

IN THE WAITANGI TRIBUNAL

WAI 2358

IN THE MATTER OF     The Treaty of Waitangi Act 1975

AND

A claim by Sir Graham Stanley Latimer on behalf of himself, the New Zealand Māori Council and all Māori, Mr Tom Kahiti Murray, Taipari Munro, Kereama Pene, Rangimahuta Easthope, Peter Clarke, Jocelyn Rameka, Eugene Henare, Nuki Aldridge, Ani Martin, Ron Wihongi, Eric Hodge in association with the Te Arawa geothermal cluster, Walter Rika, Emily Rameka, Maanu Cletus Paul, Charles Muriwai White, and Whatarangi Winiata.

AND

The National Freshwater and Geothermal Resource Inquiry

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**Memorandum of counsel for the Claimants**Dated: 4 June 2012

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**RECEIVED**

Waitangi Tribunal

**04 Jul 2012**Ministry of Justice  
WELLINGTON**Solicitor**

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## Memorandum of counsel for the Claimants

### May it please the Tribunal:

1. This memorandum is filed in accordance with the direction contained in the Presiding Officer's memorandum-directions of 2 July 2012. It addresses the evidence of Dr Ganesh Nana filed by the Interested Parties.
2. The Claimants understand the Tribunal's criticisms. It is possible that the evidence suffers in its presentation from the fact that it was originally prepared for a different purpose. That can also be said of some of the Claimants evidence. The reason for this in the case of the Claimant witnesses is that limited funding that has been promised by the Ministry of Justice has been expressly contingent on no original work being undertaken, merely work repackaging existing materials.
3. However, the basis upon which Dr Nana reached that conclusion may well have more direct relevance to the issues before the Tribunal. In particular, it appears that a corollary of some of Mr Nana's evidence is that the partial sale is irreversible and results in the permanent loss of economic assets that the Claimants would otherwise be seeking to utilise as part of the resolution of their claim.
4. For that reason, the Claimants would support Dr Nana and the Interested Parties having a further opportunity to explain the relevance of Dr Nana's evidence.

4 July 2012



Donna Hall and Felix Geiringer  
Counsel for the Claimants