IN THE WAITANGI TRIBUNAL
KEI MUA I TE RŌPU WHAKAMANA I TE TIRITI O WAITANGI

WAI 898

WAI 575

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Te Rohe Potae Inquiry**

AND

IN THE MATTER OF **The Ngāti Tūwharetoa Comprehensive Claim**, a claim filed by Te Ariki Tumu te Heuheu on behalf of Ngā Hapū o Ngāti Tūwharetoa

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MEMORANDUM OF COUNSEL FOR NGĀTI TŪWHARETOA
Dated 19 November 2012

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Waitangi Tribunal
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Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL

1. Counsel files this memorandum on behalf of the Ngāti Tūwharetoa Comprehensive Claim (Wai 575).

Filing Rewi Maniapoto letter concerning Taupō-nui-ā-Tia application

2. As per paragraph 3.5 of the Tribunal's directions dated 15 November (#2.6.1), counsel attaches for filing the letter from Rewi Maniapoto to Ballance dated 4 November 1885 regarding the Taupō-nui-ā-tia application. The original is in te reo, and there is a typed translation and cover sheet. Mr Stirling has also helpfully obtained the reply to Mr Maniapoto, and that is attached as well.

3. These documents will be put to Mr Meredith at the next hearing week.

4. Once again, counsel apologises for wasting hearing time by not having copies of these documents at the last hearing.

Ngāti Tūwharetoa tangata whenua evidence

5. Ngāti Tūwharetoa was scheduled to present its tangata whenua evidence at the December hearing week. The Tuesday morning had been earmarked for Ngāti Tūwharetoa tangata whenua evidence, with Bruce Stirling delivering his Taupō report in the afternoon.

6. The timetable has now been rescheduled due to overloading, and Mr Stirling's evidence has been postponed for hearing at a later (unspecified) hearing. Similarly, Ngāti Tūwharetoa have also regretfully had to withdraw. At this point it is unclear when hearing time will be available in later hearing weeks. Given that Mr Stirling's evidence is focused on the Taupō-nui-ā-tia application, it would make sense for his evidence to be heard in conjunction with the Ngāti Tūwharetoa evidence.

7. It is understood that Judge Ambler had indicated that two extra hearing day may be available (when the idea of hearing the Crown evidence on Ohaaki Tapu separately in Wellington was mooted). The purpose of this memorandum is to inquire whether those two hearing days are still available, and if so, whether a two day hearing at Pukawa is a possibility?

8. As counsel has previously indicated, Ngāti Tūwharetoa would very much like the Tribunal to visit Pukawa during this inquiry, due to its connection with the Kīngitanga. Accordingly, counsel is instructed to

respectfully inquire whether the Tribunal would consider attending Pukawa Marae as part of the official inquiry programme. If this is a possibility, it could perhaps be discussed at the next hearing week.

Cross-examination requests for week two

9. Counsel seeks leave to cross-examine the following witnesses during hearing week two:

Witness	**Topic**	**Time**
Paul Meredith	• Rewi Maniapoto letter filed with this memorandum. • Following up on Mr Meredith's suggestion that there is evidence of Te Heuheu being present at the December 1883 meeting	10 minutes
Dr Alex Frame	• Iwikau and Grey's visit to the interior of the North Island • Hoani's case – the 1942 Privy Council case of *Te Heuheu Tukino*, and the petition	20 minutes
Christoffel and Robinson	• Aspects of Ngāti Tūwharetoa political engagement in this period	15 minutes
Dr Don Loveridge	• #A41, #A68, #A89, and #A90 • Ngāti Tūwharetoa role in the Rohe Potae and the Tauponuiatia application	30 minutes

Karen Feint
Counsel for Ngāti Tūwharetoa
Dated 19th November 2012