

**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

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**AFFIDAVIT OF MARCIA MAHARA HAU  
DATED 17 NOVEMBER 2014**

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**RUSSELL McVEAGH**

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I, Marcia Mahara Hau, swear:

### **Executive Summary**

1. I whakapapa to Ngāti Hine and Ngāti Rehia, and I provide this evidence in support of Tūhoronuku.
2. I have given many hours over the years working with and for our Maori and Pacific Communities here in Sydney.
3. We arrived and settled in Sydney in January 1979 and through our own personal struggles and my determination to rise above that, and a desire to bring those going through similar experiences on board with me, somehow dropped me into the lap of service
4. It was as a Union Organiser, where I was thrown in at the deep end with no knowledge or understanding of awards, agreements, legislation or the law – but it was that environment that gave me the tools, skills and confidence needed to embrace that which I do today.

### **My involvement**

5. I attended every meeting held by Tūhoronuku in Sydney. Because the Tūhoronuku representatives took the time to come to Sydney and because it was Ngāpuhi korero, I was interested.
6. In the early days I didn't understand all the issues. My attendance was just to hear what was happening back home. I never really understood the significance of all of this until as recently as the last couple of years.
7. I also attended the two meetings held by Te Rūnanga o Ngāti Hine in Sydney. This too was back in the early days and back then I did not realize that there were two separate factions vying for the 'top job'.
8. The korero back then with both Tūhoronuku and Ngāti Hine seemed different although not clear to me.
9. There were a lot of personal attacks fired at the Tūhoronuku team from the Ngāti Hine representatives that came to Sydney from home. I have attended a couple of Tūhoronuku meetings in Sydney where Ngāti Hine have attended and have spent their time on the floor heckling the Tūhoronuku representatives.
10. The separation between Tūhoronuku and Ngāti Hine, for me, began back then.
11. Back then, Ngāti Hine were not professional in the way they presented themselves to us here in Sydney. I don't mean in their appearance, I mean in their presentation of why they were here.
12. Soon after that event, Te Rūnanga o Ngāti Hine stopped coming to Sydney and there was no further contact from them. No contact and no communication with us meant no consideration from Te Rūnanga o Ngāti Hine about our views and input.




13. That wasn't the case with Tūhoronuku.

**Key issues**

*How representative is Te Rūnanga o Ngāti Hine*

14. It was resolved by Te Rūnanga o Ngāti Hine at its AGM earlier in the year to oppose and litigate against the Tūhoronuku mandate and to seek their own for Ngāti Hine.
15. Waihoroi Shortland tells me that I have a right to put my name forward as a descendent of Ngāti Hine, but challenges whether I do so with the support of the people I seek to represent.
16. Waihoroi Shortland advises that there are 40,000 Ngāti Hine, and that Te Rūnanga o Ngāti Hine's membership is 7,000. I am not in a position to verify either of these figures, but taken at face value Te Rūnanga o Ngāti Hine has less than a quarter of Ngāti Hine on its membership roll. That leaves more than 75% unrepresented or NOT represented by Te Rūnanga o Ngāti Hine.
17. Yet, Waihoroi Shortland queries my basis for putting my hat in the Tūhoronuku ring.

*Ngāti Hine ceases to engage*

18. After just two visits to Sydney, why did Te Rūnanga o Ngāti Hine stop coming? I wonder whether it is because the Rūnanga didn't see those who resided away from home as 'part of the people it represented'!
19. Waihoroi Shortland's response on behalf of Te Rūnanga o Ngāti Hine was essentially one of cost. In this day of modern technology like email and teleconferencing to name a couple, if Te Rūnanga o Ngāti Hine were as passionate about what was happening as they appear, then Te Rūnanga o Ngāti Hine had no excuse for excluding us from what Ngāti Hine wanted to do and was actually doing at the time.
20. Waihoroi Shortland once said to me – 'it is always easy to capture the hearts and minds of the people when only one side of the story is being told at the expense of those who cannot afford to meet the costs'. I do not see that as an excuse for the Rūnanga's failure to include us in their kōrero.

*Removal of mandated hapū kaikōrero*

21. Back in May/June this year Te Rūnanga o Ngāti Hine committee the process of enlisting its members to register with Tūhoronuku for the purpose of removing the 3 'rogue delegates'.
22. On 2 June 2014, I wrote to Te Rūnanga o Ngāti Hine offering to step aside if they wanted to replace me with a different kaikōrero (instead of them having to go through the process they were going through).
23. Waihoroi Shortland responded: "Thank you for the offer, but the Ngāti Hine stance is not to engage with the Tūhoronuku process....." Yet, their actions were an engagement with the Tūhoronuku process.



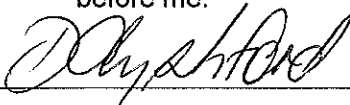

*Ngāti Hine aspirations*

24. Te Rūnanga o Ngāti Hine allege that Ngāti Hine's aspirations are being undermined by Tūhoronuku and the Crown. But it is unclear what alternative Ngāti Hine presents. All I hear is "Just hold on, we will get there, we don't know when, but when we do...." I consider this to be a very risky strategy with respect to our claims and one that sidelines those who wish to see settlement now.

**Support for Tūhoronuku**

25. The Tribunal must not assume that all Ngāti Hine Hapu are of the same view with respect to Tūhoronuku. What about the voice of Ngāti Hine who are silent (more than 75%) or who support the Tūhoronuku IMA?
26. We, Ngāti Hine, are more than just the Rūnanga, and we want to contribute at the Tūhoronuku table.
27. True to form and as expected, Te Rūnanga o Ngāti Hine will not sit back quietly and accept my nomination on behalf of Ngāti Hine, at the Tūhoronuku table. It was my choice to accept my nomination for those who truly want change *now*.
28. It's also about the freedom to express ones views and to participate freely without being cajoled, harassed and threatened by members of Te Rūnanga o Ngāti Hine
29. Willow-Jean Prime criticises me refers to me 'an Australian' (seemingly to question my credentials and ability to represent my hapū). I am Ngāpuhi. I am Ngāti Hine. I never gave up my heritage, my whakapapa or my whanau when I moved to Australia. Ngāpuhi who live outside the rohe have a crucial role to play in this settlement process, and Willow-Jean's comments diminish the importance of Ngāpuhi who live outside the rohe.
30. Tūhoronuku represents what we can do now, not somewhere in the future. We have an opportunity and the ability under the Treaty claims to determine our own future.

SWORN at Sydney this 19 day of NOVEMBER 2014  
before me:

  
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**Deborah Ayshford J.P.**  
Justice of the Peace in and for  
the State of New South Wales  
Registration No. 201953