



Wai 1040, #3.1.40

I MUA I TE ROOPU WHAKAMANA
I TE TIRITI O WAITANGI

WAI 1040
WAI 619

I TE TAKE O
IN THE MATTER of

TE TIRITI O WAITANGI
the Treaty of Waitangi Act 1975

ME/AND

I TE TAKE O

Nga kereme o WAIMARIE
BRUCE mo nga uri o NGATI
KAHU O TORONGARE TE
PARAWHAU

IN THE MATTER of

Claims by WAIMARIE BRUCE
on behalf of the descendants of
NGATI KAHU O TORONGARE
TE PARAWHAU

ME/AND

TE PAPARAHI O TE RAKI



**MEMORANDUM OF WAI 619 CLAIMANT COUNSEL AMENDING
STATEMENT OF CLAIM AND MAKING SUBMISSIONS ON DISTRICT
INQUIRY BOUNDARIES**

Dated this 28th Day of September, 2007

PRESENTED FOR FILING BY:

Counsel: Charl Hirschfeld/Tavake Barron Afeaki/Tony Sheppard
Barristers-at-Law
PO Box 7728
Wellesley Street
Auckland
Tel: (09) 307-6997
Fax: (09) 307-6992

**MEMORANDUM OF WAI 619 CLAIMANT COUNSEL AMENDING
STATEMENT OF CLAIM AND MAKING SUBMISSIONS ON DISTRICT
INQUIRY BOUNDARIES**

MAY IT PLEASE THE HONOURABLE TRIBUNAL:

1. Counsel refers to the Judicial Conference held on 27 April 2007 at Waitangi, to submissions made by the parties and to the Tribunal's Directions that submissions be filed in relation to the Boundaries of the Northland Inquiry District and whether or not the administrative district known as Mahurangi, inclusive of the Coastal/Gulf Islands should be included in the Northland Inquiry.
2. Counsel also refers to a number of Claimant Counsel Memoranda received thereafter, Crown Counsels' Memorandum of 31 May and the Tribunal's Memorandum-Directions dated 4 July, 14 August and more lately on 27 September setting down Claimant Workshops in Tamaki Makau Rau and Kerikeri for 4 and 5 October 2007.
3. The Wai 619 Claimants are the Southern Hapu of Ngapuhi, known as Ngati Kahu o Torongare me Te Parawhau. Counsel have received instructions from the Hapu Claimants, and can confirm as follows.

Amendment to Wai 619 Hapu Claim

4. The Claimants wish to have their original Statement of Claim amended at paragraph 2, in terms of the Claim area, to read as follows:

“Inclusive of, but not exclusive to the lands, minerals, waters and resources within the Waitangi Tribunal's current administrative inquiry district of Mahurangi and the Gulf Islands, wherefore the said islands referred to shall include but not be exclusive to Tawhitirahi, Te Aorangi, Marotiri and Taranga.”

Northland Hearing Boundaries

5. Counsel for the Wai 619 Hapu Claimants submit that the Northland Inquiry **should include** the Mahurangi and Gulf Islands, not exclude them and hear them separately.
6. Counsel are instructed that this is because the Claimants have already had their interests severed out in other Hearings such as in the Kaipara Inquiry. They express that it is artificial to sever their whakapapa, take tupuna, take tapu and tikanga in their area of traditional tribal interest.
7. The Claimants they do not want to again suffer the prejudice of having one Hearing in 2000, experience a seven or eight year delay and then have their interests divided again for different Hearing Inquiries.

Overlapping Interests in Other Inquiry Districts: Kaipara

8. Counsel are instructed that the Wai 619 Claimant Hapu has interests in the Mangawhai area of the Waitangi Tribunal's Kaipara Stage III Inquiry. This is because of the extensive tapu in that region arising from their Ngapuhi tupuna's involvement in the battle of Te-Ika-a-Ranganui.
9. They therefore seek to have investigations made into the Ngapuhi interests in Kaiwaka, Mangawhai and surrounding area.
10. Counsel seek directions to this effect or alternatively the Tribunal's leave to make further submissions on this point.

MAY IT PLEASE THE HONOURABLE TRIBUNAL

Dated this 25th day of September 2007

Charl Hirschfeld/Tavake Barron Afeaki/Tony Shepherd
Counsel for Wai 619