

**BEFORE THE WAITANGI TRIBUNAL
TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI**

**WAI 329, WAI 1584
WAI 898**

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of the Te Rohe Potae Inquiry

AND

IN THE MATTER of a claim by Daniel Te Kanawa, Thomas Moke, and Haami Bell on behalf of themselves and iwi of the Maniapoto region (Wai 329)

AND

IN THE MATTER of a claim by Roderick Tiwha Bell on behalf of himself and all marae, iwi and hapu of Maniapoto (Wai 1584)

MEMORANDUM OF COUNSEL FOR WAI 329 AND WAI 1584
Dated this 5th day of March 2012

RECEIVED

Waitangi Tribunal

05 Mar 2012

Ministry of Justice
WELLINGTON

KAHUI
LEGAL

PO Box 1654

Telephone: 04 495 9999

Facsimile: 04 495 9990

Solicitor: M K Mahuika / K T Albert

WELLINGTON

MAY IT PLEASE THE TRIBUNAL:

1. This memorandum of counsel is filed on behalf of the following claims:
 - (a) a claim by Daniel Te Kanawa, Thomas Moke, and Haami Bell on behalf of themselves and iwi of the Maniapoto region (**Wai 329**); and
 - (b) a claim by Roderick Tiwha Bell on behalf of himself and all marae, iwi and hapu of Maniapoto (**Wai 1584**)
2. Both claims are being prosecuted under the mantle of the Maniapoto Maori Trust Board ("**Trust Board**").

Importance of the Ohaki Tapu

3. Further to the joint memorandum of claimant counsel filed on 2 March 2012, and a previous memorandum of counsel dated 1 December 2011 (Wai 898, # 3.1.384), the Trust Board wish to reiterate that Te Ohaki Tapu is a vital issue for both the Wai 329 and Wai 1584 claims.
4. The Trust Board is strongly of the view that Te Ohaki Tapu cannot simply be viewed as a theme or grouped with identified themes in this Inquiry. The Trust Board is also strongly of the view that Te Ohaki Tapu cannot be reduced to a point on a timeline of events within the rohe. Rather, the Trust Board considers that Te Ohaki Tapu is a kaupapa rangatira for Maniapoto, which underpins all Maniapoto claims. It is central to the entire Rohe Potae Inquiry.
5. For these reasons, the Trust Board believes that Te Ohaki Tapu warrants its own place in the Inquiry and should be the focus of the first hearing. The Trust Board also wishes to present its evidence in that same hearing week.
6. The Trust Board's venue preference for the first hearing is Te Tokanganui-a-Noho Marae in Te Kuiti.
7. Counsel is instructed that an organising committee for the Trust Board is meeting on 15 March 2012 and hope to provide further details regarding the

proposed hearing programme (for example, the estimated hearing time required for the Wai 329 and Wai 1584 claims) shortly thereafter.

DATED at Wellington this 5th day of March 2012.



M K Mahuika/K T Albert
Counsel for Wai 329 and Wai 1584