

BEFORE THE WAITANGI TRIBUNAL

**WAI 2358
WAI 354
WAI 662
WAI 691
WAI 788
WAI 1835
WAI 1868**

IN THE MATTER OF

The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

The National Freshwater and Geothermal
Resource Inquiry

**MEMORANDUM OF COUNSEL IN RESPONSE TO
THE PRESIDING OFFICER'S DIRECTIONS OF 13 MARCH 2013**

Dated the 10th day of April 2013

RECEIVED Waitangi Tribunal
10 Apr 2013
Ministry of Justice WELLINGTON

AURERE LAW
Barristers and Solicitors
PO Box 1693
DX JP30025
ROTORUA

Ph: 07 348 0034
Fax: 07 346 2933

Solicitor Acting: Annette Sykes

MAY IT PLEASE THE TRIBUNAL:

1. This Memorandum is filed on behalf of:
 - a. Arapeta Hamilton on behalf of Ngati Manu, Te Uri Karaka, Te Uri o Raewaera and Ngapuhi ki Taumarere tribes Wai 354, currently engaged in the Waitangi Tribunals Northland Inquiry District Wai 1040;
 - b. Muiora Barry, Barabara Marsh, Lenny Turner and Tohe Raupatu (deceased), Wai 691 and Wai 788, who are currently engaged in the Waitangi Tribunals Te Rohe Potae Inquiry District Wai 898; and
 - c. The Ngati Hinemanu me Ngati Paki Heritage Trust Wai 662, Wai 1835, Wai 1868, who are currently engaged in the Waitangi Tribunal's Taihape Inquiry District Wai 2180.

['the claimants']

2. This memorandum responds to the Presiding Officers memorandum of directions dated 13 March 2013¹ that asked for responses in relation to the proposed issues for Stage Two, evidentiary sufficiency on the existing record of inquiry and further evidentiary requirements.
3. The claimants are of the view that the proposed issues for Stage Two as set out in the Presiding Officer's memorandum of directions remain to be resolved and have not changed, although, may be amended to directly reflect the findings made at Stage One as provided in the Memorandum of Counsel filed on behalf of the NZMC dated 13 March 2013 at paragraph 14.
4. In light of the Tribunal's finding that Maori held residual proprietary rights and interests in freshwater or geothermal resources we now seek that those parties currently recognised as interested third parties are now solidified as co-claimants within this inquiry.
5. Our clients will articulate their position in relation to the proposed issues by way of Affidavit, augmenting their evidence presented to the Tribunal during Stage One. Their evidence in some instances will be relevant to multiple

¹ Wai 2358, #2.5.36

issues and in essence, resolution of the earlier issues may lead to resolution of the latter issues.

6. We too seek advice from the Crown on issues (g) and (h), in view of the fact that the existing reforms do not adequately address the findings in Stage One, that Maori held residual proprietary rights and interests in freshwater and geothermal resources.
7. We thus seek confirmation that the future reforms loosely referred to by the Crown are Treaty compliant.

Dated at Hamilton this 10th day of April 2013



Annette Sykes