

In the Waitangi Tribunal

WAI 2357 and 2358

In the matter of Treaty of Waitangi Act 1975

And in the matter of A claim by Sir Graham Stanley Latimer and others

Claimants

And in the matter of Te Kawerau Iwi Tribal Authority Inc

Interested party

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**Memorandum of counsel for Te Kawerau Iwi Tribal Authority Inc  
seeking leave to join claims as interested party****Date:** 9 May 2012

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**RECEIVED**

Waitangi Tribunal

**09 May 2012**Ministry of Justice  
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**May it please the Tribunal:**

1 This memorandum is filed on behalf of Te Kawerau Iwi Tribal Authority Inc (**Kawerau**). It seeks leave to join these proceedings as an interested party.

2 Te Kawerau Iwi Tribal Authority Inc is the body mandated to negotiate the claims of Te Kawerau a Maki in Tamaki Makaurau. It has recognised mana whenua in relation to its rohe within Tamaki Makaurau including within the Waitakere / Te Henga areas which contain significant freshwater resources utilised for municipal water supplies to the Auckland region.

3 Kawerau has entered into an Agreement in Principle with the Crown and is discussing or wishes to discuss with the Crown the scope of redress for protection of and participation in fresh water resources in its area of interest including for alleged contemporary breaches of Treaty rights.

4 The Tribunal's findings on the water claims and the SOE inquiry will be directly relevant to Kawerau's tino rangatiratanga interests and its role in future management of water resources in its area of interest.

5 Kawerau therefore seeks leave to join these claims. In the first instance, Te Kawerau Iwi Tribal Authority wishes to monitor the progress of the claims and to be added to the distribution list of the Tribunal. Depending on the progress of the claims, Te Kawerau Iwi Tribal Authority may also wish to take a more active role in the proposed hearings.

6 Further particulars as to Kawerau's freshwater interests include:

6.1 Acquisition and continued use without permission of water resources over which Kawerau holds rangatiratanga for large-scale municipal purposes

(Water storage (i.e. dams) for public use, Wastewater treatment (i.e. Mangere Wastewater treatment);

6.2 Availability of share allocation in SOEs such as Mighty River Power as proxy for unjustified use;

6.3 Further evidence and submissions to be filed on behalf of Kawerau in these proceedings to establish Kawerau's interest. Kawerau will adopt as evidence relevant findings made by the Tribunal in the Manukau Report (WAI8) and Kawerau's status within Tamaki Makaurau in WAI25.

7 Subject to leave being granted, Kawerau wishes to include as a case example freshwater resources within the Waitakere and Riverhead catchments. It raises as a sub-issue to the 2<sup>nd</sup> stage of the Inquiry at [17c] or [17d] of the Tribunal Directions dated 27 April 2012 the following:

*To what extent does use of water for municipal purposes, pursuant to statutory powers conferred by the Crown (including without limitation allocation by consent authorities or council controlled organisations of water supply for domestic and commercial uses including wastewater) constitute a contemporary breach of rights and interests identified in Issue [17a] above.*

**Date:** 9 May 2012



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**Robert Enright**  
Counsel for Te Kawerau Iwi Tribal  
Authority Inc