

IN THE WAITANGI TRIBUNAL

Wai 2490

IN THE MATTER OF The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF The Ngāpuhi Mandate Inquiry

AFFIDAVIT OF BRYAN POU
SWORN *14* NOVEMBER 2014

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I, Bryan Pou, swear:

*He mea hanga tōku whare, ko Papatuānuku te paparahi.
Ko ngā maunga ngā poupou, ko Ranginui e titiro iho nei, te tuanui.
Pūhanga-tohoroa titiro ki Te Ramaroa e whakakurupaeake ra i te
Hauāuru.*

*Te Ramaroa titiro ki Whīria, te Paiaka o te riri, te kawa o Rāhiri.
Whīria titiro ki Panguru, ki Papata, ki te rākau tū papata ki te tai
Hauāuru;*

Panguru, Papata titiro ki Maungataniwha.

Maungataniwha titiro ki Tokerau.

Tokerau titiro ki Rākaumangamanga.

Rākaumangamanga titiro ki Manaia, e tu kohatu mai ra i te akau.

Manaia titiro ki Tutamoe.

Tutamoe titiro ki Maunganui.

Maunganui titiro ki Pūhanga-tohoroa.

*Ehara āku maunga i te maunga nekeneke, he maunga tū tonu, tū te
Ao tū te Po.*

Ko te Whare Tapu o Ngāpuhi tenei, tihei mauri ora.

1. I am a Kaumātua of ngā hapū o Mangakahia Ngāti Te Rino, Ngāti Pongia, Ngāti Moe Hapū, registered translator and former broadcaster for Radio Ngāti Hine FM.
2. I am also a former teacher of Kohanga Reo through to tertiary studies in Maturanga Māori.
3. I am also a claimant in WAI 2062 which is an active claim with Te Paparahi o te Raki Inquiry. That claim was filed in 2008 and is in relation to Te Reo o Ngāpuhi. The claim seeks recognition, retention, protection and positive reinforcement of Te Reo o Ngāpuhi and all that encompasses that taonga. The claim does so for and on behalf of ngā uri katoa o Ngāpuhi. The claimants in WAI 2062 are Mary Brown Pou, Kipa Munro, Raniera (Sonny) Tau, Carol Dodd and myself.
4. Te Rōpū o Tūhoronuku ("Tūhoronuku") was established in March 2009 to represent the interests of all Ngāpuhi.
5. The purpose of Tūhoronuku was to secure a mandate from Ngāpuhi to negotiate a comprehensive settlement.
6. After two years of extensive consultation with hapū and iwi of Ngāpuhi, which included 20 deed of mandate hui and up to 40 pre-mandate hui within Aotearoa and Australia, a robust voting process was conducted to vote on the Mandate Strategy. The mandate result confirmed that 76 percent of Ngāpuhi who voted (by ballot), supported the mandate being held by Tūhoronuku.
7. Therefore, in September 2011 Tūhoronuku advertised and were successful in obtaining a mandate to represent Ngāpuhi in negotiations for settlement of all Crown breaches and grievances against Ngāpuhi and Te Tiriti o Waitangi.



8. Since then, a number of hui and discussions have occurred with the claimants, hapū and iwi of Ngāpuhi to strengthen the original Tūhoronuku representative structure. Following these hui, Tūhoronuku made amendments to the Deed, and these are found in the Tūhoronuku Addendum.
9. As we, the claimants for Wai 2062 understand it, the following changes have been made in response to feedback received during the mandating process:
 - (a) Amending the representation structure for Tūhoronuku, including:
 - (i) an increase in hapū representatives from seven (7) to fifteen (15);
 - (ii) Hapū Representatives elected on a regional basis by regional mandated hapū kaikōrero; and
 - (iii) a reduction in Rūnanga representatives from two (2) to one (1).
 - (b) Setting out in more detail the election and replacement process for all representative positions.
 - (c) Providing for an Independent Returning Officer to oversee the election process; and
 - (d) Providing for Tūhoronuku to become a separate legal entity from Te Rūnanga-ā-Iwi o Ngāpuhi, to be known as Te Rōpū o Tūhoronuku Independent Mandated Authority ("**TIMA**").
10. The Tūhoronuku Deed of Mandate and Addendum were submitted to the Crown for consideration. The Government has now recognised the Deed of Mandate.
11. It has always been the Wai 2062 claimants' position to have a robust hearing process to air the grievances associated with our claim. Additionally we have been strong supporters of Tūhoronuku and what the body can offer Ngāpuhi as a whole in the settlement process.
12. We, the claimants of Wai 2062, consider the changes made by Tūhoronuku to enhance the representation structure, transparency and accountability of the IMA body to Ngāpuhi, to be appropriate and workable. We fully support the changes made to the Deed of Mandate and are confident that the current IMA representative structure proposed by Tūhoronuku in the Deed of Mandate Addendum will fairly reflect and take into consideration all of Ngā Hapū o Ngāpuhi.
13. The claimants of Wai 2062 also believe that the hearing process we are currently involved in can be incorporated within this

structure. Therefore, we support a parallel process of hearings and negotiations with the Tūhoronuku IMA.

14. We support the recognition by the Crown of Tūhoronuku's mandate and support it entering into negotiations with the Crown based on the Deed of Mandate. We are aware that the proposed settlement will require negotiation and ratification by Ngāpuhi before a Deed of Settlement is signed with the Crown and fully expect to be engaged at every level in that process.
14. As I am unwell, I will be unable to make an appearance at the Waitangi Tribunal Hearing in December.

SWORN at *WHANGAREI*
 this *14* day of November 2014 before
 me: *Russell*
PARE TAUNU RUSSELL

Deputy Registrar
 High / District Court
 Whangarei

Bryan Pou
 Bryan Pou

A solicitor of the High Court of New Zealand