

KEI MUA TE RŌPU WHAKAMANA I TE TIRITI WAI 2357 & 2358
BEFORE THE WAITANGI TRIBUNAL Wai 129, 222, 619, 774, 964, 985, 1028 & 1455

I TE TAKE O

IN THE MATTER OF

ME
AND

I TE TAKE O

IN THE MATTER OF

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I TE TAKE O

ME
AND

IN THE MATTER OF

TE TURE O TE TIRITI O WAITANGI

1975

THE TREATY OF WAITANGI ACT
1975

NGĀ KEREME WHAKATERETERE E PĀ ANA
KI NGĀ RAUEMI WHAKATŪ HIKO, NGĀ
WAI MĀORI, ME NGĀ PUIA

APPLICATION FOR URGENT INQUIRY ON
SALES OF POWER GENERATING STATE
OWNED ENTERPRISES AND NATIONAL
WATER AND GEOTHERMAL CLAIM

ĒTAHI KEREME O TĀ GRAEME LATIMER
ME ĒTAHI ATU KAIKEREME

ĒTAHI KEREME O SUE TE HUINGA
NĪKORA, WAIMARIE BRUCE, KINGI
TAURUA, TAMATI OLSEN,
MIRIAMA SOLOMON (NEE
TŪORO), TIMOTHY WAITOKIA,
HOANE TITARI JOHN WI, MO Ō
RĀTOU HAPŪ

VARIOUS CLAIMS BY VARIOUS
CLAIMANTS

HE WHAKAPĀ TUHINGA MO NGA KAI-KEREME
MEMORANDUM OF CLAIMANT COUNSEL

Te Rā 18 o Haratūa, 2012

Dated this 18th Day of May, 2012

RECEIVED

Waitangi Tribunal

18 May 2012

Ministry of Justice
WELLINGTON

TIKA CHAMBERS
BARRISTERS

TAVAKE BARRON AFEAKI

PO Box 106 726, Auckland City 1143

Telephone: (09) 909-4904/Fax: (09) 909-4903

Email: tavake@tikachambers.co.nz

HE WHAKAPĀ TUHINGA MO NGA KAI-KEREME
MEMORANDUM OF CLAIMANT COUNSEL

MĒNĀ KA PAI KI TE RŌPU WHAKAMANA I TE TIRITI
MAY IT PLEASE THE TRIBUNAL

1. This Memorandum of Counsel is filed on behalf of the following claimants:
 - (a) Wai 129 – Sue Te Huinga Nikora & Sonny Akuhata of Ruawaipū, Te Tai Rāwhiti and also Sue Te Huinga Nikora for the Wai 222 claim concerning Te Puia Springs, Te Tai Rāwhiti;
 - (b) Wai 619 – Waimarie Bruce of Ngāti Kahu o Torongare Te Parawhau, Ngāpuhi, Te Tai Tokerau;
 - (c) Wai 774 – Kingi Taurua of Ngāti Rāhiri, Ngāti Kawa o Ngāpuhi, Waitangi and environs, Te Tai Tokerau;
 - (d) Wai 964 – Tamati Olsen and others on behalf of Te Iwi o Rakaipāka o Nūhaka, Waikokopu, Te Māhia, Tahaenui and Morere *puia*, Te Tai Rāwhiti;
 - (e) Wai 985 – Miriama Solomon (nee Tuoro) and Graeme Prebble Jnr. of Te Honihoni, Te Ihutai, Te Māhuru o Hokianga, Ngāpuhi, Te Tai Tokerau;
 - (f) Wai 1028 – Timothy Waitokia, Tracey Waitokia, Bill Ranginui and others on behalf of Ngāti Hineoneone o Ātene, Whanganui, Te Tai Hauāuru; and
 - (g) Wai 1455 – Hoane Tītari John Wī and others of Ngāti Tūtakamoana, Ngati Rora o Ngāti Maniapoto, Te Rohe Potae.

(hereafter “the Claimants”)
2. This Memorandum is filed in response to the Tribunal’s Directions¹ dated 27 April, 2012.

¹ Wai 2537, 2.5.19.

3. Counsel notes his inability to attend the 24 April Judicial Conference due to lack of resources and possibly thereby not having a clear understanding of the timetable directions issued thereafter.
4. In respect of the case example evidence, Counsel's understanding of the Timetable Directions of 27 April, case example evidence was to be filed on 18 May by the "Claimants", whom Counsel understood to be the Wai 2357 and 2358 Claimants represented by Woodward Law.
5. Further to that, Counsel understood that the "Other Parties" as termed in the Directions, are to file their evidence on 22 June, 2012. It is into this category of "Other Parties" which Counsel believes the Claimants represented are included.
6. However, given that Counsel has not been able to confirm a position on the actual distinctions, Counsel files herewith one case example summary which has been able to be prepared, for Wai 1028, Ngati Hineoneone Hapu of Whanganui.
7. Further, Counsel seeks clarification of the Tribunal's Directions in respect of obligations to file evidence on which dates.
8. Meantime, Counsel will continue to brief evidence and prepare to file on 22 June, 2012.
9. Counsel will seek to confer with Counsel for the Claimants and for other parties in respect of progressing the claims.
10. Counsel can confirm that in terms of a list of case examples about which evidence is intended to be adduced for the Claimants represented, Counsel can provide the following list of case examples for the respective Claimants:
 - a. Waiapu river and Te Puia Geothermal Springs, Te Tai Rawhiti for the Wai 129 & Wai 222 Claimants ;
 - b. Whangarei waters, springs, swamps and rivers for the Wai 619 Claimants, Te Tai Tokerau;

- c. Waitangi and Oromahoe rivers for the Wai 774 Claimants, Te Tai Tokerau;
- d. Waitirohia, Nuhaka River and Morere Geothermal Springs, Waikokopu stream, Nuhaka, Te Mahia, for the Wai 964 Claimants, Te Tai Rawhiti;
- e. Utakura river and tributaries, Hokianga, for the Wai 985 Claimants, Te Tai Tokerau;
- f. Ongarue river and tributaries, for the Wai 1455 Claimants, Te Rohe Potae; and
- g. Further evidence about the Whanganui river, for the Wai 1028 Claimants, Ngati Hineoneone of Atene.

11. Counsel and Claimants look forward to the Tribunal's further Directions in due course.

No reira, anei aku mihi ki nga Rangatira Kaitiaki o te Tino Rangatiratanga o nga Hapu katoa, huri noa. Tena koutou katoa.

Kei Tamaki-Makau-Rau, tenei te Ra 18 o Haratūa, 2012

Dated at Auckland this 18th Day of May, 2012



Tu'inuku Tavake Barron Afeaki/Te Atairehia Thompson

Counsel for the Claimants

To: The Registrar of the Waitangi Tribunal

To: Counsel for the Crown & Other Claimants – SOE/Water & Geothermal