

IN THE WAITANGI TRIBUNAL

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 in
regard to Maori proprietary interests in
water and geothermal resources in
Aotearoa

MEMORANDUM OF COUNSEL

Dated: 3 April 2012

RECEIVED

Waitangi Tribunal

03 Apr 2012

Ministry of Justice
WELLINGTON

TamakiLegal
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Counsel Acting: Darrell Naden & Brooke Loader

MAY IT PLEASE THE TRIBUNAL

INTRODUCTION

1. This memorandum of counsel is filed on behalf of:
 - a. Harry Kereopa and Evelyn Kereopa on behalf of Te Ihingarangi a hapu of Ngati Maniapoto (Wai 762);
 - b. Marama Waddell on behalf of herself, her whanau and her hapu who are members of Te Whiu, Te Uri Taniwha and Nga Uri o Wiremu raua ko Maunga Tai (Wai 824);
 - c. Morehu McDonald on behalf of Ngati Hinerangi and the Ngati Hinerangi Trust Board (Wai 1226);
 - d. Te Enga Harris on behalf of Wiremu Hemi Harris and Meri Otene whanau and on behalf of Ngati Rangi, Ngati Here, Ngati Tupoto, Ngati Hohaitoko, Ngati Kopuru, Te Rarawa and Ngati Uenuku (Wai 1531);
 - e. Robert Gable on behalf of the descendents of Ngati Tara (Wai 1886);
 - f. Reuben Taipari Mare Porter on behalf of himself, his whanau and members of Kaitangata, Nga Tahawai and Whanau Pani hapu (Wai 1968);
 - g. Piriwhariki Tahapeehi on behalf of Ngati Mahanga, Ngati Tamaoho and Ngati Apakura (Wai 1992);
 - h. Chappy Harrison on behalf of the Harihona whanau and Ngati Tara (Wai 2000); and
 - i. Raymond Anton Fenton and Gordon Lennox as co-claimants on behalf of themselves and on behalf of Ngati Apakura (Wai 2291)

(the “**Claimants**”)

2. At paragraph 7 of the Chief Judge's Memorandum-Direction dated 1 March 2012,¹ it was requested that if any interested party wished to be heard at the conference, the Registrar should be notified and submissions should be filed in response to the application no later than 4pm, Wednesday 7 March 2012.
3. We sought and were granted an extension by the Tribunal, as per the Direction dated 8 March 2012, to file this memorandum of counsel by mid-day Friday 9 March 2012.
4. On Friday 9 March 2012, we notified the Registrar that the Claimants as interested parties wished to be heard at the Judicial Conference and we filed submissions in response to the application to this effect².
5. On Wednesday 28 March 2012, the Tribunal directed that the Urgent Hearing proceed³. The Tribunal also produced a list of interested parties who had notified the Tribunal of their interest in the Wai 2357 and Wai 2358 claims⁴.
6. We note that the following interested parties, as indicated in the memorandum of counsel dated 9 March 2012, were not included in the appendix⁵:
 - a. Harry Kereopa and Evelyn Kereopa on behalf of Te Ihingarangi a hapu of Ngati Maniapoto (Wai 762);
 - b. Morehu McDonald on behalf of Ngati Hinerangi and the Ngati Hinerangi Trust Board (Wai 1226);
 - c. Pehiwhariki Tahapehi on behalf of Ngati Mahanga, Ngati Tamaoho and Ngati Apakura (Wai 1992);
 - d. Raymond Anton Fenton and Gordon Lennox as co-claimants on behalf of themselves and on behalf of Ngati Apakura (Wai 2291)
7. The interested parties referred to in paragraph 6 above seek confirmation that their interest has been recognised and that

¹ Wai 2357 & 2358 ROI # 2.5.4

² Wai 2357 & 2358, ROI # 3.1.45

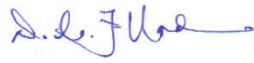
³ Wai 2357 & 2358, ROI # 2.5.13

⁴ Appendix to Wai 2357 & 2358, ROI # 2.5.13

⁵ Wai 2357 & 2358, ROI # 3.1.45

they are able to participate in the Urgency Hearing as interested parties.

Dated at Auckland this 3 day of April 2012.



Darrell Naden
Counsel Acting



Brooke Loader