

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

**BRIEF OF EVIDENCE OF CAROL ANN DODD
DATED 14 NOVEMBER 2014**



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Ko Nukutawhiti te whenua nohonga o matua tupuna

Ko Tutamoe te Maunga

Ko Mangakahia te Awa

Ko Te Kumu Tu me Ngati Te Rino nga hapu

Ko Parahaki me Te Aroha nga Marae

Ko Pou Te Rata toku tupuna

Ko Ngatokimatawhaorua te Waka

Ko Ngapuhi te Iwi

I, Carol Ann Dodd state:

1. I am the Deputy Chair of Te Rūnanga Ā Iwi O Ngāpuhi ("TRAION"), Trustee representing Te Rōpū Takiwa o Mangakahia and I was formerly Trustee Sponsor of Tūhoronuku representing TRAION.
2. I am also a claimant on 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 ō Ngāpuhi. The claim seeks recognition, retention, protection and positive reinforcement of Te Reo ō Ngāpuhi and all that encompasses that taonga. The claim does so for an on behalf of Nga uri o Ngāpuhi katoa.
3. I am also a trustee of Parahaki Marae, Nukutawhiti, Mangakahia and I am an elder of the hapū Te Kumu Tu.
4. I provide this evidence on behalf of TRAION in support of Tūhoronuku.

Te Rūnanga Ā Iwi O Ngāpuhi background

5. TRAION was incorporated as a charitable Trust on 28th April 1989, and is registered under the Charitable Trusts Act 1957.
6. The Rūnanga was originally established "for the benefit of people resident in Aotearoa, called Ngāpuhi". The original Trustees declared that they "recognise the Treaty of Waitangi and all relevant statutes relating to that Treaty and recognition of Tangata Whenua as the indigenous race of New Zealand (Aotearoa)".
7. The aims of the Trustees were to establish a tribal Rūnanga to "uphold the traditions of Ngāpuhi Lore and Customs to administer and develop its resources for the benefit of the people".

Te Rūnanga Ā Iwi O Ngāpuhi vision

8. TRAION has a simple vision – 'kia tū tika ai te whare tapu o Ngāpuhi' - 'that the sacred house of Ngāpuhi stand firm', to become a body that all Ngāpuhi can participate in and be proud of.

9. The Rūnanga is the elected representative body that speaks and works for Ngāpuhi – to make sure that our collective interests and aspirations are looked after. Knowing what these are means getting as many people participating as possible.
10. Strengthening the house of Ngāpuhi means improving the different layers and spheres that collectively make us who we are. The Rūnanga's role is to lead the cultural, social and economic growth of Ngāpuhi in a changing world.

Te Rūnanga Ā Iwi O Ngāpuhi board

11. The Rūnanga's governance consists of representatives (Trustees) from eight Takiwa regions within the Ngāpuhi tribal boundaries, and two Auckland based Takiwa (to include the 50,000 plus residents there of Ngāpuhi descent).
12. The Takiwa are:
 - (a) Ngāpuhi ki te Hau-a-uru;
 - (b) Hokianga ki te Raki;
 - (c) Nga Ngaru o Hokianga;
 - (d) Te Rōpū Takiwa o Mangakahia;
 - (e) Te Rūnanga o Taumarere ki Rakaumangamanga;
 - (f) Te Takiwa o Ngāpuhi ki Whangarei;
 - (g) Taiamai ki te Marangai;
 - (h) Te Takiwa o Ngāti Hine;
 - (i) Ngāpuhi-ki-te-Tonga-O-Tamaki Makaurau (*South Auckland*);
and
 - (j) Ngāpuhi ki Waitemata (*West Auckland*).
13. The Takiwa each represent the Ngāpuhi population contained in a geographical area and usually linked closely to whakapapa. Each Takiwa democratically elect one representative to the Rūnanga Board.
14. All Trustees, as part of their roles and responsibilities, are required to report back to their Takiwa regions, on a monthly basis, update constituents on all activities and affairs of Te Runanga A Iwi O Ngapuhi, seek feedback and comment, then report back to the Runanga Board. This is to ensure that Constituents within these Takiwa regions have the opportunity to participate in and contribute to the affairs of their Iwi.

Te Rōpū Kaumatua Kuia O Te Whare Tapu O Ngāpuhi

15. Te Rōpū Kaumatua Kuia o Te Whare Tapu o Ngāpuhi is at the heart of our organisation and is recognised as such within the Rūnanga Trust Deed. The group's role is to maintain the mana of Ngāpuhi by ensuring

that the Trustees meet their cultural and spiritual obligations to Whare Tapu o Ngāpuhi.

Ngāpuhi Iwi Social Services (subsidiary owned by the Rūnanga)

16. Ngāpuhi Iwi Social Services (NISS) was established in 1986 to provide social services for all whānau living within Te Whare Tapu o Ngāpuhi, whether Māori or non- Māori. The strategic direction of NISS is aligned to the Rūnanga's vision and mission statement and its desire for safe and healthy whānau.
17. Services are provided under government contracts from Ministries of Social Development, Justice and Education, delivered by 47 Staff. NISS delivers social service contracts to the Mid-North, Whangarei and, more recently, into the Auckland region.

Ngāpuhi Asset Holding Company (subsidiary owned by the Rūnanga)

18. The Rūnanga's business and investment vehicle is through its subsidiary, Ngāpuhi Asset Holding Company (NAHC), and complies with the requirements set out in sections 16 and 17 of the Māori Fisheries Act 2004.

Te Rūnanga Ā Iwi O Ngāpuhi operations

19. The Rūnanga employs 25 Staff under the leadership of the Chief Executive, who is responsible for the organisations operations. The organisation is by and large self-funded from dividends paid out from its fisheries assets. It provides support services to its subsidiaries. The Iwi Development team works directly with whānau, hapū marae and trusts to build capacity and capability in the areas of Ngāpuhi and iwi development and natural resources.

Te Rūnanga Ā Iwi O Ngāpuhi settlement timeline

20. **October 2008:** The Rūnanga was directed by Kaumātua and Kuia at the Annual General Meeting to lead Ngāpuhi into settlement with the Crown over its breaches against Te Tiriti o Waitangi.
21. **March 2009:** A Rūnanga working group established a settlement committee comprising two board members, the Rūnanga Chief Executive and Kaumātua and Kuia representatives. They were supported by a small project team working from the Rūnanga offices. The committee was known as Te Rōpū o Tūhoronuku (Tūhoronuku) and is funded by the Rūnanga and reimbursed, in part, by the Office of Treaty Settlements.
22. **April 2009:** Thirteen Ngāpuhi road show hui were held around Aotearoa and one in Sydney. The feedback at these initial hui was that Ngāpuhi want to settle, and generally have confidence in the Rūnanga. There was also support for Tūhoronuku to proceed with direct negotiations with the Crown once Deed of Mandate had been gained. At all hui, presenters noted the Rūnanga was not in direct negotiations with the Crown, but was a vehicle to engage in discussion with the Ngāpuhi Iwi on matters concerning who should seek Deed of Mandate to represent Ngāpuhi in the settlement process.

23. **July 2009:** Tūhoronuku reported back to Kaumātua and Kuia on the first round of road show hui. Following robust discussions, Kaumātua and Kuia unanimously supported the iwi holding a second round of kōrero hui to ask the question: "who do you want to hold the mandate when negotiating a settlement with the Crown?"
24. **September 2009:** Tūhoronuku set off on a second round of 14 road show hui to ask this question. About 450 attended the hui, and another 350 completed the online survey. The hui attendance was roughly half that of the first round earlier in the year. The message from the hui kōrero was:
- (a) move on to settlement negotiations after the Waitangi Tribunal He Whakaputanga o te Rangitiratanga o Nū Tirenī and Te Tiriti o Waitangi hearings are held;
 - (b) there is little point in pursuing a Waitangi Tribunal outcome as the process is so lengthy and the recommendation non-binding.
25. **November 2009:** At the Annual General Meeting, support was given to the settlement work carried out by Tūhoronuku, together with the direction that the settlement process proceed with close involvement by hapū.
26. **February 2010:** Tūhoronuku reported back to 90 Kaumātua and Kuia on the second round of road show hui and received overwhelming support. Tūhoronuku presented a proposed representation model and timetable as part of the mandate strategy. After lengthy debate and subsequent approval, the elders requested that Tūhoronuku take it out to the wider Ngāpuhi community.
27. **September 2011:** Ngāpuhi voted in favour of the Tūhoronuku mandate.
28. **March 2012:** Deed of Mandate handed to the Crown.
29. **2013:** Concessions agreed to:
- (a) Separate from the Rūnanga once Crown recognise DoM.
 - (b) Develop an election and appointment process.
 - (c) Tūhoronuku members stepping down once DoM recognised by the Crown and a transition process completed.
 - (d) Regional boundaries for negotiations purpose only – not settlement.
30. **February 2014:** Tūhoronuku mandate was officially recognised by the Minister of Māori Affairs and the Minister of Treaty of Waitangi Negotiations.
31. **June 2014:** Separation from Te Rūnanga A Iwi O Ngāpuhi is completed. One Rūnanga representative to be appointed to Tūhoronuku Mandated Authority (TIMA).
32. **June 2014:** The Waitangi Tribunal convenes a Judicial Conference to determine whether or not an Urgent Hearing will be granted.

33. **October 2014:** Waitangi Tribunal decides to convene Urgent Hearings 1st December – 5th December 2014.
34. I understand that some of the claimants in this proceeding allege that people who wished to speak at pre-mandate hui in opposition to Tūhoronuku's mandate were prevented from doing so. That is not correct. I attended most hui in the country. Each followed a similar format. Once the formal presentation by Tūhoronuku was finished, Kotahitanga members (mostly Ngāti Hine) who were present, were given an opportunity to present their views. They presented the same material at each of the hui. The general audience were also given an opportunity to make comments and ask questions and generally took that opportunity.
35. The hui generally had set times. Typically, two hours was allowed for in total, depending on other commitments such as the need to travel to the next hui. Typically, the Tūhoronuku presentation took up to 45 minutes.
36. It is correct that some of those who opposed Tūhoronuku's mandate did so in a particularly aggressive and threatening manner. I remember one hui in particular in which a group of men approached the table wearing bandanas over their faces and threatened to return with weapons. A second example, at a Hui held at Te Tii Marae, Waitangi, a person threatened to shoot Tūhoronuku members. In response to this sort of conduct we Tūhoronuku representatives could have called the Police but we chose not to because we did not want to do anything that might be construed as discouraging of people expressing different views.
37. We also recognised that not everyone who attended the hui might feel comfortable expressing their views in front of the larger group. For that reason, the Tūhoronuku representatives remained after the hui to mix and mingle with those present. Many people took that opportunity to express their views to us. I was left in no doubt that the significant majority of Ngāpuhi, both from within the rohe and from further afield, strongly supported Tūhoronuku's mandate to enter into settlement negotiations.

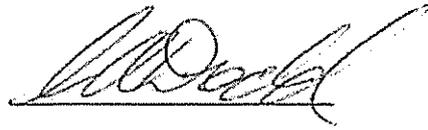
Dissension

38. As a claimant, I am concerned that much of the dissension is being exaggerated, if not led by, the legal representatives involved in the Wai 1040 and Wai 2490 processes (as opposed to the claimants themselves).

Ngāti Hine population

39. I also note that the Tribunal has assumed Ngāti Hine to have a population of 50,000. I do not agree that this can be assumed. Indeed, TRAION is currently in proceedings in the Māori Land Court where Ngāti Hine's population is disputed and a live issue (these proceedings relating to fisheries withdrawal under the TRAION Trust Deed and Māori Fisheries Act 2004).-

Dated 14 November 2014

A handwritten signature in black ink, appearing to read 'Carol Ann Dodd', written over a horizontal line.

Carol Ann Dodd