

IN THE WAITANGI TRIBUNAL
PORIRUA KI MANAWAU DISTRICT INQUIRY

WAI 2200
WAI 88 & 89

IN THE MATTER OF

the Treaty of Waitangi Act 1975

AND

Porirua ki Manawatu Inquiry (WAI 2200)

AND

a claim by Ani Parata, Darrin Parata and Damian Parata for and on behalf of Te Ati Awa Marae Committee, other whanau and hapu of Te Ati Awa/Ngati Awa ki Waikanae, and descendants of Te Kakakura Wi Parata Waipunahau (the Kapiti Island claim) (WAI 88)

AND

a claim by Ani Parata and Darrin Parata for and on behalf of Te Ati Awa Marae Committee, other whanau and hapu of Te Ati Awa/Ngati Awa ki Waikanae, and descendants of Te Kakakura Wi Parata Waipunahau (the Whitireia Block claim) (WAI 89)

MEMORANDUM OF COUNSEL IN RELATION TO MUAUPOKO EXPEDITED HEARINGS

Dated 19 February 2016

RECEIVED
Waitangi Tribunal
19 Feb 2016
Ministry of Justice WELLINGTON

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MAY IT PLEASE THE TRIBUNAL

1. This Memorandum of Counsel is filed on behalf of the **Wai 88 and 89 claimants** (“the Claimants”). It addresses a number of matters arising out of the Muaupoko expedited hearings (“the hearings”) and the closing submissions of counsel filed to date. Counsel reserves the right to file further submissions in reply once Crown closing submissions have been received.
2. Counsel is aware of the fact that the hearings have been convened to hear from, and inquire into, the claims of Muaupoko against the Crown. As such, the claimants have not filed evidence in these hearings, nor have counsel been able to cross-examine technical witnesses. The claimants support the right of Muaupoko to present their claims to the Tribunal on their own terms, and have participated in the hearings (through the appearance of counsel) on the basis of support for their Muaupoko whanau, as well as to engage with the evidence presented on Muaupoko’s behalf.
3. However, the claimants have their own interpretation and their own understanding of the key historical events and inter-iwi relationships on the Kapiti Coast, and this evidence from Te Atiawa has yet to be put before the Tribunal. They therefore welcome the direction from the Tribunal (#2.5.21, para 2) that the findings flowing out of the hearings will not touch on:
 - (a) Any historical acts or omissions of the Crown in respect of relationships between Muaupoko and Ngati Raukawa and Te Ati Awa/Ngati Awa ki Kapiti; and
 - (b) Any historical acts or omissions of the Crown relating to the respective rights and interests of Muaupoko, Ngati Raukawa and Te Ati Awa/Ngati Awa ki Kapiti.

To make finding beyond this, without having heard from Te Atiawa, would result in prejudice to the claimants.

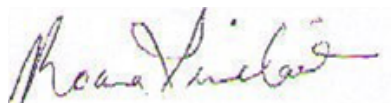
4. The claimants acknowledge the indication from Her Honour Judge Fox that Te Atiawa will have the chance to be heard at a later point in the wider Porirua ki Manawatu hearing process:¹

Her Honour Judge Fox to Moana Sinclair :

“...We will hear from your clients and Ngati Raukawa at a point when all their research is done...”

5. The claimants look forward to this opportunity to be heard. To this end they will continue to work with CFRT to access funding for their participation in the hearings, as well as their research programme as identified in the scoping report prepared by Tony Walzl. (Wai 2200, A186)
6. Counsel also supports the concerns raised in the submission on behalf of Te Hono ki Raukawa in relation to Waitarere Forest (Wai 2200, #3.3.012, paras 7-8). The negotiated settlement of any CFL land within the Porirua ki Manawatu Inquiry district would remove the funds received from that forest from the pool of funding available for the claimants. As to date the claimants are neither an approved client of the Trust, nor a member of an approved client cluster, they are concerned that a diminished pool of resources will prejudice their ability to prepare for hearings. We therefore submit that no findings should be made in relation to Waitarere Forest until all groups, including Te Atiawa, have been heard.

DATED this 19th day of February 2016



Moana Sinclair LLM (Hons)
Counsel for the Claimants

¹ From Hearing Week 2, 27 November 2016, Wai 2200, #4.1.12, p. 796.