IN THE WAITANGI TRIBUNAL
OF NEW ZEALAND

IN THE MATTER	of the Treaty of Waitangi Act 1975
A N D	
IN THE MATTER	of the Porirua ki Manawatū District Inquiry (Wai 2200)
A N D	
IN THE MATTER	a claim by **TE IWI O NGĀTI TUKOREHE TRUST** for and on behalf of Te Iwi o Ngāti Tukorehe – Wai 1913

MEMORANDUM OF COUNSEL

Dated this 17th day of June 2013

RECEIVED
Waitangi Tribunal
17 June 2013
Ministry of Justice
WELLINGTON

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RPH-419039-1-288-V1:AMW

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MAY IT PLEASE THE TRIBUNAL

1. This Memorandum of Counsel is filed on behalf of Te Iwi o Ngāti Tukorehe – Wai 1913 in response to the Memorandum of Directions (No. 50) of the Tribunal dated 31 May 2013 (Wai 2200 #2.5.63).

Organisation of Nga Kōrero Tuku Iho

2. In terms of the matters the Tribunal has asked for clarification on, the views of Te Iwi o Ngāti Tukorehe are as follows:

   (a) The claimants support the name remaining Nga Kōrero Tuku Iho;

   (b) The claimants also support the kōrero at the Judicial Conference on 28 May regarding the scope of the topics to be presented at the hui; and

   (c) Te Iwi o Ngāti Tukorehe would like to tono to host a Nga Kōrero Tuku Iho hui at Tukorehe Marae in Kuku.

Ngā Kōrero Tuku Iho Process

3. The claimants support the protocols and guidelines proposed based on the Te Rohe Potae model, but note that the tikanga of the particular host of each hui will play a role.

4. Te Iwi o Ngāti Tukorehe's position is that the Nga Kōrero Tuku Iho process in the main an oral one, but do see at times that it may be appropriate for speakers to be able to refer to various written sources. That said, it is submitted that extensive written documentation akin to briefs of evidence should only be allowed in exceptional circumstances.

5. It is accepted that there may be some claimant groups who do not have people that are holders of this particular knowledge. That said, it is submitted that the Nga Kōrero Tuku Iho process should not be used to give evidence that more appropriately fits within the substantive hearings, for the sake of participating. This is not intended to exclude those claimant groups, but more to utilise the time set aside for Nga Kōrero Tuku Iho hui in the best way possible.

6. It is further submitted that those holders of korero tuku iho will be of such quality that their korero will be all embracing and likely capture those that may not have people with that knowledge within their claimant group. As such, this is another

reason why their korero should be given as much opportunity to be presented in full, as opposed to korero more appropriate for the substantive hearings.

7. As set out above this is in no way intended to exclude claimants, but rather to ensure that the evidence presented during this process is the most appropriate for this part of the hearing programme. It is submited that the mere fact that some claimant groups may no longer have people amongst them that possess this type of knowledge may in itself, be evidence of prejudice to be presented during the substantive hearings.

8. Counsel note that there was brief discussion at the Judicial Conference about whether it is appropriate for non-Māori to be able to participate in this process. The Ngā Kōrero Tuku Iho hui are part of the hearing process therefore it is submitted that it is up to the claimant group to determine who shall give evidence on their behalf regardless of their whakapapa and/or age. The position of Te Iwi o Ngāti Tukorehe is that if there are non-Māori who are holders of this particular korero then they support claimant groups putting these people forward to give evidence as part of the Ngā Kōrero Tuku Iho process.

Dated this 17th day of June 2013

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R P Hall
Counsel for Wai 1913