

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 DR BENJAMIN FRANK PITTMAN
DATED 14 NOVEMBER 2014**

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I, Dr Benjamin Frank Pittman, state:

Introduction

1. I am Dr Benjamin Frank Pittman.¹ I am a great-great grandson of Patuone and of the Mahurangi rangatira, Tauwhitu. My whakapapa is as follows:
 - Patuone,
 - Hohaia,
 - Hoana Hohaia,
 - Manira Okeroa Pitman,
 - Benjamin Frank Pittman.
2. I am the Mandated Hapū Kaikorero ("**MHK**") for Ngāti Hau, and also whakapapa to Ngāti Hao/Te Popoto, and Patuharakeke. Before my involvement in Tūhoronuku, I worked in New Zealand and Australia in education.
3. I provide this evidence in support of Tūhoronuku because Ngāpuhi have waited long enough for justice and I see Tūhoronuku as the way to achieve that justice.
4. Initially I neither supported nor voted in favour of Tūhoronuku due to the fact that I felt the initial structure was inadequate and did not allow sufficient recognition of complex hapū interests and structures within Ngāpuhi. Following changes made to the structure of Tūhoronuku, with the provision for the Tūhoronuku Independent Mandated Authority ("**Tūhoronuku IMA**") (a board and elected MHKs, especially) I changed my perception and decided that personally I was able to work within the new structure and entity.
5. I now support Tūhoronuku, and I wish to give evidence on the fact that a single settlement model is the best way forward for Ngāpuhi, in full recognition of the strong role hapū have and always have had in Ngāpuhi. I also wish to give evidence in support of Tūhoronuku IMA and its structure, and why this made me change from opposition to support of Tūhoronuku.

Background

6. I spent 32 years living in Sydney, and became a community leader early on. As time went on, I became more and more involved in the community, and particularly, the Ngāpuhi community. For 14 years I was the secretary of the Māori Women's Welfare League Poihakena, and following that, became a life member. I was the foundation secretary of Sydney Marae Incorporated, a broad multi-hapū, multi-iwi group that aimed to establish a marae for Māori in Sydney.
7. I have had a lifetime in senior secondary education, university and industry. This has been in diverse areas. I also had a major role in the development of national competency standards and qualifications for healthcare, tourism and hospitality in Australia. I have a PhD in Education from the University of Technology of Sydney.

¹ PhD (UTS), MFA (Hons) Auck., MHPEd (UNSW), BFA (Auck), DipTchg (NZ), DipSecTchg (ASTC), DipAPC (CISyd), Justice of the Peace for NSW #129064.

8. I had a strong upbringing where I was taught our history and whakapapa. My first contact with Te Rūnanga Ā Iwi o Ngāpuhi ("**TRAION**") and Tūhoronuku was when they started to bring the kauapapa to us in Sydney in 2009.

Involvement in Tūhoronuku

9. I attended two out of the three consultative hui held in Sydney during 2009-2010. I returned to Te Tai Tokerau to live in January 2013 after spending 2011-2012 largely based at a home I owned in Kaua'i, Hawai'i. I started to go to hui all over, including involvement with Te Takiwa o Whangarei, a subset of TRAION. That was the instrument that got me more deeply involved in the workings of Tūhoronuku.
10. What then happened under that structure, where there were MHK and a board, was that I was approached by my Patuharakeke whanaunga to be MHK for them. I was also approached by many of my Ngāti Hau whanaunga to consider being MHK for them.
11. The politics within and between hapū were extremely complicated and personal, and I felt I had the skills and knowledge to contribute to make things better for all, collectively.
12. At our maunga at Puhipuhi, of which my own ancestral whenua is a part, there had been a mining permit granted by the government for gold exploration – this was the first catalayst for me getting deeply involved in hapū and iwi politics.
13. Being a MHK was not something I had actively considered, but phone call after phone call persuaded me that I had to put my hat in the ring. I am a member of the Ngāti Hau Trust Board, and trustee for Akerama Marae.
14. People wanted someone they could vote for, and they saw me as an agent of trust, change and honour, and someone with whakapapa and seniority in our ancestral lines.
15. We had the MHK election and there was a lot of lobbying to get a different person elected. I won the election and my opponents then realised that they had to work with me. But, in the meantime, there was complexity in that they had backed Te Kotahitanga rather than Tūhoronuku. So, the official line was that Ngāti Hau was aligned with Tūhoronuku, but in reality had been supporting Te Kotahitanga. My belief was that Tūhoronuku was a reality and we needed to have a seat at the table.
16. At our Akerama Marae meeting on Sunday 19th October 2014, there was a resolution passed supporting my role as MHK for Ngāti Hau, and supporting Tūhoronuku.
17. People don't understand what the Tūhoronuku process is about. Despite the best efforts of Tūhoronuku, there has been a lot of "gate keeping" of information. Leaders in hapū have often controlled the flow of information, and with various agendas on the part of gatekeepers, various hapū members do not have the right information. I think that much of the opposition to Tūhoronuku is down to misinformation, lack of information, and agendas, beyond the

control of Tūhoronuku. Tūhoronuku did its damndest to get people aware so they could make informed decisions, but, unfortunately, often hapū structures and politics have got in the way. An example of how this misinformation has led to opposition is in relation to the Post-Settlement Governance Entity ("**PSGE**"). People have said to me they don't want Tūhoronuku getting its hands on the post-settlement assets (for instance, in relation to specific hapū assets). These opinions would not be held if those people understood the requirements on Tūhoronuku in relation to PSGE issues.

18. My key role in Tūhoronuku, other than attending Tūhoronuku meetings and Whangarei ki Mangakahi regional area hui has been to communicate the goings-on within Tūhoronuku, the process, the structure, and the people involved, to my hapū as MHK. That's been done through hui, emails and social media.

My support for the single settlement model

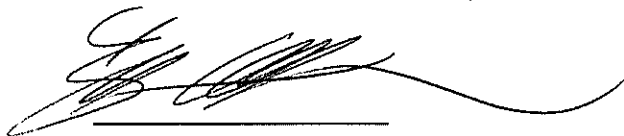
19. The strength of Ngāpuhi has always been hapū-based but this great number and diversity of hapū historically has also led to much conflict, dispute and disagreement. However, as has always been the case, in times of need, Ngāpuhi can and does come together for a common purpose, setting aside hapū differences, grievances and take, along with those with inter-related iwi, in the pursuit of a common purpose. I see the current arrangements with Tūhoronuku as being a modern reflection of this and in fact, the only workable structure for any settlement with the Crown.
20. My great-great grand uncle, Tamati Waka Nene, at the signing of the Treaty, talked about Ngāpuhi for the first time as an iwi. He was talking about Ngāpuhi engaging with the Crown – rangatira were signing on behalf of their hapū, but the engagement was at the Ngāpuhi level more broadly. Negotiation and settlement should also be at the Ngāpuhi level, along the lines of Tamati Waka Nene said.
21. In contrast, I think a hapū by hapū based process would lead to chaos and increased inter-hapū conflict. Given the complexities and number of Ngāpuhi hapū along with vast differences in size, representation structures and membership, it would be virtually impossible to handle and I cannot imagine how many years such a process would take or how such a timetable might even be conceived. For this reason I prefer the single settlement model. It is able to contain these complex inter-hapū issues and move forward in a cohesive way which can still, however, allow recognition of specific hapū issues. A hapū by hapū process would mean that inter-hapū issues and cross-claims would become a serious barrier to pursuit of mandate and negotiation. Working out priorities and any program for a structured claims process would inevitably mean that many hapū would still be waiting many years or more down the track.
22. Put simply, if negotiation and settlement of Ngāpuhi's claims is the goal, the single settlement model is the only way forward for the complex hapū issues in Ngāpuhi. It contains all of those complex issues and provides a way forward, with hapū having full input and participation. If the settlement negotiation is split, then the inter-hapū disagreement we have seen regarding Tūhoronuku would worsen drastically – it would be chaos.

23. Tūhoronuku doesn't mean hapū are marginalised – they are a key part of the process. This is why hapū need to have people within the structure, particularly MHKs, who have the capacity to represent their people leading to negotiation, settlement, and creation of the PSGE. At that point, the advocacy for their hapū interests will need to be very strong.
24. I disagree with the idea that Tūhoronuku usurps hapū rangatiratanga. It offers a seat at the table and a direct hand in the settlement of hapū claims. But hapū have to be at the table to be a part of the process. Hapū are not giving up hapū rangatiratanga by being at the table, they are exercising that rangatiratanga. Any fears about hapū not being heard by Tūhoronuku can, and should be, addressed by hapū maintaining strong involvement.

My changed position on Tūhoronuku

25. I was initially opposed to Tūhoronuku and voted against the mandate. This was because I was concerned about the representation of our hapū on the structure – this was my key concern. This was particularly so given Ngāpuhi's strength is through its many hapū, and because of the complex inter-hapū relationships.
26. When the new structure was created, I immediately saw how all of the fears I had, had in fact been addressed. I no longer held my previous concerns about hapū interests being excluded. It's really that simple. Tūhoronuku had listened to the concerns of hapū about the levels of their representation and control of the body. Tūhoronuku then changed its structure to provide majority power to hapū.
27. For this reason, I now support Tūhoronuku and have been glad to involve myself fully in the process. Hapū have a strong voice on Tūhoronuku. Every hapū has had the opportunity to be part of the structure. The fact that some have not taken up that opportunity cannot be used by those opponents to say they are not represented. If you want to effect change and pursue your objectives within a body, you must be involved.

Dated 14 November 2014



Dr Benjamin Frank Pittman