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IN THE WAITANGI TRIBUNAL

WAI 2490

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IN THE MATTER OF                    the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF                    the Ngāpuhi Mandate Inquiry

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BRIEF OF EVIDENCE OF THE HONOURABLE (RAYMOND) TAU  
HENARE

19 November 2014

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**CROWN LAW**

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### **Introduction**

1. My full name is the Hon (Raymond) Tau Henare.
2. I am the great-grandson of Taurekareka (Tau) Henare, who served as a Member of Parliament from 1914-1938. My great uncle was Sir James Clendon Tau Henare, commander of A Company of the 28<sup>th</sup> Maori Battalion.
3. I was born in 1960.
4. I am Ngati Hine. I have been asked to give evidence as a member of Ngati Hine. I do not speak on behalf of Ngati Hine.

### **Background**

5. My roles in life have included being a wool-cleaner and wool-classer, an organiser of the Northern Clerical Workers' Union, a community worker, an adviser to the Waitakere City Council, an adviser to the Department of Internal Affairs and a politician.
6. I have served as a Member of Parliament from 1993-1999 and from 2005-2014. During that time I have held the following roles:
  - 6.1 Minister for Racing 1996 – 1998
  - 6.2 Associate Minister for Sport, Fitness and Leisure 1996 – 1998
  - 6.3 Minister of Maori Affairs 1996 – 1999
  - 6.4 Associate Minister of Corrections 1998 – 1999
  - 6.5 Associate Minister of Education 1998 – 1999
  - 6.6 Associate Minister of Tertiary Education 1999 – 1999
  - 6.7 Associate Spokesperson, Treaty of Waitangi Issues and Māori Affairs (Treaty Negotiations) 2005 – 2006
  - 6.8 Associate Spokesperson, Education (Early Childhood) 2005 – 2006

### Statement of evidence

7. I was born in Otahuhu near where my pakeha ancestor, an Irish fencible soldier had his allotment.
8. I was bought up in Otara, urbanized and far from my tribal home. We had no contact with the place, and even when my grandfather died, I was not even allowed to attend his tangi in Motatau. Something that still rankles with me.
9. But there were two small saving graces, one, that I was given the middle name Tau, and second, the memory of Uncle Jim coming to my home and talking all night to my father about his exploits as the commander of the Maori Battalion. I held these small things dear to my heart and they have influenced all the paths my life has taken. So I stand here, a middle aged man, to impart what wisdom I have in the hope that it will assist my relations to come to an understanding.
10. This is a critical time in the affairs of our people, what we decide now, has the potential to empower us or leave us destitute. Indeed our actions will have repercussions throughout the region if not the country.
11. Ngapuhi Kowhaorau, Ngapuhi, the fishing net of a hundred holes, every hole representing a hapu interlinking and flexible. Far from being an iwi in the conventional sense, Ngapuhi kowhaorau in my mind, is in fact a generic label, like A Company, a metaphor and a very helpful one when trying to describe the complexities of pan-tribalism.
12. While we can all agree on the general boundaries of our rohe, the multiple layers of history and whakapapa have created quite distinct and independent groups, far from being a disadvantage, diversity is and has always been a rich source of strength for us which is why it is important to preserve the integrity and mana of the hapu in the process of a treaty settlement.
13. The question is how can the treaty process enhance the role of hapu. I believe that a pivot in attitude is necessary, away from the view of Ngapuhi being a "tribe", to a collection of hapu who from time to time amalgamate for a particular purpose and then revert to their former selves once that goal has been achieved. In that way it is a lot like the fishing net analogy, the combined effort to catch fish, the distribution of the spoils and then the

return home. So when people talk about the exploits of Ngapuhi, they are in fact recounting a particular incident, like a fishing expedition, a temporary union only. Famous examples being Ruapekapeka, Te Ika a Ranganui, Ohaewai and the amazing exploits of A Company and the 28<sup>th</sup> Battalion in WW2.

14. Ngapuhi is only the sum of its parts. If it is an iwi as it is sometimes asserted, then there is nothing stopping any hapu from making the same claim, as Ngatihine has done. Picking winners and creating hostile losers, multiple settlements, and a severely diminished putea serves no one but the wreckers and haters.
15. Ngapuhi, with so many different versions of stories, multiple waka, founding ancestors and whakapapa that duck, dive and weave throughout the rohe, is not an iwi that is being described here but a pan-hapu organisation. For this reason I believe that Ngapuhi, as a medium, as an agency, is still the most appropriate vehicle for hapu to use because it has no integrity other than the hapu that contribute to it. In a nutshell, Ngapuhi belongs to hapu not the other way around. Ngapuhi is not and should not act like a law unto itself. That said, I do think negotiations need to be between Ngapuhi and the Crown.
16. I sympathise with Ngatihine, and many hapu who have had to put up with some quite uncouth and thuggish behaviour in the early days that left them doubting the success of any post settlement agreements. How do we preserve the mana of hapu? How do we stop many feeling that they are being forced into a corner?
17. My proposal is that:
  - 17.1 All hapu whether they have a claim or not, be invited to sign a memorandum of understanding with Ngapuhi, setting out an agreed disputes process amongst other things. I think this would improve the relationship between Ngapuhi and the hapu. The dispute resolution process could be similar to the existing dispute resolution process in the deed of mandate, which I understand is clause 10.2 of the deed of mandate, but centred more around the relationship between the hapu and Ngapuhi.

17.2 Each hapu's story, written by themselves, be embedded in legislation or as an appendix to the legislation.

17.3 I believe that CFRT should fund these reports.

18. Rather than a whole new scenario, this is an enhancement of what is already there because we don't need to start over again, we "don't need to throw the baby out with the bathwater" so to speak. It seeks to push the negotiations forward with renewed impetus and vigour with the full support of hapu. There is now a sense of urgency. I think we need to build on the existing momentum.
19. While I can understand why groups would want their grievances addressed by the tribunal, I think having those stories embedded in our own legislation is more personal, restorative and enriching. It points to a future direction of how our people can heal themselves rather than asking the Crown to heal us.
20. Population wise we are huge. Some other tribes that have settled are smaller than some of our hapu. It is an organisational nightmare. The way other tribes have done things just don't apply in our case. But that doesn't mean riding roughshod over people for the sake of expediency is the order of the day either, because stalling tactics have been the unfortunate consequence. I know that hapu have put a lot of work into researching their claims and they think their time would have been wasted if they were not heard by the tribunal. Unfortunately the tribunal process is a long one. I personally feel that we have waited long enough, got stuck on the minutia, and can't see the forest through the trees. So how do we escape the impasse? We need to push on through with the negotiations with all the above hapu enhancing proposals included. I believe this is a win win for everyone.
21. I am what has been called an urban Maori. My lack of contact with my turangawaewae during my childhood was not because the people from Motatau didn't reach out to us, they did. These were unenlightened times where to identify yourself in the city as Maori was almost a revolutionary act and greeted with outright hostility. My parents rightly or wrongly wanted to protect us by de-emphasising our identity. As I said in the beginning, if it wasn't for Uncle Jim's visit, who talked with passion and pride about the Maori Battalion as the best example of what it is to be Maori, things would

be very different for me now. My children and grandchildren are urban. Their first language is Maori being brought up in Kohanga, Kura and Wananga. They know where they're from simply because its a natural outflow of Maori medium learning. Today the reach of hapu from country to city is so much easier with social media, ease of transport, and all the other means that connect a globalised world.

22. I personally don't think that unity is an issue when everyone's views are respected and there is a lot at stake. There are many instances where disparate hapu have joined forces and taken on mightier foes. The last time was during the second world war fighting the Germans. The fishing net of Ngapuhi was cast and victory ensued.
23. We need to cast the net again, our enemy this time is poverty, joblessness and inertia. Our catch is a future that our tipuna envisioned for us and themselves, as merchants running successful business operations here and overseas. I have seen an old painting of a colonial scene in 1830's Sydney. The setting was outside a grand house where Maori rangatira in their finery were making deals with Australian businessmen. It was a brief but glorious golden age and it's now time to pick up where they left off. We need to pick up things now.
24. This is my story, my writing and I realise there will be people who will scoff at this, that is something I have learned to live with in 21 years in national politics. However, I am proud to be able to put my thoughts as I see them to the conundrum that faces us.
25. My story from my eyes.

Signed:



Tau Henare

Date:

19-11-14