IN THE WAITANGI TRIBUNAL

WAI 898
WAI 833
WAI 965
WAI 1044
WAI 1605

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of the Te Rohe Potae Inquiry

AND

IN THE MATTER of claims by Ema Te Toroa Tangiariki Pohatu, James Raumanuka Pakau, Lyndon Karl Pakau Bowring, Daryn Roy Pakau, Te Maioro Konui and Maxine Ketu for and on behalf of Ngati Hikairo.

MEMORANDUM OF COUNSEL FOR NGATI HIKAIRO

18 February 2013

RECEIVED
Waitangi Tribunal
18 Feb 2013
Ministry of Justice
WELLINGTON

Te Nahu Lovell & Co Ltd
P O Box 4104
Western Heights
ROTORUA
Ph: (07) 345 6595/Fax (07) 345 6598
Email: hemi@tenahulovell.co.nz

Counsel acting: Hemi Te Nahu/ Jude Murdoch

MAY IT PLEASE THE TRIBUNAL

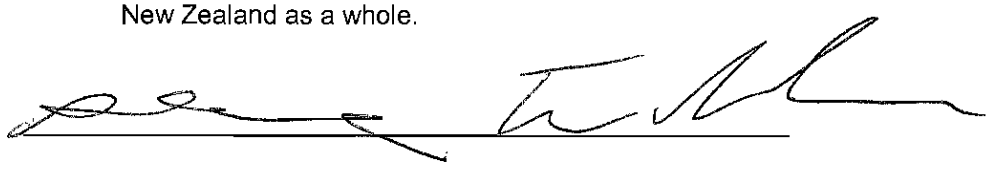
Introduction

1. This Memorandum of Counsel (**MOC**) is filed for and on behalf of Ema Te Toroa Tangiariki Pohatu, James Raumanuka Pakau, Lyndon Karl Pakau Bowring, Daryn Roy Pakau, Te Maioro Konui and Maxine Ketu for and on behalf of Ngati Hikairo (**the Claimants**).

2. In Appendix A of this MOC, the Claimants respond to questions both from the Tribunal Memorandum-Directions dated 18 December 2012 (Wai 898, #2.6.4) and the Crown in its MOC of 29 January 2013 (Wai 898, #3.3.65), on their three Briefs of Evidence (**BOEs**) presented in the second Wai 898 Ohaaki Tapu hearing week: Wai 898, I5, I6, and I7.

3. In accordance with the Tribunal's request received as of even date, this MOC and its Appendices A and B replace the MOC and Appendix filed by counsel on behalf of the Claimants earlier today. As requested by the Tribunal, counsel have removed the Claimants' responses to Tribunal and Crown queries from this MOC. Counsel have placed the Claimants' responses in Appendix A of this MOC. Counsel set out the sections of the sources referenced in Appendix A that are not listed on the Wai 898 Record of Inquiry, in Appendix B of this MOC. Counsel note that Appendix B of this MOC replaces the "Appendix 1" filed with the original MOC earlier today.

4. Our instructions are that the Claimants wish to have noted that they are genuinely appreciative and grateful to the Tribunal and Crown for their questions in relation to these BOEs. The Claimants view such questions as an opportunity to further articulate where they fitted within Te Ohaaki Tapu, and amidst Te Rohe Potae people groups during this period, and to take steps towards resolving their grievances and moving forward to a better future for New Zealand as a whole.



Hemi Te Nahu/ Jude Murdoch

Counsel for Wai 833, 965, 1044, and 1605