

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 SEEKING TO ADD CLAIMANTS AS PARTIES

9 March 2012



Moana Sinclair - TeHaa Legal – Acting Counsel - PO Box 19255

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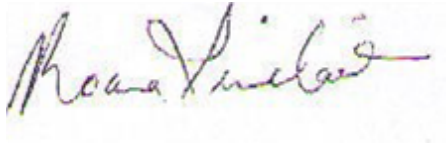
200 Willis Street TeAro

MAY IT PLEASE THE TRIBUNAL

1. Through their counsel this memorandum is filed on behalf of the following claimants:
 - 1.1 Hari Benevides, Wilson Ropoama Smith and descendants of Raketapauma land block, located in the inquiry district of Rangipo Ki Taihape WAI 2180 (WAI 1632).
 - 1.2 Brigitte Te Awe Awe – Bevan on behalf of herself and descendants of TeRangitepaea, Rangiotu, NgatiRangitane, WAI 1627: (WAI 2200 Porirua Ki Manawatu Inquiry District).
 - 1.3 Tama-i-uia Ruru and descendants of Tanguru – Muaupoko – Horowhenua (WAI 108) (WAI 2200 Porirua Ki Manawatu Inquiry District).
2. The claimants seek leave to file after the due date for submissions on this matter. They state that they resent being rushed on a matter that is significant and for which requires sufficient time to file considered and full submissions on the matter.
3. The above mentioned claimants each have significant concerns about the water resources in their respective inquiry districts of the Manawatu, the Horowhenua and the Taihape regions.
4. Due to the very recent urgency application filed on the 2nd of March 2012 by the New Zealand Maori Council and others (WAI 2357 #3.1.24; WAI 2358 #3.1.24), responding to Crown actions on issues touching water in Aotearoa, the above mentioned claimants have given instructions to be added as interested parties to the WAI 2357 & WAI 2358 claims.
5. The claimants state that issues regarding the water resources in Aotearoa are significant to all Maori at the whanau, hapu and iwi level, nationally. Further, the claimants add that water bodies in their respective regions are their taonga passed down from time immemorial for the whanau and hapu who hold manawhenua in their regions.
6. Representation as to how those water bodies are to be managed for their descendants is a matter they wish to control as an expression of their tinorangatiranga.
7. The claimants say that to be pressured into filing full submissions within the proceedings under urgency and within the timeframes set, is all too typical of the way Maori generally are expected to respond to Crown policy of 'sale of State owned assets'. The claimants say that this is an unacceptable way to deal with what is an essential natural resource, crucial for their present and future generations.

8. They say that regardless of how the Crown have configured the “sell off” of natural fresh water resources in Aotearoa, whether that be by way of a ‘mixed model,’ water is a taonga under Article 2 of the Treaty of Waitangi 1840.
9. The abovementioned claimants seek leave to submit full submissions outlining each of their specific water concerns in their regions and environs.
10. It is submitted that no other party to these proceedings will be prejudiced by the addition of the above claimants to the WAI 2357 and WAI 2358 claims noted above.

Dated at Wellington this 9th day of March 2012.

A handwritten signature in blue ink, appearing to read "Moana Sinclair". The signature is written in a cursive style with a large initial 'M'.

Moana Sinclair

Counsel Acting

