

IN THE WAITANGI TRIBUNAL

WAI 2490

IN THE MATTER

of the Treaty of Waitangi Act 1975 (as amended)

AND

IN THE MATTER

of the Ngāpuhi Mandate Inquiry (Wai 2490)

**CLOSING SUBMISSIONS ON BEHALF OF CERTAIN INTERESTED
PARTIES**

9 April 2015



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MAY IT PLEASE THE TRIBUNAL

A. INTRODUCTION

Clients

1. These submissions are filed on behalf of hapū that were granted interested party status in this inquiry, namely:

Hapū	Representative(s)	Claims
Ngāti Moerewa	Hone Sadler	Wai 1709
Ngāti Rēhia	Te Huranga Hohaia Nora Rameka	Wai 492 Wai 1341
Te Whiu	Sam Napia	
Te Pōpoto	Moana Tuwhare	
Ngāti Te Rino	Tame Te Rangi	
Te Kumutu	Carol Dodd Annette Kaipo	
Ngāti Whārara Ngāti Korokoro Te Pouka	John Klaricich Piripi Moore Cheryl Turner	Wai 2003
Ngare Hauata Te Uri Kanapa	Wayne Stokes	Wai 1679
Ngāti Hineira Te Uri Taniwha	Hone Mihaka	Wai 1131
Te Uri o Hua	Ted Wihongi	Wai 1478

Evidence

2. The following briefs of evidence were presented on behalf of these interested parties:
 - 2.1 Ngāti Rēhia: Te Huranga Hohaia¹ and Nora Rameka²
 - 2.2 Te Whiu: Sam Napia³
 - 2.3 Te Pōpoto: Ramari Houghton-Thomas⁴
 - 2.4 Ngāti Te Rino: Tame Te Rangi;⁵

¹ Wai 2490, #A92

² Wai 2490, #A91

³ Wai 2490, #A90

⁴ Wai 2490, #A101

2.5 Te Kumutu: Annette Kaipo;⁶ and

2.6 Ngaere Hauata Te Uri Kapana: Wayne Stokes⁷

B. GENERAL SUBMISSIONS

Status and role of Interested Parties

3. In order to provide context for these submissions, it is necessary to briefly review the status and role of interested parties in a commission of inquiry such as this particular inquiry.
4. The groups represented by Counsel are not claimants or the Crown and therefore are not principal parties in this particular proceeding. In accordance with section 4A(2) of the Commissions of Inquiry Act 1908, our clients have been granted the right to appear and be heard in this inquiry in respect of any evidence which adversely affects their interests. Accordingly, the role of our clients in this proceeding has been directed to that end. The matters of alleged Treaty breach by the Crown are principally for the Crown to respond to although it has appeared in this inquiry at times that the principal respondent is the Tuhoronuku Independent Mandated Authority rather than the Crown.
5. With that in mind, our clients have participated in this inquiry to provide evidence to assist the Tribunal in its consideration in whether or not the claims before it are well founded, and if any claims are determined to be well founded by this Tribunal what recommendations (if any) might be made in the circumstances.
6. The evidence and submissions from our clients are relevant to a number of the issues in the Tribunal's statement of issues. Specifically, the evidence relates to the following issues:
 - 6.1 Issue 5 and 8.1 – Engagement with Ngāpuhi
 - 6.2 Issue 8.2 – To what extent do the provisions for the nomination and election of hapū kaikorero protect hapū rangatiratanga and allow it to be exercised?

⁵ Wai 2490, #A93

⁶ Wai 2490, #A89

⁷ Wai 2490, #A100

6.3 Issue 10.1 – To what extent do the Wai 2490 claimants represent the groups on whose behalf the Wai 2490 claims are made? and

6.4 Issue 12.3 – The nature and extent of any Tribunal recommendations (if any claims are considered to be well-founded) (Issue 9).

Issues 5 and 8.1 – Engagement with Ngāpuhi

7. Certain groups we represent were formerly in opposition to the Tuhoronuku mandate. As a result of the extensive and lengthy facilitation and engagement processes and the changes that were made to the mandate, these hapū have decided to negotiate with the Crown by participating in the Tuhoronuku structure.

Issue 8.2 – To what extent do the provisions for the nomination and election of hapū kaikorero protect hapū rangatiratanga and allow it to be exercised?

8. The evidence from our clients deals directly with this issue. In short, it demonstrates that hapū were able to exercise their own rangatiratanga and tikanga in the election of hapū kaikorero. The evidence presented by our clients show that the hapū kaikorero we represent were nominated at hui or by hapū members after consultation with whanau constituents. This was usually preceded by a decision of the hapū to enter into negotiations through Tuhoronuku.

Issue 10.1 – To what extent do the Wai 2490 claimants represent the groups on whose behalf the Wai 2490 claims are made?

9. Our clients have provided evidence that their hapū support settlement negotiations commencing and advancing. They have also confirmed that they are participating in Tuhoronuku. In that context, they say they have been able to reconcile the Tuhoronuku processes with their own internal tikanga based processes.

10. To an extent, the evidence from our clients assists the Tribunal in assessing the numbers participating in Tuhoronuku. However, Counsel also submits that the Tribunal will need to exercise caution when assessing “support” or “opposition” for the Tuhoronuku mandate.

Whether or not there is sufficient evidence to be able to arrive at precise or accurate figures is an issue. We submit that the evidence that is on the record from claimants is often just general statements of opposition without further information or corroborating evidence. There are also a number of generalised complaints regarding the Tuhoronuku processes some of which are not made out, or require the Tribunal to fill in the blanks. The evidence from our clients paints an entirely different picture of the process and this comes from hapū who are actually participating in Tuhoronuku. The Tribunal does not have a complete narrative of the hapū processes leading to their participation in Tuhoronuku on which findings regarding support or opposition can be reliably based in our submission.

11. There is also potentially a significant grouping of hapū who have had no role in this process and the Tribunal will not have the benefit of any evidence from those groups yet is being asked to reach a conclusion on whether or not there is support for Tuhoronuku by those hapū. Counsel submits that it is going to be difficult for the Tribunal to complete such a task.
12. No doubt, some will say that Tuhoronuku would have been able to deal with evidence on behalf of those other hapū. However, as the evidence presented by our client has shown, there have been various hapū processes that have been outside of the purview of Tuhoronuku whereby hapū have confirmed their participation in the Tuhoronuku structure.
13. In answering issue 10.1, the Tribunal will make an assessment of the representivity asserted by each of the claimants individually rather than collectively. We submit that such an approach is necessary and the Tribunal should avoid drawing monolithic conclusions about the status of the claimants.
14. There are some claimants who are asserting the right to represent hapū. That claim needs to be closely examined. Our clients' evidence is relevant.
15. On the other hand, there are individuals who are asserting their rights as individual claimants rather than any representative status on behalf of a hapū. The rights of claimants vis-à-vis their hapū is an important

issue for consideration. That is the case in relation to certain of our clients which we discuss further below.

Issue 12.3 - Remedies

16. If the Tribunal finds that any of the claims are well-founded, the remedies to be recommended (issue 9) will then be considered. While the Tribunal's recommendations will be directed to the Crown as per section 6 of the Treaty of Waitangi Act 1975, the impact of any recommendations resulting from this inquiry may have an impact on all parties.
17. Accordingly, Counsel submits that the Tribunal ought to balance the interests of all parties, including our clients, in considering any recommendations. Put another way, this is not only about considering what recommendations will suit the claimants and/or the Crown. Any recommendations will need to balance the interests of all hapū of Ngāpuhi including our clients. Any recommendations should avoid creating prejudice for other hapū who are currently participating in the negotiations process. Their rangatiratanga is also important.
18. The claimants seek a variety of recommendations from the Tribunal ranging from a completely new mandate process for Ngāpuhi through to the withdrawal of individual claims from the recognised mandate.
19. The recommendations sought by certain claimants of a revocation of the Tuhoronuku mandate and/or a complete halt to negotiations will have a substantial impact and cause significant prejudice to our clients. Similarly, the proposals seeking to have a fresh mandate process or a facilitation process where alternative settlement models will be considered are equally prejudicial to these hapū. The result for our clients will be delay, cost, opportunity cost and uncertainty. A complete stop of the process will not really affect the Crown at all. The prejudice resulting from a complete stop to this current process will be borne by the hapū who seek to move forward into negotiations. Accordingly, such proposals are opposed by our clients. They seek to proceed to negotiations as soon as possible. The Crown's duty of redress applies to these hapū as well and we submit that this duty to these hapū needs to be taken into account in the Tribunal's balancing exercise.

20. Delay to the settlement process will also have an impact beyond the inevitable cost of starting this process again or pausing for a period. By way of example, Annette Kaipo notes that:

Meantime, delay in settling is causing more and more anguish within whanau hapū, Marae, communities, and Iwi. Whanau and hapū are becoming more disconnected by relocation, for every day, week and month that goes by.⁸

21. Mr Tame Te Rangi also noted the desire of Ngāti Te Rino to continue with negotiations without delay:

We are also satisfied that hapū have the majority voice on Tuhoronuku. We believe the processes can accommodate our ability to advance our redress and settlement aspirations. Ultimately, that has been our focus. Our hapū and our people are languishing in a state of deprivation. We see a settlement as contributing to the rebuilding and revitalisation of our hapū and of Ngāpuhi.⁹

22. The proposals to halt the negotiations or turn back the mandate are to be contrasted by the approaches of Ngāti Manu, Ngāti Kuta and Te Patukeha who have merely asked for their groups to be removed from the mandate. We make no comment on the remedies sought by those claimants.

C. SPECIFIC SUBMISSIONS FOR EACH CLIENT

Ngāti Rēhia

23. The Ngāti Rēhia position was outlined by Te Huranga Hohaia¹⁰ and Nora Rameka.¹¹ The evidence highlighted the following:

23.1 Ngāti Rēhia were formerly opposed to the mandate sought by Tuhoronuku and were a founding member of Nga Hapū o Te Takutai Moana and a member of Te Kotahitanga;

23.2 Ngāti Rēhia considered that the engagement processes adopted by Tuhoronuku and facilitated by the Crown provided them with the necessary changes to the terms of mandate sought through Te Kotahitanga. Accordingly, having achieved those changes, Ngāti Rēhia resolved as a hapū to participate in

⁸ Wai 2490, #A89, Brief of Evidence of Annette Kaipo at [21]

⁹ Wai 2490, #A93, Brief of Evidence of Tame Te Rangi, at [12]

¹⁰ Wai 2490, #A92, Brief of Evidence of Te Huranga Hohaia

¹¹ Wai 2490, #A91(a), Amended Brief of Evidence of Nora Rameka

Tuhoronuku.¹² Te Huranga Hohaia commented on the decision as follows:

Ngāti Rēhia representatives attended Tūhoronuku meetings from the beginning and sought to oppose it at every turn. However, over time things changed.

We became disaffected with the leadership of Kotahitanga who sought to stifle all views deemed contrary to those actively promoted by them despite the palpable concessions which had been made by Tuhoronuku.¹³

We believe therefore that the iwi platform of Tuhoronuku is the correct one which has the potential to actualise the aspirations articulated in the kaupapa of Te Runanga o Ngāti Rēhia in terms of developing a sustainable social, economic and cultural base for our hapū whanau.¹⁴

- 23.3 The decision to move into negotiations and participate in Tuhoronuku was managed in a tikanga compliant and robust manner by Ngāti Rēhia themselves.
24. The position of Ngāti Rēhia was not challenged by any of the claimants and nor could it be.
25. However, Ngāti Hine did provide evidence in reply to the Ngāti Rēhia evidence. The reply evidence merely confirms the Ngāti Rēhia evidence in respect of their decision to participate in Tuhoronuku. While there is some disappointment expressed by the witnesses in the Ngāti Rēhia decision, they accept they have made the decision to participate in Tuhoronuku.¹⁵ Mrs Prime suggests that this proves that hapū are against hapū. That is not the view of Ngāti Rēhia. They have chosen the path they consider to be in the best interests of their hapū. They are not participating in Tuhoronuku or this inquiry to “oppose” Ngāti Hine nor should their participation require any other hapū to oppose them. They merely see Tuhoronuku as the best pathway forward for their hapū.
26. They are therefore participating in this inquiry to protect their interests.

¹² A91(a), at [25-27]

¹³ A92, at [23] – [24]

¹⁴ A92, at [31]

¹⁵ Wai 2490, #A119, Reply Brief of Evidence of Pita Tipene at [30] and #A78, Brief of Evidence of Willow Jean Prime at [247-248]

27. Ngāti Hine witnesses have also alleged that Ngāti Rēhia are on Tuhoronuku to represent Ngāti Hine.¹⁶ That is not correct. They are there to represent Ngāti Rēhia only. The broader issue of the mandate of Tuhoronuku, which is the point the witnesses are probably alluding to, is for other parties to address and we make no comment.

Te Whiu Hapū

28. Sam Napia presented evidence for Te Whiu. He outlined the process adopted by the hapū in resolving to enter into negotiations with the Crown and to participate in Tuhoronuku. In particular, Mr Napia's evidence confirmed that:

28.1 Te Whiu Hapū is represented by Te Whiu Hapū Incorporated, a registered incorporated society;¹⁷

28.2 Te Whiu hapū convened a hui a hapū on 14 May 2011 to discuss, among other things, the Tuhoronuku mandate strategy;¹⁸

28.3 The hui a hapū was notified by a comprehensive pānui and included the distribution of reference documents for consideration and discussion at the hui;¹⁹

28.4 After considering a number of issues and points of contention,²⁰ the hui a hapū resolved to engage in the Tuhoronuku process and appoint Mr Napia as hapū kaikorero for Te Whiu;²¹

28.5 Sam Napia's appointment as hapū kaikorero for Te Whiu was recently reaffirmed by his hapū:²²

28.5.1 at a Tauwhare Marae Trustees AGM held on 15 March 2014; and

28.5.2 at a Te Whiu Hapū Incorporation AGM held on 12 May 2014.

¹⁶ A119, at [31] and A78 at [248]

¹⁷ Wai 2490, A90(b), Brief of Evidence of Sam Napia at 1

¹⁸ A90(b), at 1

¹⁹ A90(b), at 3

²⁰ A90(b), at [19.1] – [19.4]

²¹ A90(b), at 3-5

²² A90(b), at 7

29. The evidence of Sam Napia was adduced to respond to the evidence advanced by the Wai 966 claimants who appear in this inquiry under Wai 2436. Mr Gray Theodore is a named claimant for Wai 966, and he and Mr Hone Tiatoa presented evidence under this claim relevant to Te Whiu.²³
30. Counsel notes that the Wai 2436 closing submissions do not directly address issue 10.1 in respect of Te Whiu. It may be that the claimants accept that they do not represent Te Whiu. However, we address the evidence for completeness.
31. The evidence of Mr Gray Theodore focuses on his particular claim, Wai 966 and his asserted rights as an individual claimant. Mr Theodore's evidence does not appear to be asserting representative status in relation to Te Whiu.
32. However, the evidence of Mr Hone Tiatoa's stated that his hapū, Te Whiu, had not given their consent to a Tuhoronuku mandate, and further that Te Whiu did not support the entity settling their claims. No evidence was presented to support this assertion.
33. The only evidence on the record regarding the representation of Te Whiu is that provided by Mr Napia. The Wai 2436 claimants did not submit any evidence in reply to the evidence of Mr Napia.
34. It appears that Mr Theodore and Mr Tiatoa are opposed as claimants but Te Whiu hapū do support negotiations proceeding through Tuhoronuku as stated by Mr Napia under cross-examination:²⁴

TONY SINCLAIR:

...So as deputy chair of the Tuhoronuku Independent Mandated Authority you could manage the conflict that's coming from members of your hapū that are opposed to Tuhoronuku, you'd be able to manage that?

SAM NAPIA:

Te Kerei and others, members of our hapū as individuals, have an opposing view as to their hapū's support for Tuhoronuku. I find nothing curious or sinister about that, but here's the important thing, Te Kerei and others acknowledge that their hapū is supportive of

²³ Wai 2490, #A55(a), Affidavit of Gray Theodore and #A56, Affidavit of Hone Tiatoa

²⁴ Wai 2490, 4.1.002, Transcript of Hearing, at 1401

Tuhoronuku to the extent that when his teina who was feeling somewhat inadequate with the load of the calling that my hapū had put on me, that he came to support me at the occasion of my election onto the then Te Rōpu o Tuhoronuku.

35. The issue here is whether the inclusion of Wai 966 in the Tuhoronuku mandate is consistent with Treaty principles given the clear position adopted by Te Whiu. As foreshadowed above, we do not engage with that matter.
36. Ngāti Hine did reply to Mr Napia's evidence in respect of his appointment to TIMA.²⁵ In response, Mr Napia provided the minutes of the meeting where he was appointed to TIMA.²⁶

Te Pōpoto

37. Te Pōpoto hapū is another hapū that were formerly opposed to the Tuhoronuku mandate but have since decided to participate in the Tuhoronuku structure.
38. Moana Tuwhare is the elected hapū kaikorero for Te Popoto. Evidence regarding the integrity of the appointment of Ms Tuwhare as a hapū kaikorero was given by Ramari Houghton-Thomas.²⁷ The evidence of Mrs Houghton-Thomas outlines the following:
 - 38.1 there were three nominees for the hapū kaikorero position for Te Popoto;
 - 38.2 there was wider hapū engagement by Te Popoto in the nomination process.²⁸
 - 38.3 Mrs Houghton-Thomas nominated Ms Tuwhare as a Te Popoto hapū kaikorero at a meeting of the Te Waimate/Taiamai Alliance ki Kaikohe on 13 March 2014. Nobody objected to this nomination at the meeting;²⁹
 - 38.4 Mrs Houghton-Thomas then took it upon herself to engage the whanau of Te Popoto to approve this nomination. Mrs

²⁵ Wai 2490 #A130, Brief of Evidence of Willow-Jean Prime in Reply at [82-91]. See also #4.1.2 at 220

²⁶ Wai 2490, #A90(c) Hapū Kaikorero Hui Meeting Minutes

²⁷ Wai 2490, #A101, Brief of Evidence of Ramari Houghton-Thomas

²⁸ A101, at [12]

²⁹ A101. at [4]-[5]

Houghton-Thomas visited whanau over a period of weeks to seek their verbal approval to nominate Ms Tuwhare as Te Popoto hapū kaikorero;³⁰

38.5 Following robust discussion amongst hapū members, Te Popoto whanau verbally approved Ms Tuwhare's nomination;³¹

38.6 Ms Tuwhare did not accept the nomination until she was convinced the hapū supported her nomination;³² and

38.7 Some 400 people voted in the election that resulted in Moana Tuwhare being confirmed as the successful hapū kaikorero for Te Popoto.³³ Ms Tuwhare received the majority of those votes.³⁴

39. Counsel submits that such a vote in those circumstances is firm evidence of support for negotiations and the Tuhoronuku mandate within Te Pōpoto.

40. Evidence asserting that Te Popoto opposes the Tuhoronuku mandate was presented by Mr Tamihana Pomare³⁵ under the Wai 2436 claim. The brief submitted does not provide any evidence of opposition other than from the witness himself. The witness does accept that Ms Tuwhare "may have had some hapū support..."³⁶ Beyond that the evidence is not particularly helpful on the issue of support. What can't be denied is that the election of Ms Tuwhare was transparent and more than 400 people participated which eclipses the ten people that turn up to Te Pōpoto hui as stated by Mr Pomare.³⁷

41. Mr Pomare does allege that the hapū have other kaikorero on the taumata at Utakura marae.³⁸ That may be so. We are dealing here with the hapū kaikorero on Tuhoronuku not on the taumata at Utakura.

Te Kumutu

³⁰ A101, at [7] – [10]

³¹ A101, at [10]

³² A101, at [11]

³³ A101, at [14] and A057 at [17]

³⁴ A101, at [14]

³⁵ Wai 2490, #A57, Brief of Evidence of Tamihana Pomare, at [17]

³⁶ A57, at [22]

³⁷ A57, at [17]

³⁸ A57 at [19]

42. Annette Kaipo has confirmed in evidence that Te Kumutu are seeking a settlement of their grievances and are participating in Tuhoronuku. They have held hui to arrive at this position and to appoint their hapū kaikorero.³⁹ This position has not been disputed.
43. Mrs Kaipo has also outlined the reasons for Te Kumutu seeking to move in to settlement negotiations. Specifically, she noted:
- 43.1 The poverty of their hapū;
- 43.2 The dislocation and relocation of hapū members in Auckland and abroad; and
- 43.3 The continuing reduction in the number of hapū members living in their rohe.
44. Annette stated in particular:

In contrast, while all these issues are impacting on the wellbeing of our whanau hapū Marae and community, vast tracts of land, worth tens of millions of dollars, in our region, are being sold by international tender. Seven dairy farms and three support farms totalling 3,300ha, milking 3,900 cows will shortly be sold, and most likely to overseas investors. We remain powerless to prevent this substantial sale of land which once belonged to our tupuna.⁴⁰

Ngāti Te Rino

45. Tame Te Rangi provided evidence for Ngāti Te Rino. The evidence is significant for the following points:
- 45.1 Mr Te Rangi notes that he was asked to act as the hapū kaikorero for five hapū, namely Ngāti Te Rino, Ngāti Pongia, Ngāti Whakamaunga, Ngāti Moe and Ngāti Whakahotu.⁴¹ However, only Ngāti Te Rino is listed as having a hapū kaikorero. This confirms the point made earlier regarding the difficulty in calculating numbers participating in Tuhoronuku. Mr Te Rangi's evidence is that these five hapū support the advance to settlement negotiations through Tuhoronuku. However, he will only currently show as hapū kaikorero for

³⁹ Wai 2490, #A89 Brief of Evidence of Annette Kaipo at [7-11]

⁴⁰ A89, at [19]

⁴¹ A93, at [9]

Ngāti Te Rino;

45.2 Mr Te Rangī reiterates how these hapū have reconciled the Tuhoronuku processes alongside and in concert with their own tikanga based processes.⁴²

46. These hapū see settlement negotiations through the Tuhoronuku vehicle as the means by which the current state of deprivation that exists within their hapū can be redressed, and we refer to Mr Te Rangī's statement at paragraph 20 above.

Ngare Hauata and Te Uri Kapana

47. Wayne Stokes provided evidence for Ngare Hauata and Te Uri Kapana.⁴³ The following key points arise from that evidence:

47.1 Reiterating the common theme, these hapū have made a conscious and robust decision to participate in Tuhoronuku through publicly notified hui and internal communications;

47.2 The claimants have criticised the appointment of hapū kaikorero where no election has occurred. The appointment of Mr Stokes shows that the absence of an election does not indicate a lack of hapū support. Indeed, his evidence is that his nomination and appointed was and continues to be supported. He also notes the efforts that went in to informing as many people as possible about the process.

48. In respect of the settlement aspirations of these hapū, Mr Stokes noted:

Regardless of what entity is responsible for negotiating a settlement there will be personalities, egos, personal agenda, etc. and it is only by positive debate supported by strong beliefs and values that we as a people will achieve a just result for those that went before and those yet to come. We believe that by participating in Tuhoronuku, we can achieve our aspirations and ensure accountability. We also see no threat to maintaining our tikanga and hapū rangatiratanga.⁴⁴

Ngāti Moerewa

⁴² A93 at [10]

⁴³ Wai 2490, #A100(a), Brief of Evidence of Wayne Stokes

⁴⁴ A100(a), at [13]

49. Counsel is instructed that Ngāti Moerewa support settlement negotiations with the Crown through Tuhoronuku. Mr Hone Sadler has been appointed as the hapū kaikorero for Ngāti Moerewa.
50. Counsel can also confirm the support of Mr Sadler for the statements in the evidence of Rāniera Tau regarding the status of hapū and the representation of more than one hapū.⁴⁵
51. It is also important to record the statements of Mr Sadler at the December hearing in response to the suggestion that Te Wharetapu o Ngāpuhi is divided. Mr Sadler stated:

So my task in this introduction is to ensure that the waka is given a wheel alignment as it seems to be pulling to one side of the road. It is also to ensure that you go away with a balanced understanding of the aforementioned issues of the integrity of the genesis of Nga Puhi. Moreover, it is also to express our concerns around the perceived re-engineering of Nga Puhi's social, cultural and political constructs as recommended in the *Morgan Report* as well as dispelling the notion of a fractured and irreparable Whare Tapu o Nga Puhi.

On a conciliatory note, Tuhoronuku has always expressed its willingness to work with and engage meaningfully with those who feel disenfranchised by not having full participation within the settlement process thus far. It is indeed for us worthwhile for us to reengage and to work out a strategy together that will progress Nga Puhi expeditiously into the future.⁴⁶

Ngāti Whārara, Ngāti Korokoro, Te Pouka

52. The hapū kaikorero for these hapū are:
- 52.1 Ngāti Whārara: John Klaricich;
- 52.2 Ngāti Korokoro: Piripi Moore; and
- 52.3 Te Pouka: Cheryl Turner.
53. No claimants have asserted a right to represent these hapū. The appointment of the hapū kaikorero has not been challenged in claimant evidence either. Accordingly, there does not appear to be any dispute as to their participation in Tuhoronuku.

⁴⁵ Wai 2490, #A98, Brief of Evidence of Rāniera Tau at [5.13(b)]

⁴⁶ Wai 2490, 4.1.002, at 1135

54. An affidavit of Mr Piripi Moore dated 4 June 2014,⁴⁷ was appended to the second affidavit of Sonny Tau. Mr Moore's affidavit notes in particular that:

Our people of Te Wahapū o Hokianga, from the hapū of Ngāti Korokoro, Te Poukā and Ngāti Whārārā have witnessed hapū and iwi settle their historical Treaty claims to the North of us (with our Te Rarawa people) and to the South (with our Te Roroa people) to move forward with the economic, social and political development that flows from Treaty settlements. This type of hapū and community development is an outcome that my people are keen to get underway in Te Wāhapu o Hokianga. It is my view that this application by Mr Taylor will unduly delay this outcome for no discernable [sic] added benefit for my whanau, our hapū, our marae, the haukainga or iwi.⁴⁸

I believe that the changes that have been made to the Ngāpuhi mandate so far have the potential to provide the required mechanisms for this to be achieved.⁴⁹

To make this point absolutely clear, no properly mandated Ngāti Korokoro Treaty claims hui has passed any resolutions of support of Mr Taylor's Urgency Application.⁵⁰

Ngāti Hineira, Te Uri Taniwha, Te Uri o Hua

55. Evidence for the hapū above was not able to be filed in time for the hearing of this matter. Counsel can only record their instructions that these hapū are participating in Tuhoronuku.
56. Mr Ted Wihongi instructs that he is the hapū kaikorero for Te Uri o Hua and takes his instructions from the hapū. Evidence has been filed by Ronald Wihongi under Wai 2341 asserting a right to represent Te Uri o Hua and that the hapū opposes the Tuhoronuku mandate.⁵¹ No information or evidence to confirm the position of Te Uri o Hua is before the Tribunal. The appointment of Mr Ted Wihongi is not contested in evidence. Therefore, no conclusions can be drawn on the position of Te Uri o Hua in relation to the Tuhoronuku mandate other than there is a difference of opinion.

⁴⁷ Wai 2490, #A25(a), Appendices to the affidavit of Raniera Tau, RT-23, Affidavit of Piripi Moore opposing application for urgency, at 437 - 448

⁴⁸ A25(a) RT-23 at [11]

⁴⁹ A25(a) RT-23 at [17]

⁵⁰ A25(a), RT-23, at [26]

⁵¹ Wai 2490, #A69, Brief of Evidence of Ronald Te Ripi Wihongi

Conclusion

57. The groups represented by these submissions are significant hapū groupings and it is important their views are given serious consideration by the Tribunal in undertaking its inquiry function. They have provided evidence that is relevant to the Tribunal's statement of issues and to respond to the evidence of certain claimants. They seek to advance their settlement aspirations through the Tuhoronuku structure and they do not wish to be unduly delayed in doing so. The need in their hapū is great and the wish to focus on redressing their grievances.

DATED this 9th day of April 2015



Spencer Webster/Carey Manuel