

IN THE WAITANGI TRIBUNAL

KEI MUA I TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI

WAI 2490

WAI 2489

IN THE MATTER OF

The Treaty of Waitangi
Act 1975

AND

IN THE MATTER OF

Ngapuhi Settlement Inquiry

AND

IN THE MATTER OF

A claim filed by Paki Pirihi on
behalf of Patuharakeke and a
claim filed by Ngawaka Pirihi
and others

MEMORANDUM OF COUNSEL

Dated this 10th day of June 2015

TAMATEKAPUA LAW

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MAY IT PLEASE THE TRIBUNAL

1. This Memorandum is filed on behalf Paki Pirihi acting on behalf of Patuharakeke and a claim filed by Ngawaka Pirihi and others under the claim number WAI 2489.
2. On 22 May 2015 the Crown filed a Memorandum (Wai 2490, #3.4.71) (“Crown Memorandum”) updating the Tribunal on their negotiations with Tuhoronuku Independent Mandated Authority (“TIMA”) whereby advising that the Terms of Negotiation have now been signed by both parties.
3. Counsel support the Memorandum of Counsel filed by Wackrow Williams and Davies Limited on behalf of Wai 2483 (Wai 2490, #3.4.74) dated 4 June 2015.
4. Counsel have received instructions from our clients today confirming that they maintain their position that they do not give TIMA the mandate to settle their historical grievances. It is Patuharakeke’s position that the recent actions of both the Crown and TIMA in proceeding down the path towards settlement is disingenuous given the evidence presented before the Tribunal in the Wai 2490 inquiry and the fact that the claimants are still currently awaiting a report from the Tribunal.
5. Further, Patuharakeke are entirely opposed to the upcoming Hapu Kaikorero elections and do not give any individual the mandate to nominate themselves or others as a Hapu Kaikorero purporting to represent Patuharakeke. This process undermines the Patuharakeke Trust Board’s approved mandate from its hapu membership for them to settle the claims of Patuharakeke autonomously.
6. Counsel submit that Patuharakeke are currently suffering and are likely to continue suffering significant prejudice by virtue of their inclusion in a process of which they have consistently opposed.

7. Counsel support the other claimant counsel in their submissions that the Tribunal report on this issue is crucial given the Crown Memorandum and should be treated as a matter of urgency.

Dated this 10th day of June 2015 in Auckland.

Two handwritten signatures are shown side-by-side. The signature on the left is written in black ink and appears to be 'KD'. The signature on the right is also in black ink and appears to be 'A Castle'. The right signature is set against a light green rectangular background.

Kelly Dixon/ Alisha Castle
Counsel for WAI 2489