WAITANGI TRIBUNAL

Wai 1040

CONCERNING the Treaty of Waitangi Act 1975

AND the Te Paparahi o Te Raki Inquiry

MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER

1. In my 14 September 2011 memorandum-directions (Wai 1040, #2.5.93), I directed several counsel to file amended pleadings in support of their applications for aggregation with the Te Paparahi o Te Raki Inquiry. Mr Duncan, Mr Loa, Mr Naden and Mr Sharrock have complied. We have also received recent aggregation requests from Mr Williams and Mr Afeaki.

2. Mr Duncan on behalf of the Wai 1940 Waitaha claim filed a lengthy amended statement of claim on 30 September. In response to my request that he specify how Crown actions towards his clients' ancestors breach the Treaty of Waitangi, he has made very general statements many of which are repeated in his colleague, Mr Gilling's pleadings on behalf of Ngā Hapū o Whaingaroa (Wai 58). These statements contain few references to specific Crown actions. While Mr Duncan has met minimal aggregation requirements, I remain puzzled about the alleged Waitaha presence in Hokianga. Why, for example, does Waitaha not appear as a hapū name in the University of Auckland Native Land Court minutebook index for Taitokerau during the years 1865-1910?

3. Mr Loa (for Wai 1886 and 2000) and Mr Williams (for Wai 320 and 736), both representing Ngāti Kahu claimants, have demonstrated Crown actions that have affected their clients' interests, mainly in the Otangaroa and Maungataniwha areas. They therefore qualify for aggregation. At the same time, I remind both Mr Loa and Mr Williams that Ngāti Kahu claims have received an extraordinary amount of Tribunal attention from 1986 until the present. I expect Mr Loa and Mr Williams to exercise restraint in the way they pursue these additional claims within an already overextended Te Raki inquiry.

4. Mr Naden's statement on behalf of his 'Ngāti Tai' (Wai 2063) clients also meets aggregation standards. As I mentioned in my 14 September directions, 'Ngati Tai' is normally described today as Ngāi Tai. 'Ngāti Tai', an old name, passed out of currency during the twentieth century. Perhaps Mr Naden could explain why his clients prefer the old name.

5. Mr Sharrock has argued for eleven, mainly Mahurangi, claims to be aggregated with the Te Raki inquiry. His eleven amended statements of claim (for Wai 654, 884, 914, 1055, 1129, 1313, 1460, 1941, 1970, 2191 and 2309) contain much duplicated text, and little identification of specific Crown action within the Mahurangi area. Moreover, Mr Sharrock on 3 October filed an application (Wai 1040, #3.1.641) for the Tribunal

to sever Mahurangi from the Te Raki inquiry. He obviously has to decide whether he wishes to pursue his severance application, or whether he wishes to seek aggregation of the eleven claims referred to above with the Te Raki inquiry. He cannot have it both ways.

6. Finally, Mr Afeaki on 10 October applied to aggregate Wai 1672, a Tuhoe Vietnam veteran's claim (Wai 1040, #3.1.640), and Wai 1421 an East Coast whale recovery claim (Wai 1040, #3.1.642), with the Te Raki inquiry. Since both of these claims are generic, rather than regional, in scope, I have referred Mr Afeaki's request to our Deputy Chairperson who has the authority to decide such matters.

The Registrar is directed to send this memorandum-directions to all parties on the notification list for Wai 1040, the combined record for the Te Paparahi o Te Raki Inquiry

DATED at Rotorua this 20th day of October 2011

Judge C T Coxhead
Presiding Officer
WAITANGI TRIBUNAL