

WAI 2490  
WAI 2433

**Before the Waitangi Tribunal**

**Under** Section 6 of the Treaty of Waitangi Act 1976  
**and**  
**Concerning** the Ngapuhi Mandate Inquiry

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**Statement of Evidence in Reply of Pereri Mahanga**  
(particularly in support of Te Waiariki, Ngati Korora, Ngati Taka Pari Wai 2433 claim)

Dated the 25<sup>th</sup> day of November 2014

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## Pereri Mahanga Statement of Evidence in Reply

I **PERERI MAHANGA** of Te Waiariki, Taiharuru state as follows:

### *Introduction*

1. I have already given affidavits in respect of this proceeding dated 12 May 2014 (**A18**), dated 30 June 2014 (**A31**) and dated 8 November 2014 (**A53**).
2. Now that the evidence of the Crown and Tuhoronuku has been submitted I wish to take the opportunity to reply.

### *Claim of robust process*

3. In her Brief of Evidence Maureen Cecelia Hickey states:<sup>1</sup>

*OTS considered Tūhoronuku ran an open and robust mandate process, suitably tailored to the size and geographic spread of Ngāpuhi's population.*

4. I disagree with this description of the mandating process; our claims to the Wai 1040 Tribunal particularly under Wai 620 were made through *hui a hapu* they were *not* made by individuals from throughout Ngapuhi. These claims have been carried forth by our hapu from the time the grievances occurred through to the present day and it is upon our hapu that harm from these grievances was visited.
5. The Tuhoronuku mandating process called for individual votes throughout Ngapuhi. Under this process a hapu's historical claims can be included within the Tuhoronuku mandate without reference to the hapu. I do not consider this to be "robust". I do not consider it to be correct. I repeat – our historical claims were made by *our hapu* through *hui a hapu*.

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<sup>1</sup> Brief of Evidence of Maureen Cecelia Hickey, dated 20 November 2014, paragraph 122.(ATBC)  
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6. Yet under the Tuhoronuku mandating process the hapu was not enfranchised to decide who will have the mandate for their claims. A process in which a mandate for hapu claims can be given without reference to the hapu is plainly absurd and should not be sustained.

*Response to Raniera (Sonny) Tau*

7. In my Brief of Evidence dated 8 November 2014 I stated as follows:<sup>2</sup>

*Our concern is that the broad ranging capture of the Tuhoronuku mandate and its intention to settle all historical claims will mean that our rights to these lands, and to all of our rohe will be at risk from being taken from us to satisfy a regional and centralised body. We will defy that intention. We will defy our Mana being usurped in that way.*

8. In his Brief of Evidence dated 17 November 2014 Raniera (Sonny) Tau responds to my evidence above as follows:<sup>3</sup>

*As outlined above, hapū have a central role on the Tūhoronuku IMA Board, have direct contact with negotiators, will be involved in setting the strategic direction of negotiations, will form working groups on key issues, and will have "telling the story" hui where they can directly interact with the Crown. Further, devolution of specific settlement assets to hapū is something that is to be discussed with Ngāpuhi as the Tūhoronuku IMA consults on PSGE options.*

9. I maintain that it is irrelevant whether there are "telling the story" features and interaction with the Crown available under the Tuhoronuku mandate, this does not cure the simple fact that Tuhoronuku wishes to enter into direct negotiations with the Crown to settle the claims of our ancestors – without our hapu's consent.

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<sup>2</sup> Brief of Evidence of Pereri Mahanga, dated 8 November 2014, paragraph 14. (A53)

<sup>3</sup> Brief of Evidence Raniera (Sonny) Tau, dated 17 November 2014, paragraph 8.1 (h) (i) (A98)

10. On one occasion our ancestor Wiremu Mahanga stood before the Whangarei Land Court in 1891 and spoke of his claim to the Kiripaka Block (Whangarei Minute Book No.3 pages 195-209, a copy is attached to this brief and marked "E"). I provide an excerpt from his oral submission below:<sup>4</sup>

*I live at Ngunguru, belong to Wairiki hapu have a burial place called Koritaioa on this block – The ancestor Te Haua is buried there.*

11. This is part of the land that underpins the Glenbervie Forest. Clearly it has ancestral and traditional meaning for us. We have determined that we want to pursue this right to its conclusion under the Treaty of Waitangi Act 1975. We wish to pursue the remedies available to CFL land owners provided for under this Act.
12. It is our duty to our Tupuna to carry these claims forth, we cannot abdicate this responsibility and do not wish this responsibility to be stolen from us.

*Argument that delay will cause prejudice to Ngapuhi*

13. I also wish to respond to the argument that a delay will cause prejudice to Ngapuhi.<sup>5</sup>In my view those who wish to proceed to direct settlement negotiations can do so and those that do not wish to can exercise their Hapu Rangatiratanga not to. It is a matter of choice and this choice should be respected.

*Update*

14. There is one matter to update this Tribunal on since my last statement of evidence on 8 November 2014.
15. On 6 November 2014 our lawyers received a letter from Mr Fyfe of OTS. A copy is attached to this brief and is marked "F".

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<sup>4</sup> Whangarei Minute Book No.3, 27-29 August 1891, p 199.

<sup>5</sup> Brief of Evidence of Nigel Fyfe, dated 19 November 2014, paragraph 37 (A103), Brief of Evidence of Raniera (Sonny) Tau, dated 17 November 2014, paragraph 7.2 (A98)

16. I instructed our lawyers to respond. A copy of that response is attached and marked "G".

*Correction to my Brief of Evidence of 8<sup>th</sup> November 2014*

17. Finally I also wish to make an amendment to correct a filing error in my Brief of Evidence of 8<sup>th</sup> November 2014. A sentence was missing from the *Remedy* section at paragraph 2.2. I therefore repeat the remedy we seek from the Tribunal in full:

*Remedy*

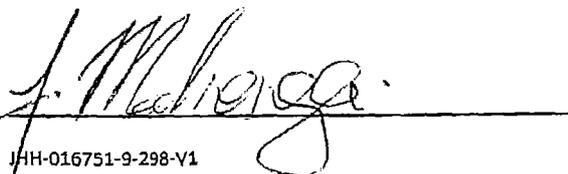
- You can recommend that the Crown atones for its wrongs against us by amending its recognition of the Tuhoronuku mandate by insisting on the removal of all references to Te Waiariki, Ngati Korora and Ngati Taka Pari from the deed; and
- You can recommend that the Crown ensures our protection going forward by insisting that under any settlement with Tuhoronuku, such a settlement expresses that Te Waiariki, Ngati Korora and Ngati Taka Pari and our claims are not to be settled and are excluded by it.

No reira,....

Dated this 25<sup>th</sup> day of November 2014

Na matou Te Waiariki, Ngati Korora, Ngati Te Taka Pari,

Signed by Pereri Mahanga

  
JHH-016751-9-298-V1