

**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, Tom Murray, Taipari Munro, Kereama Pene, Rangimahuta Easthope, Peter Clarke, Jocelyn Rameka, Eugene Henare, Nuki Aldridge, Ani Martin, Ron Wihongi, Eric Hodge, Walter Rika, Emily Rameka, Maanu Paul, Charles White and Whatarangi Winiata

**MEMORANDUM OF COUNSEL FOR FRESHWATER IWI LEADERS GROUP
AND OTHER INTERSTED PARTIES**

Dated 9 March 2012

RECEIVED Waitangi Tribunal
9 Mar 2012
Ministry of Justice WELLINGTON

KAHUI
LEGAL

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MAY IT PLEASE THE TRIBUNAL:

1. This memorandum is filed on behalf of:
 - (a) Sir Tumu te Heuheu (Ngāti Tuwharetoa), Tukoroirangi Morgan (Waikato-Tainui), Mark Solomon (Ngai Tahu), Toby Curtis (Te Arawa) and Brendon Puketapu (Whanganui) in their collective capacity as the Freshwater Iwi Leaders Group (**ILG**);
 - (b) Ngāti Tama Manawhenua ki te Tau Ihu Trust, the mandated governance entity for the iwi of Ngāti Tama ki te Tau Ihu;
 - (c) Te Runanga o Ngati Whare, the mandated governance entity for the iwi of Ngati Whare;
 - (d) 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.

(collectively "**the Interested Parties**").
2. This memorandum is filed in response to the memoranda and directions of the Chairperson dated 9 March 2012 directing any interested parties wishing to be heard at the judicial conference scheduled for 13 March 2012 to respond to the Wai 2357 and 2358 applications for an urgent inquiry by midday, 9 March 2012 (Wai 2357 & Wai 2358, doc. 2.5.6).
3. Counsel advises that he will be attending the judicial conference on 13 March 2012 on behalf of the Interested Parties. At this time no representatives of the Interested Parties have expressed an intention to attend the judicial conference.
4. No further written submissions are proposed to be filed on behalf of the Interested Parties in relation to the Wai 2357 and Wai 2358 claims. The positions of the Interested Parties are set out in the earlier memoranda filed by each of those parties (Wai 2357 & Wai 2358, doc.

3.1.10, doc. 3.1.11, doc. 3.1.12, doc. 3.1.13). In particular, those memoranda record the views of the Interested Parties that:

- (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 and ongoing 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 Wai 2357 and Wai 2358 claims are premature;
- (c) the New Zealand Maori Council (**NZMC**) does not represent or speak for the Interested Parties;
- (d) the Interested Parties wish to record formally their interest in the Wai 2357 and Wai 2358 claims and to reserve their 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 parties, either at the hearing of the urgency applications on 13 March 2012 or at any later date; and
 - (ii) actively participating in the hearing of the Wai 2357 and Wai 2358 claims in the event that the Tribunal grants urgency.

DATED this 9th day of March 2012



J P Ferguson
Counsel for the Interested Parties