

OFFICIAL

Wai 502, 1.1(a)(l)

Wai 1130 #1.1.14(a)

**IN THE WAITANGI TRIBUNAL
KEI MUA I TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI**

WAI 1130

WAI 575

**WAI 61, 178,
226, 269, 480,
490, 502 and 641**

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the National Park Inquiry

AND

IN THE MATTER OF The Ngati Tuwharetoa Comprehensive Claim,
a claim filed by Te Ariki Tumu Te Heuheu on
behalf of Nga Hapu o Ngati Tuwharetoa

MEMORANDUM OF COUNSEL FOR NGATI TUWHARETOA (WAI 575)
Dated the 8th day of May 2007

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MAY IT PLEASE THE TRIBUNAL

1. This memorandum of counsel is filed on behalf of the Ngati Tuwharetoa Comprehensive Claim (Wai 575).

Clarification of Wai 502 representation

2. Counsel is in receipt of the Directions of the Presiding Officer on 2 May 2007, and the following documents seeking clarification of the Wai 502 representation issue:
 - 1.1 Memorandum of Counsel on behalf of Ngati Turangitukua dated 12 April 2007; and
 - 1.2 Memorandum of Counsel on behalf of Ngati Turangitukua dated 23 March 2007.
3. As the solicitors on the record for Wai 502, which is part of the Wai 575 cluster of claims, counsel has endeavored to obtain instructions for some time following receipt of the Memoranda from counsel for Ngati Turangitukua.
4. As previously advised by telephone conversation and email to the Tribunal, the Wai 575 claimants consent to Lana Te Rangi being added as a named claimant to the Wai 502 Claim. Further, at the request of Ms Maria Nepia, daughter of the late Mahlon Nepia, counsel has instructions to request that Mr Nepia be removed as the named claimant for the Wai 502 claim.

Request for outstanding material

5. The Tribunal has also requested clarification of whether the Wai 575 claimants will be filing the following outstanding material:
 - 5.1. The first CNI brief of Mr Otimi (as set out in the Wai 1130 #2.3.53 para 4.2); and
 - 5.2. The outcome of consultation between Mr Taiaroa and the Tuwharetoa Maori Trust Board in relation to the details of the agreement is has with Genesis Energy (Wai 1130 #2.3.52 paras 6.3-6.4).

6. In relation to paragraph 5.1 it is considered that the issues addressed in the oral and traditional report, *Te Taumarumarutanga o Ngati Tuwharetoa* have properly covered the issues raised in Mr Otimi's first brief of evidence filed in the CNI inquiry. Further, it is submitted that in preparing the oral and traditional report Mr Otimi had the benefit of a greater amount of research to inform the evidence provided in the National Park inquiry.
7. Accordingly, counsel submit that the first CNI brief of evidence of Mr Otimi does not add anything further to what is currently recorded on the National Park Record of Inquiry. Counsels' instructions from Mr Otimi are therefore that he does not wish to have his first CNI brief of evidence filed on the record.
8. In relation to the paragraph 5.2, we have been advised by Mr Taiaroa that he has consulted with the Trust Board on this issue. Unfortunately, due to the agreement being confidential to both of the parties the Trust Board considers it is not in a position to provide the details of the agreement it has with Genesis.
9. Counsel apologises for the delay in clarifying these issues with the Tribunal and claimant and Crown counsel and for any inconvenience caused by this delay.



Karen Feint/Kelly Fox
Counsel for Wai 575
Dated the 8th day of May 2007