

**OFFICIAL**

**IN THE WAITANGI TRIBUNAL**

**Wai 1040 #3.1.25**

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

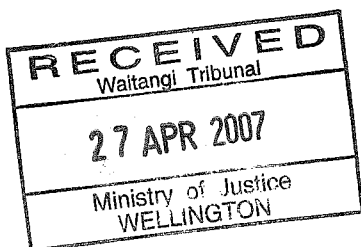
**AND**

**IN THE MATTER OF** the Northland Inquiry

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**JOINT MEMORANDUM OF COUNSEL FOR NGATI WAI CLAIMANTS FOR THE  
JUDICIAL CONFERENCE ON 27 APRIL 2007**

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**MAY IT PLEASE THE TRIBUNAL:**

1. This Joint Memorandum is filed by counsel representing the following Ngati Wai claimants:

- (a) The Ngati Wai Trust Board (Wai 244 filed by Lucy Palmer);
- (b) Ngati Manuhiri (Wai 567 filed by Roi McCabe and Wai 280 filed by Laly Haddon);
- (c) Ngati Rehua (Wai 678 filed by Michael Beazley); and
- (d) Kay Tandy, Wai 487.
- (e) Te Uri o Hikihihi (Wai 1384 filed by Elvis Reti, Henry Murphy and Merepeka Henry)

(hereafter referred to as the Claimants)

2. This purpose of this memorandum is to:

- (a) provide some comments on the Ngapuhi Design Group's proposal;
- (b) advise the Tribunal on the Claimants' broad strategy in respect of the Northland Inquiry; and
- (c) provide comments with regard to claimant research.

**The Ngapuhi Design Group Proposal**

- 3. The Claimants have received the Northland Design Group proposal (the "Design Group").
- 4. That Memorandum was compiled and filed without any consultation with the Claimants.

5. There has however, been one meeting between Ngati Wai Trust Board claimants and some members of the Design Group after the proposal was filed.
6. The proposal has some good points, but appears to be lacking sufficient detail as to how the Inquiry is to proceed, save for the suggestions that:
  - o The Inquiry commence at Waitangi;
  - o That the hearing focus on claimant evidence;
  - o Cross examination of kaumatua be limited; and
  - o Challenges to whakapapa be limited.
7. The Claimants do not oppose these general points, but the Claimants wish any process that is formally adopted by the Tribunal to reflect Ngati Wai's status as an Iwi, and their claims as tangata whenua, separate to and independent from the Ngapuhi claimants. That is not to say that the claims of Ngati Wai, Ngapuhi and others cannot co-exist, however it is the claimants' view that their tino rangtiratanga also warrants recognition, and preservation by any hearing process.
8. Further work will be required to determine whether the hearings should proceed on a, short form, long form, modular or some other basis. Those details are missing from the proposal.

#### **Ngati Wai Inquiry**

9. The Claimants have also advocated that all Ngati Wai claims be heard in one inquiry. That remains the Claimants' view.
10. In its last joint Memorandum of 31 March 2006 the claimants advised the Tribunal of their desire to present a co-ordinated approach to their claims in the Northland Inquiry.
11. The Claimants hoped that this co-ordinated approach would provide for efficient and expeditious hearing and settlement of Ngati Wai claims. The Claimants noted that this would involve considerable co-operation and co-ordination in terms of the preparation and presentation of the claims before the Tribunal.

12. In the period since the last Judicial Conference, the Ngati Wai Claimants have continued to work together to assist each other in both the formulation of Ngati Wai claims, and to develop a process for ongoing communication, research and compiling of evidence that will be presented to the Tribunal.
13. While it is disappointing that the proposal presented by the Design Group was made without any attempts to discuss recommendations with the Claimants before those recommendations were made to the Tribunal the Claimants believe that if there is a genuine commitment from the Design Group to a dedicated process that recognises Ngati Wai's tino rangatiratanga, then an appropriate process can be worked through together.

#### **Research**

14. The claimants are in discussions with Crown Forestry Rental Trust ("CFRT") with a view to forming a dedicated Ngati Wai cluster.
15. At this stage only one claimant on whose behalf this memorandum is filed is associated with a cluster as recognised by the CFRT and an oral and traditional evidence collection project has begun for that cluster. That project will not likely be completed for another twelve months or so and it is respectfully suggested that at that point, it would be appropriate for the evidence to be reviewed with a view to determining whether the claims made by the Claimants are ready for hearing.
16. If not, then further technical evidence and/or oral and traditional evidence may be required. However the claimants' preliminary assessment is that the technical evidence does not adequately cover the claims made by the Ngati Wai claimants and a further report or reports, specifically commissioned to address the Ngati Wai claims issues will be necessary.

## Hearings

17. The Claimants wish to see an expeditious process adopted that will ensure that all Ngati Wai claims are heard in one single inquiry and in a manner that recognises the full extent of Ngati Wai claims against the Crown.
18. Ngati Wai would like to see that process begin as soon as is practicably possible, and after all evidence has been collected.
19. This memorandum is filed with the consent of Spencer Webster (counsel for Ngati Manuhiri and Ngati Rehua) and Moana Tuwhare (counsel for Wai 487 and Te Uri o Hikihiki).

Dated at Waitangi this 27th of April 2007.



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Greg Davis  
Counsel for Claimants in Wai 244

**TO:** The Waitangi Tribunal at Wellington