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Wai 1040 #3.1.37

In the Waitangi Tribunal

Under **The Treaty of Waitangi Act 1975**

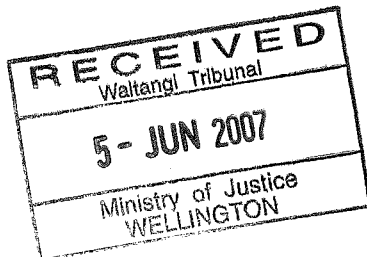
In the Matter of **The Northland Inquiry**

And

In the Matter of **The Taita Marae Beneficiaries**

**Memorandum of Counsel in response to Crown submissions
regarding the inclusion of the Te Roroa area**

Dated 5 June 2007



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LAWYERS

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May it please the Tribunal:

1 Crown Submissions

- 1.1 Counsel refers to the Memorandum filed on behalf of the Crown dated 31 May 2007 and in particular paragraph 8 which refers to the application of the Taita Marae beneficiaries to extend the boundaries into the area known as the “Te Roroa area.”

2 Te Roroa Area

- 2.1 The Crown submits at para 8.1 that strictly speaking there was no Te Roroa inquiry area – while this is submitted to be correct, the position has evolved whereby the area from the Waipoua Forest down to Te Kopuru is identified as the Te Roroa area, and is identified as an area which has been inquired into, (see Attachment A, map produced by Waitangi Tribunal 1 Dec 05, showing area as “Completed Waitangi Tribunal Inquiries.”)
- 2.2 In these circumstances Counsel submits that the Crown’s argument is negligible, as the practical effect of the Te Roroa Inquiry is that the area is indeed considered to be the Te Roroa area.

3 Floodgate argument

- 3.1 At paragraph 8.2 the Crown states that it is unknown how many additional claimant groups would be joined. It is submitted that the Crown in the Northland Inquiry is already dealing with the largest claimant grouping ever attempted to be dealt with in a district Inquiry. It is submitted that the impact of the additional claimants would be negligible in this Inquiry area.
- 3.2 His Honour Judge Williams correctly noted at the Judicial Conference that if the Inquiry area was to be widened to include the Te Roroa area careful parameters would need to be put around how that would be managed. The Tata claimants agree with this approach and it is submitted that with careful planning in that regard the point raised by the Crown will not become an issue.

4 Other Claimant Groups

4.1 The Crown states at para 8.3, that as far as they are aware, no other claimant group has requested any such widening of the Inquiry area.

4.2 Counsel notes that clear support was given to the request to include the Te Roroa area at the Northland Inquiry Judicial Conference from the following groups;

a. Te Runanga o Ngati Whatua

b. Nga Puhi Design Group

5 Claims of the Taita Marae Claimants limited to Maitahi Urupa and St Marys Church

5.1 The Crown misses a major point of the claimants seeking to widen the area when they state that the claim is limited to the areas of Maitahi cemetery and St Mary's Church. The area is lacking in research and accordingly it is difficult for the claimants to fully particularise their claim.

5.2 As submitted in the April Memorandum of Counsel, The Te Roroa claim itself only focussed on the Waipoua land blocks leaving significant land blocks within the area un-researched.

6 Conclusion

6.1 It is submitted that the inclusion of the Te Roroa area will ensure that the area is dealt with in a thorough and practical way as can be offered by the new district wide inquiries. It is submitted that the Taita Marae claimants will be prejudiced in the progression of their claims should this approach not be adopted.



Jolene Patuawa

5 June 2007

