
BEFORE THE WAITANGI TRIBUNAL

WAI 2490

IN THE MATTER OF The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF The Ngāpuhi Mandate Inquiry

**CROWN MEMORANDUM FILING MS HICKEY'S RESPONSE TO THE
TRIBUNAL'S REQUEST FOR FURTHER INFORMATION**

11 March 2015

CROWN LAW
TE TARI TURE O TE KARAUNA
PO Box 2858
WELLINGTON 6140
Tel: 04 472 1719
Fax: 04 473 3482

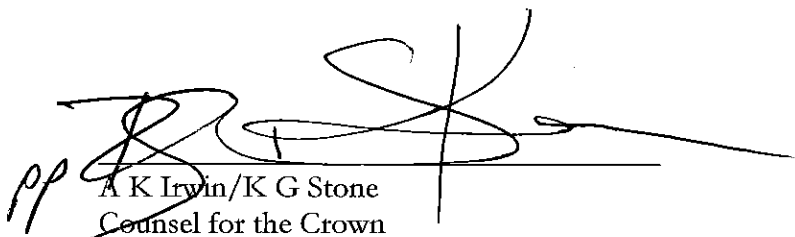
Contact Persons:
David Soper and Kate Stone

Barristers instructed:
Colin Carruthers QC
Andrew Irwin

MAY IT PLEASE THE TRIBUNAL:

1. By way of memorandum-directions of 5 March 2015 the Presiding Officer sought further information from Ms Maureen Hickey in relation to:¹
 - 1.1 Whether the Crown has ever approved a mandate strategy that did not result in a mandate being recognised;
 - 1.2 Whether the Crown has ever withdrawn their recognition of a conditional mandate; and
 - 1.3 The author and context of document 14 of the common bundle (OIA.006.0073 – 'Feedback received through entire comment facility', pp. 88-91).
2. The Crown was directed to file Ms Hickey's responses by 5pm, Wednesday, 11 March 2015.
3. In cross-examination of Ms Hickey on 4 March, counsel for Wai 2438 claimants, Tavake Afeaki, requested confirmation of whether the Minister for Treaty of Waitangi Negotiations had responded to correspondence from one of the claimants, Mr Kingi Taurua, requesting a meeting with the Minister. Ms Hickey undertook to provide this information.
4. Ms Hickey's responses to the Tribunal's and Mr Afeaki's requests for further information are enclosed with this memorandum as **Appendix A**.

11 March 2015


A K Irwin/K G Stone
Counsel for the Crown

TO: The Registrar, Waitangi Tribunal
AND TO: Claimant Counsel

¹ Wai 2490, #2.7.8, at paragraph 2.

"A"

Maureen Cecilia Hickey's responses to Tribunal's request for further information

11 March 2015

Whether the Crown has ever approved a mandate strategy that did not result in a mandate being recognised

1. Yes, the Crown has approved mandate strategies that have not resulted in a mandate being recognised. A recent case of that occurring was in 2013 in relation to a group seeking a mandate to represent Ngāti Ruapani in Treaty settlement negotiations.
2. Groups who have submitted a deed of mandate to the Crown which has not resulted in a mandate being recognised include Ngati Te Ata (2001), Ngā Rauru o Ngā Potiki (in relation to Tūhoe) and Ngāti Rangatahi ki Rangitikei. Processes and requirements around mandate strategies have changed over time. I have not been able, in the time available, to review all relevant files to determine whether all of those groups sought and received Crown approval of their mandate strategy before they presented their deed of mandate for consideration to the Crown.
3. The Crown recommends groups seek approval of their mandate strategy (the process by which they will seek a mandate) because it protects the group seeking a mandate from expending resources on a costly and time-consuming mandate process that will not satisfy Crown process requirements. There have, however, also been cases (such as Ngāi Te Rangi) of groups only having provisional endorsement of their mandate strategy before they concluded their mandate process.
4. The Crown may approve a mandate strategy and the process that follows may not result in a mandate being recognised or declined. Ngāti Tama (Wellington) went through a mandate process in 2009 which did not result in mandate recognition. They re-conducted mandate work in 2013, based on the earlier approved mandate strategy, which resulted in their mandate being recognised.

Whether the Crown has ever withdrawn their recognition of a conditional mandate

5. To the best of my knowledge the Crown has not revoked its recognition of a conditional mandate.
6. While this is not a comprehensive list, I can advise the Crown has put conditions on its recognition of the mandates of a number of groups including Ngātikahu ki Whangaroa, Ngāti Kahu, the Port Nicholson Block Settlement Trust, Ngāi Tūhoe, Ngāi Te Rangi, Ngāti Te Ata (2010), He Toa Takatini and Ngāti Kahungunu ki Wairarapa-Tāmaki Nui ā Rua. In some cases a "sunset clause" has applied to the meeting of mandate conditions within a certain timeframe. In other cases the situation has been reviewed throughout negotiations. Where groups have not been able to satisfy the conditions placed on their mandates a range of actions have been taken to suit the specific circumstances and conditions.
7. I note there have been instances of the Crown withdrawing its recognition of a mandate. This occurred in relation to Whakatōhea (1998), Ngāti Kuri (2002) and Te Atiawa (2007).

Author and context of document 14 of the common bundle (OIA.006.0073)

8. The document is an attachment to a feedback submission to the Office of Treaty Settlements on the Te Rōpu o Tūhoronuku Deed of Mandate Strategy dated 2 March 2011 from Wackrow Williams & Davies on behalf of their Ngati Kuta (Wai 1307) and Patukeha (Wai 1140) clients. The full document is **attached**.
9. The document is referred to in the submission as the minutes of a Tūhoronuku hapū kaikōrero election hui held in Kaikohe on 18 February 2011, although the minutes themselves date the hui as being held on 18 November 2010. This is the period in which the mandate strategy was under consideration and Tūhoronuku was being formed. I understand the purpose of the hui was for hapū kaikōrero who were participating in the Tūhoronuku process to appoint representatives onto Tūhoronuku.
10. The minute taker is not identified either in the document itself or in the Wackrow Williams & Davies Ltd letter. The document was not an agreed record of the meeting and the accuracy of statements within the minutes was disputed by some attendees.

Ministerial Response to Mr Kingi Taurua

11. I had also undertaken to follow up on the issue of whether the Minister for Treaty of Waitangi Negotiations responded to a letter Mr Kingi Taurua sent to him on 12 February 2014. I can advise the Minister's office sent Mr Taurua acknowledgement that it had received his correspondence on 7 March 2014. The Minister's reply to Mr Taurua was both emailed and mailed to Mr Taurua on 4 April 2014. Both response letters are **attached**.

Part of OIA # 12

Released

3

WACKROW WILLIAMS & DAVIES LIMITED

BARRISTERS AND SOLICITORS

LEVEL 14, 48 EMILY PLACE, AUCKLAND 1010
PO BOX 461, SHORTLAND STREET, AUCKLAND 1140. DX CP20508
TELEPHONE (09) 879 6026 FAX (09) 877 6858 EMAIL lawyers@wwandd.co.nz

Directors:	D B Wackrow LLB	Consultants:	P A D Davies LLB Dip BCL
	T T R Williams BA LLB		B H Wilson LLB Dip Arts Adm
Principal:	D G S Wilson MA (Hons) LLM (Hons)	Senior Associates:	A G Ruakere M Phil (Cambridge) LLB
			B R Atapore MA (Hons) LLB (Hons)
		Solicitors:	R L Gray BA (Hons) LLB (Hons)
			H M Thompson BA LLB
			BY EMAIL

2 March 2011

Office of Treaty Settlements
Tuhoronuku.feedback@justice.govt.nz

Te Rōpu o Tuhoronuku
Lorraine.toki@ngapuhi.iwi.nz
Nicole.anderson@ngapuhi.iwi.nz
Simone.anderson@ngapuhi.iwi.nz

Re: **Te Rōpu o Tuhoronuku Deed of Mandate Strategy**
Our ref: NGA433/1; NGA786/2

We act for the hapu of Ngati Kuta (WAI 1307) and Patukeha (WAI 1140) in respect of their Waitangi Tribunal claims in the WAI 1040 Te Paparahi o Te Rāki Inquiry.

We have been instructed to submit feedback on the Deed of Mandate Strategy ("Mandate Strategy") prepared by Te Rōpu o Tuhoronuku ("Tuhoronuku").

Background

Timing

At the outset, Ngati Kuta and Patukeha wish to advise that they do not support the commencement of direct settlement negotiations at this stage. It is their view that direct negotiations cannot effectively address Ngapuhi grievances until Ngapuhi claims have been comprehensively researched and publically heard. Accordingly, it is the desire of Ngati Kuta and Patukeha to have their substantive claims ("Stage 2") heard before the Waitangi Tribunal prior to the commencement of any negotiation process. In their view, claims cannot be settled if the full extent and effect of those claims are unknown.

Additionally, given the substantial time, resources and financial cost that has already been expended in preparation for the Stage 2 Tribunal Inquiry, it would be wasteful to cease that preparation now. Ngati Kuta and Patukeha's concerns are summed up in Sir James Henare's statement; "We have come too far, not to go further. We have done too much, not to do more".

Te Runanga a Iwi o Ngapuhi

According to the Mandate Strategy, Tuhoronuku is a sub-committee of Te Runanga a Iwi o Ngapuhi ("Te Runanga"). At a fundamental level, Ngati Kuta and Patukeha do not support Te Runanga, because it is premised on foundations inconsistent with Ngapuhi tikanga. The Runanga's makeup and operation is focused on Marae, rather than the hapu/whanau level which characterises Ngapuhi. As Tuhoronuku is a sub-committee of the Runanga, Ngati Kuta and Patukeha are concerned that Ngapuhi tikanga will not be properly applied in negotiations with the Crown. If Tuhoronuku obtains a mandate to negotiate, the inconsistency could result in negotiations and indeed, a settlement that does not properly address or resolve the genuine hapu/whanau claims.

Tuhoronuku

Ngati Kuta and Patukeha have no confidence in settlement negotiations being conducted by Tuhoronuku. In the Mandate Strategy, Tuhoronuku purport to negotiate and settle all grievances on behalf of Ngapuhi. However, Tuhoronuku cannot purport to know much, if anything, about Ngati Kuta and Patukeha, nor their respective claims. On this basis it is illogical to permit Tuhoronuku to negotiate a comprehensive settlement of their claims. As sovereign hapu, Ngati Kuta and Patukeha are entitled to represent themselves, or at the very least have real and significant input into the direction and substance of the negotiations to settle their claims. The Mandate Strategy does not provide for this. In particular, Patukeha is concerned that the careless nature of Tuhoronuku's processes could lead them to overlook an entire hapu and claim they purport to represent.

Because of this lack of confidence in Tuhoronuku, Ngati Kuta and Patukeha cannot support Tuhoronuku negotiating on their behalf.

Mandate Strategy

Exclusion of WAI 1140

Although, at section 5 of the Mandate Strategy, Tuhoronuku states that it intends to negotiate the settlement of all historical Crown breaches relating to Ngapuhi, WAI 1140 (Patukeha hapu claim) has been excluded from the Schedule to the Strategy which outlines the claims. It is unclear why or how this has occurred. Furthermore, if it is a mere oversight, it raises doubts over the capability of Tuhoronuku to adequately conduct negotiations. There is thus a valid concern about Tuhoronuku's ability to adequately negotiate a settlement for such a claim.

Representation

Section 4 of the Mandate Strategy provides for the appointment of a Hapu Kaikorero for each Ngapuhi hapu. The Mandate Strategy states further that the role of the Hapu Kaikorero is to "speak for their hapu on matters relevant to settlement negotiations" and "ensure hapu members are kept informed as to progress and settlement negotiations".

It is not made clear in the Mandate Strategy as to how much weight the Hapu Kaikorero, as representative of their hapu, will have in the overall settlement negotiations. At best, it appears that this role is merely a reporting one, whereby the Hapu Kaikorero is effectively a point of communication between Tuhoronuku and hapu. For this reason, Ngati Kuta and Patukeha do not believe that their voices will be recognised by Tuhoronuku.

Additionally, there is real concern about the appointment process for Hapu Kaikorero. According to the Mandate Strategy, at clause 4.1.8, Hapu Kaikorero are appointed according to individual hapu processes. In practice, this has not occurred.

On 18 February 2011, a Tuhoronuku Hapu Kaikorero Election hui was held in Kaikohe. Ngati Kuta and Patukeha representatives attended, along with members of other hapu. Representatives from other hapu, including (but not limited to) Ngati Rehia, Ngati Hine and Te Kapotai explained their stance to the hui. Minutes of the hui are enclosed for your information. These minutes reveal that an overall lack of support for Tuhoronuku was expressed. At the time that representatives from Ngati Kuta and Patukeha began the korero on their position, Sonny Tau and other Runanga members interrupted the korero and left the room to eat. Our clients' respective positions were never therefore fully articulated or heard.

Later in the meeting, Kipa Munroe from Tuhoronuku stated that those who did not support Tuhoronuku should leave because they would not be required to select a hapu Kaikorero. At this point, a significant number of people left the hui.

Although the Hapu Kaikorero election process then commenced, there was no explanation from Tuhoronuku about the process, the role of Hapu Kaikorero, and the criteria. Instead, Mr Tau from Te Runanga nominated two people. This was seconded by Hone Sadler, also of Te Runanga.

Justifiably, Ngati Kuta and Patukeha are concerned that the process prescribed by the Mandate Strategy is not being applied by Tuhoronuku. The effect of this is clearly that the views of Ngati Kuta and Patukeha (not to mention other hapu) are being marginalised and/or disregarded altogether. Understandably, this has led our clients to have no confidence in Te Runanga or Tuhoronuku's ability to represent them in settlement negotiations.

Additionally, Ngati Kuta and Patukeha are concerned that Hapu Kaikorero are not being elected in accordance with hapu processes. Instead, it seems Runanga

NGA433/1/089

#

members (and Tuhoronuku supporters) are nominating and appointing their preferred individuals as Hapu Kaikorero.

Finally, at the conclusion of this hui, a Tuhoronuku representative stated that they would only work with people who supported Tuhoronuku. They said further that any hapu who did not support the mandate - about eight hapu, including Ngati Kuta and Patukeha - would not be included. This has caused some confusion amongst Ngati Kuta and Patukeha as it conflicts with the Mandate Strategy which says that all Ngapuhi claims are to be settled by Tuhoronuku.

Ngati Kuta and Patukeha do not support the process prescribed by the Mandate Strategy. However, should the series of hui contemplated by the Mandate Strategy proceed, Ngati Kuta and Patukeha believe that at the very least, both a representative from the Crown, and an independent third party should attend all Tuhoronuku meetings in the future to ensure that the conduct of meetings and resolutions made during the meetings are accurately recorded and reported, and that the Mandate Strategy is complied with.

A further issue for Patukeha and Ngati Kuta relates to the makeup of Tuhoronuku. The Mandate Strategy recognises that there are some 300 hapu in Ngapuhi. Therefore, the appointment of one Hapu Kaikorero for each hapu may potentially result in the presence of some hundreds of Hapu Kaikorero. The Mandate Strategy seeks to condense this number by providing that, of these 300 or so Hapu Kaikorero, only seven will be appointed onto Tuhoronuku. In addition, one kaumatua, one kua, (both of which are appointed through a Runanga-endorsed body) two Runanga representatives, and regional representatives (two in Auckland, one in Wellington, and one in the South Island) will also sit on Tuhoronuku. Ngati Kuta and Patukeha note that of the 15 total members on Tuhoronuku, only seven will be Hapu Kaikorero. Ngati Kuta and Patukeha are concerned that this immediately puts elected Hapu Kaikorero at a disadvantage, particularly in the light of the 18 February hui, in which it was made clear that Te Runanga will likely dominate the election process.

An even greater problem is that the Mandate Strategy envisages that, of the 300 plus hapu in Ngapuhi, only seven representatives will be members of Tuhoronuku. The expectation that seven representatives can adequately represent 300 unique hapu defies logic and is, in our client's view, untenable.

Mandating Process - Section 8

Ngati Kuta and Patukeha are concerned about the manner and outcomes from previously held hui have been recorded in the Mandate Strategy. The Mandate Strategy fails to adequately describe the meetings and the resolutions made. For example, dates, attendance numbers, results of votes and records of dissent are not recorded, or at the very least, have not been provided. No information is provided about how these hui were advertised, or whether independent bodies attended. Ngati Kuta and Patukeha are concerned that the Mandate Strategy overlooks important detail. This is simply a further indication of Tuhoronuku's informal, inconsistent and inadequate approach to issues of importance.

NGA433/1/089

#

Communications Strategy – Section 9

The communication strategy provides various options for the dissemination of information to hapu. Ngati Kuta and Patukeha believe that, in addition to these methods of giving information, requirements should be prescribed about the type of information to be given. Minutes of hui, resolutions and attendance registers should be accurate, kept up to date and distributed to all Ngapuhi whose claims Tuhoronuku purports to represent in negotiations. Furthermore, while the Mandate Strategy provides for information to be disseminated on a 'top down' basis (from Tuhoronuku to individual Ngapuhi members), there is much less detail on the ability for the people of Ngapuhi to communicate back to Tuhoronuku. The Hapu Kaikoreo representation provisions do not adequately explain how their information is received and considered by Tuhoronuku.

Against the backdrop of the above issues, Ngati Kuta and Patukeha were surprised learn of the Crown's endorsement of the Mandate Strategy. The lack of transparency, robust processes and necessary detail would suggest to our clients that at the very least, a more appropriate Mandate Strategy should be produced.

For these reasons, Ngati Kuta and Patukeha have no confidence in the Mandate Strategy, or Tuhoronuku as a whole, to negotiate the settlement of their Treaty claims.

Yours faithfully

WACKROW WILLIAMS & DAVIES LIMITED



Erin Thompson

Solicitor

Email erin@wwandd.co.nz.

Kaupapa: Te Roopu o Tuhoronuku – Hapu kaikorero election hui
Ra: Friday 18 November
Wa: 10.30am (hui did not start until Sonny Tau and Hone Sadler arrived at almost 11.00am)
Wahi: Mid North Motor Inn, Kaikohe,

1.0 Observations

- 1.1 Attendees from Tuhoronuku - Lorraine Toki, Titewhai Harawira, Kipa Munro, Carol Dodd, Sonny Tau, Hone Sadler, Nicole Anderson, Tania Te Titaha were present from Tuhoronuku.
- 1.2 Attendees from Hapu - Approximately 110 hapu members turned out. Only about 60 signed the register. Many present were either the leaders or kaikorero of their hapu/region for this kaupapa. Patu Hohepa (Te Mahurehure Hokianga), Waharoi Shortland (Ngati Hine), Tupari Tito (Te Parawhau), Hugh Rihari (Ngati Torohina), Oneroa Elhema (Hokianga), Kara George, Willow-Jean Prime (Te Kapotai), Te Hurunga Hohala, Wiremu Hehira, Nora Rameka (Ngati Rehia), Pae Wynyard and Phillip Bristowe (Ngati Manu), Moka Puro, Manu Clendon and Robert Willoughby (Ngati Kuta and Patukeha) and others. Contrast to the 10 people in Wellington.
- 1.3 Independent observers - There were no independent observers present at the meeting. If there were then the hui was not made aware of them being there.
- 1.4 Recording - Richard Nathan was told by members of Te Roopu o Tuhoronuku that he was not allowed to film. A reporter was present towards the end of the day, apparently he was asked to attend by Tuhoronuku to photograph and report on the hapu kaikorero that were chosen.
- 1.5 Venue - The caterer said that she was told only to cater for 35 people. The room was originally cut in half with sliding doors and its obvious they were only expecting a small turnout. Fonterra had a conference in the next room, however they had to move to another conference room to allow it to be opened up so there was enough room for everyone to sit.
- 1.6 Apparently the only people that were supposed to attend the hui were those hapu kaikorero who had received a letter from Tuhoronuku. However, it is not known who did/did not receive letters. For example Willow-Jean Prime and Kara George are hapu kaikorero for Te Kapotai, Tuhoronuku were well aware of this, yet only Kara George received an invitation to the meeting. It does not appear that Ngati Hine hapu kaikorero received an invite.

2.0 Notes of proceedings of hui

- 2.1 Karakia (mih) whakataua - The hui began with a karakia by Ben Morunga (Te Hikutu). Hone Sadler (Tuhoronuku) spoke for Tuhoronuku.
- 2.2 A number of hapu kaikorero from various hapu then began to present the position of their hapu in regards to Tuhoronuku and settlement:
 - (a) Tupari Tito, from Te Parawhau (supported by a number of people) stood and opposed Tuhoronuku and said that Te Parawhau wish to proceed to Stage 2;
 - (b) Owen Kini, Whangaroa, opposed Tuhoronuku;
 - (c) Sonny Tau - Sonny interjected and introduced that the kaupapa of the hui is to elect hapu kaikorero so hapu can have their say on Tuhoronuku's kaupapa. He invited the challenges that are to come and said that they are in the early stages of the process.

He said that the hapu don't really know what they are talking about and don't understand the Treaty claims process. He then said that he had been to meet with a number of the hapu and hapu do understand the process. He welcomed those who object to be on Tuhoronuku. He reminded the hui that when you get on Tuhoronuku there a number of views you have to consider and represent. He said that this is the 48th hui that Tuhoronuku has held. He said that there are many lies out there about Tuhoronuku, Tuhoronuku do not oppose stage two hearings, they do not support a prolonged Waitangi Tribunal hearing process. They oppose a lawyer led process, noting lawyers of Week 4 hearings at Te Tii.¹ He said that those who gave evidence at the initial hearings were incorrect and their korero was wrong and that they hadn't held wananga. He said that hapu should be holding wananga. He said that one of Ngapuhi's kaumatua Pereme Porter cried because he was not able to present all his korero at the Tribunal hearings.

- (d) Waihoroi Shortland, kaikorero and Chairman of Te Runanga o Hine, reads Ngati Hine's position statement. Objects to the composition and current representatives on Tuhoronuku, raising that a hui of 9 people elected Ben Dalton in Wellington and that the election of Denis Hansen for West Auckland is being challenged. He requested that Tuhoronuku is deconstructed. He said that Ngati Hine has told Tuhoronuku a number of times that Ngati Hine wont be involved. He noted that if it ends up in legal process because Tuhoronuku wont listen, then so be it. Ngati Hine will again inform Wellington of their position. He says that one thing the Initial Hearings has shown us is that we have been fighting for this kaupapa 170 years, whats another 20. He doesn't believe it will take that long. Ngapuhi can do it. He advised Tuhoronuku that they do not speak for Ngati Hine. Ngati Hine don't agree with this kaupapa that Tuhoronuku is taking. Ngati Hine will support another hapu lead process. If Ngati Hine are the only ones that stand alone, they will stand alone. He encouraged other hapu to speak for themselves and align purposes. He then handed Ngati Hine's letter to Tuhoronuku.
- (e) Patu Hohopa, from Hokianga, Te Mahurehure. Patu said that Tuhoronuku can not represent us. He spoke against Tuhoronuku's kaupapa. He said that he did not agree with Sonny's insults to the lawyers. Te Mahurehure's lawyers are descendents of Te Mahurehure.
- (f) Rae Wynard and Phillip Wynard, from Ngati Manu – They spoke against Tuhoronuku and read out Ngati Manu's position statement. Restated that Ngati Manu have withdrawn from the Runanga and the takiwa. Phillip tabled Ngati Manu's position statement.
- (g) Te Huranga Hohopa, Ngati Rehia, Ngati Rehia do not support Tuhoronuku and direct negotiations. He opposed the way Sonny spoke of the lawyers and said that Ngati Rehia's lawyers (Tahn Mahomed, and Kelly Dixon) are descendents of Ngati Rehia.
- (h) Kula (no name) – Spoke in support of Tuhoronuku
- (i) Wiremu Helhel, Ngati Rehia, stood in support of Te Huranga.
- (j) Kara George, Te Kapotai. Kara said that the elders are sad about what is happening. He said that Willow-Jean and he were the kaikorero for Te Kapotai on this kaupapa, that Willow was not the lawyer for Te Kapotai, that her younger sister, Season was. He then handed it over to Willow-Jean to read out Te Kapotai's letter which was then tabled for Tuhoronuku. Te Kapotai do not support Tuhoronuku. Te Kapotai wish to

¹ They consistently object to the Tribunal and hearings process yet all their information that is distributed to their database claims success of the Initial Hearings. They have in no way supported the Initial Hearings process.

proceed to Stage Two Waitangi Tribunal hearings and will work with Nga Hapu o Te Takutai Moana and Te Kotahitanga o Nga Hapu o Ngapuhi toward settlement.

- (k) Matu Clendon (Ngati Kuta, Patukeha) – Ngati Kuta and Te Patukeha are for Stage Two and opposed Tuhoronuku. He then said that Robert would read their position statement.
- (l) Robert – Began to read Te Patukeha and Ngati Kuta's position statement. Sonny interrupted by going to bless the kai. He and others from Tuhoronuku proceeded to get kai while Robert continued to present his position.

2.3 People continued to speak out while others had lunch.

- (a) During this time Oneroa Pihema (Mangamuka), Rudy Taylor (Hokianga), Ata Witehira (Nga Te Wake ki te Waoku), Lee Haris, Moana Tuwhare, Bruce Gregory, Te Rira Emery (Wai 498) opposed the kaupapa of Tuhoronuku. Huhana (claimant, and Ngati Hine) spoke in support of Waihoroi Shortland (Ngati Hine).
- (b) Paul Wihongi (Te Uri o Hua) said that his hapu had not had the opportunity to meet to appoint hapu kaikorero and requested that there be time for this to happen.
- (c) Nau Epiha from Ngati Rehia spoke in support of the kaupapa of the day.
- (d) Mata Naera from Ngati Tu spoke in support of the kaupapa of the day.

2.4 There was an argument going on between George Puru (Cooper) and a woman with a moko from Ngati Rehia (who appeared to be in support of the Runanga). They were both threatening each other. George had a talaha and as tensions escalated she was reported to have gone in the kitchen to get a knife; apparently she went to his car to get a weapon. She also was arguing with Moka Puru. Moka didn't seem to understand what was going on.

2.5 Kipa Munroe, Tuhoronuku, acknowledged the groups that stood in opposition of Tuhoronuku. He said that because they didn't want to support or be part of Tuhoronuku that they weren't required to stay for the vote of hapu kaikorero.

2.6 After Kipa said this at least half of those present left the room.

3.0 The election of Hapu Kaikorero

3.1 Tuhoronuku then proceeded to try and elect hapu kaikorero.

3.2 No one from Tuhoronuku outlined the voting process. No one explained the role of a hapu representative as set out in the Tuhoronuku Deed of Mandate Strategy. It was unclear who qualified to be nominated as a hapu kaikorero on Te Roopu o Tuhoronuku or who they represented in this position. It was not explained how hapu kaikorero were to be nominated or elected.

3.3 Sonny Tau nominated Kyle Hoani and Toko Tahere. They tried to nominate Brian Pou but Brian said he would have to ask his older brother/hapu.

3.4 Hone Sadler seconded the nominations.

3.5 Then the 'vote' was done there was only about 40 people remaining.

3.6 Kipa said they will have another hui to let people hui with their hapu to elect hapu kaikorero.

- 3.7 Pita Tipene, Ngati Hine, asked for clarification if the 7 hapu representatives are being elected to have the mandate to speak on behalf of all of Ngapuhi.
- 3.8 Kipa Munroe said yes, just like at the hearings.
- 3.9 Pita Tipene then asked whether those hapu representatives are speaking for those hapu who said they don't support Tuhoronuku, he asked for clarification from Kipa Munroe whether those hapu representative (Toko, and Kyle) would be speaking on behalf of Ngati Hine.
- 3.10 Kipa then said no the hapu representatives will only speak for their hapu.
- 3.11 Toko (who had been nominated as a hapu representative by Sonny Tau) then stood and said no, that he would only represent and speak for Ngati Tautahi.²
- 3.12 Pita Tipene stood again and confirmed that he had just heard from Kipa that Ngati Hine's claims are now not included in Tuhoronuku's Deed of Mandate strategy. Tuhoronuku agreed.
- 3.13 John Alexander – Stood and said that the Te Whiu hapu of Waimate Talamai do not support Tuhoronuku. Another challenged the whakapapa presented by John at the Initial Hearings.
- 3.14 Sonny Tau, Tuhoronuku, then said we have these two names "all in favour say ae (there was only a few ae). "All in favour say kao" Most people remaining in the room (a clear majority) opposed their nominations. Sonny later said that that was nine in favour. Tuhoronuku saw this as a valid election.
- 3.15 It is clear that the hapu kaikorero that were nominated by Sonny did not know what their role on Tuhoronuku was and that they did not understand the mandate strategy.
- 3.16 Willow Prime, Te Kapotali stood and said that she wanted it formally noted that she did not think that the process in the Deed of Mandate Strategy had been followed and that the hapu representatives that were nominated don't understand what they are being elected for.
- 3.17 Apparently Tuhoronuku were only acknowledging the people in the room who were mandated hapu kaikorero and were invited by letter to the hui. The rest of the people who were there uninvited were not, or opposed to Tuhoronuku were not entitled to vote.
- (a) Note: There was no process for distinguishing who was and wasn't a hapu kaikorero (This was raised by Moana Tuwhaka). There was also no way of telling who was and wasn't invited by Tuhoronuku to attend this hui.
- 3.18 Tuhoronuku said that they only wanted to work with the people that supported the process. They said they would hold further hui to elect further kaikorero who were supportive.
- 3.19 Tuhoronuku acknowledged that those who said they were opposed to the process, were no longer part of Tuhoronuku. Tuhoronuku confirmed that the hapu/hapu kaikorero who wanted to be out of the mandate wouldn't be included. They said that there were about 8 hapu (Ngati Hine, Te Kapotali, Ngati Manu, Ngati Rehia, Te Mahurehure, Ngati Tawake, Ngati Kuta, Te Patukeha, Waimate Talamai, Te Parawhau)³
- 3.20 Karaka whakamutunga – Ben Morunga closed the hui. He began his speech crying, and said: "Thankyou for this opportunity today, I am very sad at what has happened today. What I see today is that you never take any notice of the people. When are we going to get together and talk as a people. You push us aside. I want to say this much from the bottom of my heart, may

² Clearly he did not understand the role of a hapu representative on Te Roopu o Tuhoronuku as set out in the Deed of Mandate Strategy.

³ Find demographic information, these hapu make up the vast population, and last base of Ngapuhi.

our tupuna forgive me if I take the wrong road, but I will stick with them till my dying day and do the best for my mokopuna. Sonny, you sadden me, why did you come to my home. I gave you the advice and you ignored it, you come to my side and ask me again, am I wasting my time. Titewhai I looked up to you, you always fight for us, I just hope you will pull back, and call everyone together. For god sake please, we are giving a good example of what we can do, which is wrong. Sonny I am very hurt because I looked up to your father. I just hope that you will acknowledge the call of the people. I've been in that position, and thats why I pulled out. Those that want to go with Tuhoronuku, please consider your position and decision with the step you are taking because this is going to split us right down the middle and thats where tauiwi want us to be.

- 3.21 Following the meeting Willow spoke to Kipa and said that we would be seeking minutes of the meeting and formal confirmation that Ngati Hine and Te Kapotai are no longer included in the Tuhoronuku Deed of Mandate Strategy. Kipa said yes and told Willow to remind him if he forgot.
- 3.22 Lawyers present: Season-Mary Downs, Jason Pou and Moana Tuwhare. Tania Te Titaha attended as the lawyer for Tuhoronuku/Te Runanga-a-Iwi-o-Ngapuhi.

CONFIDENTIAL



Office of Hon Christopher Finlayson

Attorney-General
Minister for Treaty of Waitangi Negotiations
Minister for Arts, Culture and Heritage
Associate Minister of Māori Affairs

04 APR 2014

Kingi Taurua
PO BOX 59169
Mangere Bridge
AUCKLAND 2151

chief.kingi.taurua@gmail.com

Tēnā koe

Taumata Kāumatua o Ngāpuhi

I acknowledge your email dated 12 February 2014 requesting a meeting with myself and Ngāpuhi kaumatua to discuss a possible way forward for the Ngāpuhi settlement.

I am unable to meet with you directly at this stage however if my travel plans include Te Tai Tokerau in the upcoming months, I will review your request and kind offer to convene a hui of Ngāpuhi kaumatua.

As you will be aware, the Crown has recognised the mandate of Tūhoronuku to negotiate the settlement of all Ngāpuhi historical claims. The Tūhoronuku Independent Mandated Authority (TIMA) elections are now underway. There are 22 seats on the TIMA for representatives of hapū, kuia and kaumatua, urban rohe, and a Te Rūnanga Ā Iwi o Ngāpuhi representative. I encourage you and the Ngāpuhi Kaumatua to participate in the election process for TIMA.

Nāku noa, nā

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations



Office of Hon Christopher Finlayson

Attorney-General
Minister for Treaty of Waitangi Negotiations
Minister for Arts, Culture and Heritage
Associate Minister of Māori Affairs

7 MAR 2014

Kingi Taurua
chief.kingi.taurua@gmail.com

Dear Kingi

On behalf of Hon Christopher Finlayson, Minister for Treaty of Waitangi Negotiations, thank you for your letter dated 12 February 2014 requesting a meeting. Your letter is with Minister Finlayson for his consideration.

Yours sincerely

Hannah Grundy

Hannah Grundy
Office of Hon Christopher Finlayson

Reference: 15215

27 FEB 2014

13:54

draft

Bernadette Consedine

From: C Finlayson (MIN)
Sent: Thursday, 13 February 2014 1:54 p.m.
To: Bernadette Consedine
Subject: FW: Taumata Kaumatua o Ngapuhi

Hannah Grundy | Ministerial Secretary
Office of Hon Christopher Finlayson | Parliament Buildings, Wellington
DD: 04 337 9325
Email: hannah.grundy@parliament.govt.nz

From: Chief Kingi Taurua [<mailto:chief.kingi.taurua@gmail.com>]
Sent: Wednesday, 12 February 2014 3:47 p.m.
To: C Finlayson (MIN); Hon. Dr. Pita Sharples; Hone Harawira
Subject: Taumata Kaumatua o Ngapuhi

Kingi Taurua
PO Box 59169,
Mangere Bridge,
AUCKLAND 2151,
Mobile 0274 -723 467
Email chief.kingi.taurua@gmail.com

Dated 12th February 2014

Hon Christopher Finlayson
Minister of Treaty Settlements
Parliament Office
Private Bag 18888
Parliament Buildings
WELLINGTON 6160
Email: c.finlayson@ministers.govt.nz

Dear Minister,

As the Leader, I was approached by Ngapuhi Kaumatua, to ask if you are willing to meet with them, to discuss a possible way forward regarding the Ngapuhi Land fiasco. They said to tell you, that you are talking to the wrong people, therefore if you wish to know about the Ngapuhi nation, you need to talk to Nga Kaumatua, the Land Owners through whakapapa, who have been through life, therefore can give advise for life.

Therefore, they quote a Ngapuhi whakatoki that is translated something like this., "To begin, one needs to learn to prepare, plant, cultivate and peel the kumara, cook it in a hangi, serve it to feed the manuhiri, later wash the dishes, sweep and clean the floor, then maybe one can advance to sit on the taumata". It is their belief, that the people you are talking to have not reached that stage.

As a previous Chief-Maori Adviser, to the Rt Hon Dame Jenny Shipley, this is my advise to you Minister, if you are willing to meet with my Kaumatua, I will commission Hon Dover Samuels, ex-Member of Parliament, to bring the Kaumatua together. The venue and time for this hui is at your pregrogative. I have now done what I have been asked to do, and I do not care less otherwise.

Please acknowledge receipt of this letter to my email address and kindly respond within 72-hours.

Naku noa,

KINGI TAURUA,
HEREDITARY CHIEF OF TE TII MARAE WAITANGI

cc. Dr Pita Sharples, Minister of Maori Affairs
cc. Honé Harawira, Leader of Mana Party