

**KI MUA I TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI**

**Wai 2358**  
**Wai \_\_\_\_\_**

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**IN THE MATTER OF**

**The Treaty of Waitangi Act 1975**

**AND**

**IN THE MATTER OF**

**The National Freshwater and Geothermal Resources Claim**

**AND**

**IN THE MATTER OF**

**A Contemporary Treaty Claim to Freshwater and Geothermal Resources within their respective rohe on behalf of the iwi, hapu, whanau, marae and claimant groups of Ngāti Kahungunu**

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**Memorandum of Counsel on behalf of Ngāti Kahungunu**

**Dated 3 September 2012**

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<b>RECEIVED</b> Waitangi Tribunal
<b>3 Sept 2012</b>
Ministry of Justice WELLINGTON

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**Chen Palmer Public and Employment Law Specialists**

Barristers and Solicitors

WELLINGTON

**Mai Chen / Samuel Carpenter/ Kiri Allan**

Telephone: 04 499 8990

Facsimile: 04 499 8992

P O Box 2160, Wellington 6140

DX SP26503

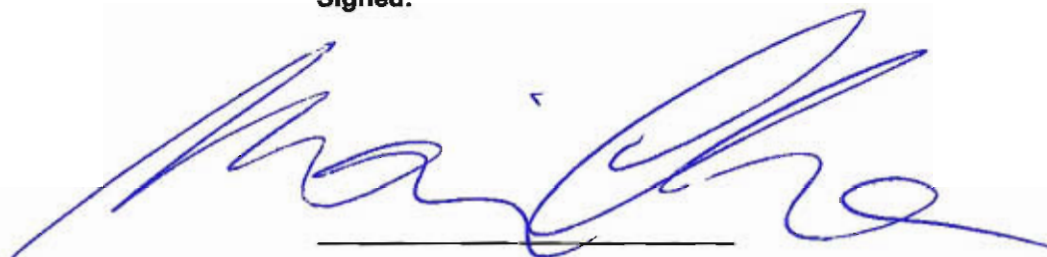
Level 8, 138 The Terrace, Wellington

**MAY IT PLEASE THE TRIBUNAL:**

- 1 We act for Ngāti Kahungunu Iwi Incorporated, who represent the interests of all iwi and hapu of Ngāti Kahungunu.
  
- 2 The claimants apply to join the Tribunal's Wai 2358 inquiry (**the inquiry**) into Maori rights and interests in freshwater and geothermal resources, and sale of the power-generating SOEs, on the basis that the Claim (filed contemporaneously with this Memorandum) raises issues that concern the subject matter of the inquiry.
  
- 3 In particular, the claimants seek to place before the Tribunal, in Part 2 of the inquiry, evidence of their rights and interests in their water ways, including aquifers: Te Haukунui o Heretaunga (the second largest aquifer in New Zealand), Mahia, Nuhaka, Wairoa, Poukawa, Ruataniwha, Tararua and Wairarapa.
  
- 4 The contemporary claim asserts the claimants' rights and interests in freshwater and geothermal resources, and alleges breaches by the Crown of its Treaty duties and obligations by failing to recognise the claimants' rights and interests in their waterways, amongst other matters.
  
- 5 The claimants further rely on:
  - (a) Section 8, Schedule 2, Treaty of Waitangi Act 1975 and ss4A-4B Commissions of Inquiry Act 1908, on the basis that the Claimants have an interest in the inquiry apart from any interest in common with the public;
  - (b) Sections 6, 8A-8H, 8HA-8HI of the Treaty of Waitangi Act 1975;
  - (c) The Waitangi Tribunal's interim report on the Wai 2358 claim dated 24 August 2012;
  - (d) Other grounds set out in the Claim/ Statement of Claim.

6 On these grounds the claimants respectfully seek leave of the Tribunal to join part 2 of the inquiry as a party/ interested party.

**Signed:**



Mai Chen, Counsel for the Claimants

**Dated: 3 September 2012**

**TO: The Registrar, Waitangi Tribunal**  
**AND TO: Claimant Counsel on the Wai 2358 record of inquiry**  
**AND TO: Treaty Team, Crown Law Office, P O Box 2858, Wellington 6140**