BEFORE THE WAITANGI TRIBUNAL
TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI

WAI 2357
WAI 2358

**IN THE MATTER** of the Treaty of Waitangi Act 1975

**AND**

**IN THE MATTER** of an application for an urgent hearing by Sir Graham Latimer and others

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# MEMORANDUM ON BEHALF OF WAIKATO-TAINUI TE KAUHANGANUI INCORPORATED

***Dated 24 February 2012***

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RECEIVED
Waitangi Tribunal
***24 Feb 2012***
Ministry of Justice
WELLINGTON

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WAIKATO TAINUI

**MAY IT PLEASE THE TRIBUNAL:**

1. This memorandum is filed in response to the memorandum and directions of the Chairperson dated 10 February 2012 directing interested parties to respond to the Wai 2357 and 2358 urgent applications ("**Current Claims**") by 24 February 2012 (Wai 2357, #2.5.1; Wai 2358, #2.5.1).

2. This memorandum is filed on behalf of Waikato-Tainui Te Kauhanganui Incorporated, the trustee of the Waikato Raupatu Lands Trust and the Waikato Raupatu River Trust and the mandated Iwi authority for Waikato-Tainui ("**Waikato-Tainui**").

3. Waikato-Tainui support the memorandum (and press release) filed on behalf of the Freshwater Iwi Leaders Group. Consistent with this memorandum Waikato-Tainui's position is:

   (a) the issue of rights and interests in freshwater should be progressed through direct dialogue with the Crown at the highest leadership level, not litigation, at this time;

   (b) in light of both the active engagement with the Crown in relation to freshwater and the Crown's separate and ongoing engagement in relation to the proposed mixed ownership model for state-owned enterprises, the Current Claims by New Zealand Maaori Council ("**NZMC**") are premature;

   (c) Waikato-Tainui rejects the claimed mandate of NZMC to represent the interests of Waikato-Tainui and/or all Maaori and/or advance the Current Claims on behalf of all Maaori;

   (d) NZMC does not represent or speak for Waikato-Tainui;

   (e) Waikato-Tainui wishes to record formally its interest in the Current Claims and to reserve its position in relation to:

      (i) responding by way of submission and/or evidence to any further documents that may be filed by NZMC, the

Crown or any other party in relation to the Current Claims; and

(ii) participating actively in the hearing of the Current Claims in the event that the Tribunal grants urgency.

**DATED** this 24th day of February 2012

Donna Flavell
**Group Manager, Waikato Raupatu River Trust**
**WAIKATO-TAINUI TE KAUHANGANUI INC**

CEO, Waikato-Tainui.
24/2/2012.