

## Addendum - Wai 123

Before concluding our report it is desirable that we should briefly discuss an associated claim, Wai 123, brought by Charles Brown and Susanne Robertson, both of Te Uriohua hapu, for themselves and the direct descendants of Ihaia Hita. The principal witness for these claimants was Victoria Brown (B42), who produced copies of various documents (B42(a) to (k)), many of which had previously been put in evidence by other witnesses. The tribunal was left in some doubt as to the precise nature of the claim but was fortunate in receiving at a later date helpful submissions by Nicola Ngawati (C14) who was engaged as counsel by the Wai 123 claimants when final submissions were heard by the tribunal.

Ms Ngawati confirmed that the claimants in Wai 123 specifically endorsed and supported the submissions and evidence presented by nga hapu o Ngawha counsel and witnesses. She added, however, that certain differences existed between the two claims. In a summary of these differences counsel stated:

- that claim Wai 123 was filed by descendants of Ihaia Hita, being members of Te Uriohua hapu. The claim was made on the basis that the claimants are descended from Ihaia Hita, said to be a paramount chief of Ngapuhi who had an existing interest in the Ngawha springs and one of the original ten owners. The difference between the claims made in Wai 123 and Wai 304 (submitted by nga hapu o Ngawha) is that the latter claim is made on behalf of other hapu in addition to Te Uriohua; and
- the claimants in Wai 123 dispute the claim that the Ngawha Springs resource was owned "in common" by all of the northern tribes. They say that the Ngawha springs were owned traditionally by the descendants of Ihaia Hita and the hapu of Te Uriohua.

Counsel advised that the claimants in Wai 123 ask that the tribunal should recognise that the claimants and descendants of Ihaia Hita, as members of the Te Uriohua hapu, are the true and historic owners/kaitiaki of the Ngawha geothermal springs. Related findings are sought.

Counsel for the Wai 304 claimants in his reply suggested that as the claimants in Wai 123 are at one with his claimants in seeking to protect the Ngawha geothermal resource the tribunal may not need to decide any conflicting claims between the ten stated hapu of Ngawha inter se. We note that at the re-hearing on 10 November 1874 Judge Monro in listing the 37 owners found that 36 were of Te Uriohua and one, Komene Poakatahi, was of Ngati Rangi (B2).

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There is a conflict between the evidence of the claimant hapu of Ngawha on the one hand and the claimants in Wai 123 on the other. The tribunal is however not the appropriate forum in which to resolve this conflict, nor, given the fact that the springs in Parahirahi C1 are vested in trustees, does it seem necessary to do. Moreover, if the tribunal's recommendation that the recreation reserve vested in the Crown (part of the former Parahirahi C block) is returned to the people and vested in the trustees of C1 is acted upon, the descendants of Ihaia Hita will, along with all other members of Te Uriohua, regain the mana over the Ngawha Springs area. We have no reason to believe that the claimants in Wai 123 would wish to disturb the present s439 reservation.

