.

14. The claimant will liaise with other parties to avoid duplication and to assist in ensuring a focused and expeditious inquiry.

Conclusion

15. For the reasons set out above the claimant considers the application meets the criteria for an urgent inquiry and supports the Tribunal convening an urgent inquiry into the Crown's conduct.

DATED at Auckland on this 31st day of July 2026

David Stone **Catherine Leauga**

Mihikeita Tibble **Harry Clatworthy**

Matthew Kennelly **Awanuiārangi Morris**

Counsel for the claimant

To: The Registrar, Waitangi Tribunal and Crown Law Office, and those on the notification list for the urgent inquiry by the Ngāti Hine Lands, Forests and Resources claim (Wai 682).