

IN THE WAITANGI TRIBUNAL **WAI 1140, WAI 1307,** Wai 2341, Wai 2429, Wai 2431, Wai 2433 and Wai 2434

IN THE MATTER of The Treaty of Waitangi Act 1975

- AND** an application for an urgent hearing by Rudolph Taylor, Lizzie Mataroria, Heremoananuiakiwa Kingi and others for and on behalf of themselves and a number of hapū who support Te Kotahitanga
- AND** an application for urgency by Waihoroi Shortland on behalf of Te Runanga O Ngati Hine
- AND** an application for urgency by Te Riwhi Whao Reti, Hau Tautari Hereora, Romana Tarau and Edward Cook on behalf of Te Kapotai
- AND** a claim by Pereri Mahanga, Aperahama Edwards, Aorangi Kawiti on behalf of Te Waiariki, Ngati Korora and Ngāti Taka Pari
- AND** a claim by Herb Rihari, Hugh Rihari, and Te Hurihanga Rihari on behalf of Ngāti Torehina ki Mataka

**BRIEF OF EVIDENCE OF SHIRLEY LOUISE HAKARAIA ON BEHALF OF
TE PATUKEHA KI TE RĀWHITI WAI 1140 AND NGĀTI KUTA KI TE
RAWHITI WAI 1307 IN SUPPORT OF AN APPLICATION FOR AN
URGENT INQUIRY INTO THE CROWN'S RECOGNITION OF THE
TUHORONUKU DEED OF MANDATE
Dated this 15th day of May 2014**

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Waitangi Tribunal

15 May 2014

Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL

Introduction

1. My name is Shirley Louise Hakaraia and I am a claimant for Wai 1140 on behalf of Te Patukeha. My hapū are Te Patukeha, Ngāti Kuta and Ngāti Manu and I have been asked by our Head claimant Moka Puru and our two hapū to provide this brief on behalf of our hapū and the Wai 1140 and Wai 1307 claims.
2. I have also read and support the evidence of Moka Kaenga Maata Puru filed on behalf of Wai 1140 and Matutaera Te Nāna Clendon filed on behalf of Wai 1307 supporting these urgency applications opposing the Crown's recognition of the Tūhoronuku mandate, which our hapū Patukeha and, Ngāti Kuta also oppose.

Background

3. I am the hapū coordinator for the Ngāti Kuta Wai 1307 & Patukeha Wai 1140 Claims and have held this responsibility since November 2011. I am also a member of Ngā Hapū o Te Takutai Moana Working Group and have attended the majority of the hapū monthly hui over the past three years.
4. I also attend Te Kōtahitanga o Ngā Hapū Ngāpuhi monthly hui when available to do so and others of our two hapū attend these regularly.
5. I have attended hui with the Office of Treaty Settlements officers to spell out clearly the position for Ngāti Kuta and Patukeha. Those hui occurred with representatives from Ngāti Hine, Te Kapotai, Ngāti Manu, Ngāti Rēhia and Ngāti Torehina attending as well.
6. I have personal knowledge of the affairs and matters relevant to the prosecution of Ngāti Kuta and Patukeha claims before the Tribunal and have presented evidence on behalf of Patukeha in pursuing our hapū claims against the Crown.
7. I have been asked to provide this evidence in support of the urgency application made by the Wai 2341 claimants and affirm that our hapū

will be equally prejudiced by the Crown settlement process of recognition of the Tūhoronuku deed of mandate.

Ngāti Kuta and Patukeha Position on negotiations and the settlement of our claims

8. Ngāti Kuta and Patukeha have always been committed and still are, to the hearing and prosecution of our historic claims regarding the Crown's breaches of Te Tiriti before the Waitangi Tribunal. Therefore we are committed to the completion of the Stage Two Hapū Hearings process.
9. Ngāti Kuta and Patukeha want a negotiation and settlement process that is hapū driven. We must be present at the negotiation table with the Crown and be party to all decision making in relation to any settlement of our historical breaches. That is the key issue. They are our claims and no one else's and we cannot be dictated to by anyone else about who or what will negotiate or settle our claims. That is for us to decide and to determine.
10. Ngāti Kuta and Patukeha want a hapū based settlement that is robust and durable and one that will not cause further litigation for our mokopuna in the future. Our hapū must determine any cultural and economic redress that we are entitled to. We must have the opportunity to do that within a vehicle that we approve of first and not what the Crown want to determine. The priority for our hapū is the return of our whenua.
11. Ngāti Kuta and Patukeha have been working together with Ngā Hapū o Te Takutai Moana for the past five years with this vision in mind. During this time we have developed and strengthened our whakapapa, whanaungatanga, trust and common purpose.
12. Ngāti Kuta and Patukeha consider Ngā Hapū o Te Takutai Moana to be the appropriate vehicle to represent our large natural grouping to negotiate our grievances with the Crown. We are committed to working with and within Ngā Hapū o Te Takutai Moana because we share the same values and beliefs and are working towards a common goal, a hapū based settlement.

13. Ngāti Kuta and Patukeha seek to progress our own Deed of Mandate along with our whanaunga Te Kapotai, Ngāti Manu, Te Roroa, Ngāti Hine and Ngāti Torehina, under the umbrella of Ngā Hapū o Te Takutai Moana.
14. Ngāti Kuta and Patukeha oppose the Tūhoronuku Deed of Mandate, which the Crown has in my view unjustifiably and inappropriately recognised and I will expand on this further in my brief.

Overview

15. Ngāti Kuta and Patukeha are located in I Pīpiri - Bay of Islands. Our maunga is Rākaumangamanga, one of the poupou of Te Whare Tapū o Ngāpuhi. Our marae are Te Rāwhiti and Kaingahoa. Our population exceeds 5,000.
16. Our neighbouring hapū are Ngāti Wai, Te Kapotai, Ngāti Manu, Ngāti Hine, Te Roroa, Ngāti Kawa, Ngāti Rāhiri, Ngāti Torehina and Ngāti Rēhia and other hapū of Pewhairangi.
17. There are several Trusts, committees that come under the umbrella of Ngāti Kuta and Patukeha such as:
 - Te Rāwhiti Marae Māori Committee
 - Kaingahoa Marae Trust
 - Rākaumangamanga 3B2 Trust
 - Hauai Ahuwhenua Trust
 - Whangaoreore Ahu Whenua Trust

However in terms of the Treaty claims of our hapū, they are being progressed by the Wai 1140 and Wai 1307 claims and claimants.

18. Over the years Ngāti Kuta and Patukeha have developed a number of hapū strategic plans:
 - Te Rāwhiti Marae Strategic Plan 2006 – 2016;
 - Ngāti Kuta and Patukeha Hapū Management Plan;
 - Ngāti Kuta and Patukeha Hapū Moana Management Plan 2008;
 - and
 - Te Rohe o Te Rāwhiti Hapū Resource, Environmental & Economic Management Plan

Some of these have been provided in evidence to the Tribunal in support of our position that our hapū are autonomous entities that

hold mana whenua and mana moana and are recognised as such in the I Pīpiri rohe.

19. Our Ngāti Kuta and Patukeha Communications strategy to inform and engage our people includes:
 - Monthly hapū hui at Te Rāwhiti Marae and Kaingahoa Marae;
 - Te Rāwhiti Marae website and Hapū Registration;
 - Ngāti Kuta and Patukeha facebook page;
 - Te Rāwhiti Connection newsfeed ; and
 - Postal teams at strategic locations inside and outside of our rohe; and whānau email trees.
20. This ensures that our people are fully informed of the progress of our Treaty claims and we are transparent and accountable to our people.
21. We are also actively involved with our whanaunga in Ngā Hapū o Te Takutai Moana and Te Kōtahitanga o Ngā Hapū Ngāpuhi.

Ngāti Kuta and Patukeha Te Tiriti o Waitangi Claims

22. On Sat 1 Oct 2011 Ngāti Kuta and Patukeha hapū held a hui at Te Rāwhiti Marae Te Rāwhiti. It was resolved that Ngāti Kuta Wai 1307 and Patukeha Wai 1140 would jointly prosecute our hapū claims against the Crown. Those claims were originally filed in 2004 (Wai 1140) and in 2005 (Wai 1307). Amended statements of claim were filed on 30 September 2011. Those claims relate to the Crown's failure to protect our taonga, our whenua, our tikanga, our moana, our reo rangatira.
23. Subsequently we have presented our claims before the Waitangi Tribunal and during the week of 13 -17 May 2013 presented evidence along with our whanaunga Te Kapotai and Ngāti Manu. Given this we support the completion of the Stage Two hearings of the Tribunal. We do not support going to any negotiation table with the Crown before that time.
24. Our whanaunga throughout Te Paparahi o te Raki are still preparing for their turn to present their evidence and we support them in that. In our view no one should be negotiating with the Crown until such time as all the claims have been heard and findings made by the Tribunal.

25. At many of our monthly hapū hui we have discussed in detail, the proposed Ngāpuhi wide negotiation and settlement process. As a result of those hui we resolved that we want a report from the Tribunal and for it to provide us with recommendations for relief for the wrongs done to us by the Crown through its policies and practices.
26. On Sat 20 July 2013 we organised a Matariki Dinner to acknowledge and celebrate two years of work leading up to the presentation of our hapū claims. It was also resolved at the hui prior to the dinner that Ngāti Kuta and Patukeha would seek our own Deed of Mandate through Ngā Hapū o Te Takutai Moana. Annexed and marked “A” is a copy of that resolution.
27. The basis of this decision is to exercise our Hapū Rangatiratanga – ‘Mā Ngāti Kuta and Patukeha anō Ngā Kuta Patukeha e korero’.
28. Following this decision Ngāti Kuta and Patukeha have organised and mobilised the whānau/hapū to ensure they are informed and engaged with our Hapū Direction and the negotiation/settlement process.
29. We have resolved that paramount to any hapū negotiation and settlement redress is the return of our whenua.
30. Ngāti Kuta and Patukeha have since confirmed and reiterated at every opportunity our commitment to pursuing a Deed of Mandate under the umbrella of Ngā Hapū o Te Takutai Moana.
31. We therefore have supported all correspondence from Ngā Hapū o Te Takutai Moana representatives to Minister Finlayson advising of our intention to work as a large natural grouping through that body and not through Tuhoronuku and to make application for our own Deed of Mandate.
32. On 25 July 2013 I was party to a Ngā Hapū o Te Takutai Moana delegation that met with Office of Treaty Settlements officials to formally table our intention to pursue our own Deed of Mandate.
33. However it became clear at that hui that the Minister would not consider our Deed of Mandate while still discussing and considering the Tūhoronuku Deed of Mandate. It appeared that he preferred an approach of “the first horse out of the gate” is the preferred horse.

34. At our hapū hui on Sat 15 February 2014, Ngāti Kuta and Patukeha stipulated that any persons seeking to represent Ngāti Kuta and Patukeha in negotiations must table their intentions at our monthly hui for endorsement by the hapū. Annexed and marked “**B**” is a copy of that resolution.
35. That is consistent with our view that it is the hapū who determines who speaks for us. No one speaks for us: “without coming through the whare”. Individuals cannot nominate or put themselves up to speak for us, nor can individuals nominate other individuals to speak for us without the support of the hapū.
36. Further, at our hapū hui on Sunday 23 March 2014 Ngāti Kuta and Patukeha resolved that our kaumātua Moka Kaenga Maata Puru and Matutaera Te Nāna Clendon would be our hapū kaikōrero. Annexed and marked “**C**” is a copy of that resolution.

Opposition to Te Rūnanga ā Iwi ō Ngāpuhi (TRAION) & Tūhoronuku Deed of Mandate

37. Ngāti Kuta and Patukeha oppose the Tūhoronuku Mandate and we object to TRAION's involvement in the negotiation process to date.
38. In 2011 Tūhoronuku undertook their first formal mandate process and held hui throughout the motū. At no time during this process did Tūhoronuku come to our marae in Te Rāwhiti seeking the support of our hapū and claimants. In fact Tūhoronuku did not hold any mandating hui in our rohe. I believe that their reason for not holding hui in our rohe was because there was so much opposition to their mandate. Instead whānau had to travel to other rohe to voice our opposition. There was an attempt by Tūhoronuku at holding a hui in 2014. I will refer to this later in my brief.
39. On 18 February 2011 both of our hapū sent letters to the chairperson of TRAION detailing our opposition to Tūhoronuku. Annexed and marked “**D**” is a copy of a letter signed by Robert Willoughby, Matu Clendon and Moka Puru.
40. Ngāti Kuta and Patukeha whānau also attended Tūhoronuku-convened hui in Avondale, Hoani Waititi Marae, Ōtara and Māngere Bridge in 2011. As I live in Tāmaki I attended all the Tāmaki based

Tūhoronuku hui. At the first hui that I attended at Avondale, I was appalled at the behaviour. The heckling, the intimidation and bullying by the Tūhoronuku advocates towards whānau voicing their opinions was oppressive and appalling. At this particular hui my son Dane was wrongfully arrested for allegedly stealing a Whakaminenga kara. My son was released after questioning. The kara that my son was holding actually belonged to me.

41. The next hui that I attended, with both my sons in tow, was at Hoani Waititi Marae. On arrival at the hui we were told that the Mongrel Mob were there as security should anyone step out of line. Once again a whānau member of ours was intimidated and it could have resulted in an angry brawl if not for me intervening and telling our whānau member to walk away. Once inside the marae, the facilitator Hone Sadler told the hui that they would not be taking any questions from the hui, that the purpose for the hui was to voice their kaupapa only.
42. This hui was an absolute farce in my view. We were given no opportunity to discuss issues of concern, no opportunity to suggest alternatives, no opportunity to test or question the proposal. The Tūhoronuku representatives also displayed no knowledge of our claims or how they proposed to negotiate or represent or resolve our claims. Just that this was the process, the Crown approved so we should just agree. Two hui down and I was angry at the appalling way our people were being treated.
43. The next hui I attended was at Ōtara. Whānau members were again shut down from voicing their opinion. As Ngāti Kuta and Patukeha, we voiced our strong opposition to the Tūhoronuku Mandate at all these hui. We are being ignored however.
44. On Saturday 22 March 2014, my son Dane attended the Tūhoronuku Information hui at Te Mahurehure Marae. I understand that a wahine tried to voice her opinion and the facilitator shut her down by ringing a bell. My son stood by her side and performed a haka. Tūhoronuku members subsequently closed the hui. This story was repeated to me by my twelve year old mokopuna, who was obviously upset by the incident. The Tūhoronuku process has been an absolute sham.

45. Following on from those hui Tūhoronuku then advertised that 76 percent of Ngāpuhi supported the Tūhoronuku mandate. However, this information was misleading, in that it was 76 percent of the 4 percent of the total Ngāpuhi population that attended their hui. That actually represents 3.04 percent.
46. The Crown in response to the out cry of misleading information then called for further submissions. Ngāti Kuta and Patukeha collated 100 plus submissions opposing the Tūhoronuku Deed of Mandate. Annexed and marked “E” are copies of some of those submissions. I know that there were more sent than I have copies of.
47. Furthermore, I am aware that whānau members also articulated in their submissions, the hapū preferred pathway for negotiations and settlement.
48. Our hapū also made a joint written submission to the Crown opposing the mandate dated 16 August 2013. Annexed and marked “F” is a copy of that submission.
49. During this period I have formally written to Minister Finlayson and the Crown on behalf of both hapū demanding that Ngāti Kuta and Patukeha be removed from the Tūhoronuku Deed of Mandate. I attach copies of my letters as follows:
- Letter dated 3 December 2012 to Minister Finlayson (Annexed and marked “G” is a copy of that letter); and
 - Letter dated 6 August 2013 to Office of Treaty Settlements (OTS) (Annexed and marked “H” is a copy of that letter).
50. The letter to the Minister dated 3 December 2012 stated, amongst other things:
- (...)
- We, Ngāti Kuta and Patukeha, along with the 20 other hapū of Ngā Hapū o Te Takutai Moana are committed to a Hapū driven process and you continue to ignore this fact. (...)*
- We object to the Crown endorsing Tūhoronuku as the mandated authority based on the supporting vote of 5,210 out of 72,000 eligible Ngāpuhi to vote.*
- (...)

Finally, we would like to reiterate that Ngāti Kuta and Te Patukeha are committed to a Hapū driven process, we will not participate in a structure that includes Tūhoronuku and Te Rūnanga-ā-Iwi o Ngāpuhi.

51. The letter to OTS dated 6 August 2013 stated amongst other things that:

(...)

We insist that our WAI Claim numbers 1140 and WAI 1307 be removed from Tūhoronuku Deed of Mandate

We insist that our marae Te Rāwhiti and Kaingahoa be removed from Tūhoronuku Deed of Mandate

(...)

That Ngāti Kuta and Te Patukeha vehemently oppose both the Tūhoronuku Deed of Mandate and the Ngati Wai Deed of Mandate

(...)

That Ngāti Kuta Te Patukeha support a hapū driven process

52. As such Ngāti Kuta and Patukeha have continually and formally stated our opposition to the Tūhoronuku Deed of Mandate at every forum and at every opportunity to do so.

53. Despite all this in February 2014, the Crown granted Tūhoronuku a conditional mandate. Our hapū response was to organise a peaceful protest, thus two Hīkoi eventuated in Kaikohe on Thursday 20 Feb 2014 and Whangārei on Wednesday 5 March 2014. The Kaikohe Hīkoi was to coincide with the appearance of Minister Pita Sharples visit to Tai Tokerau. The hīkoi was lead by our kaumātua Moka Puru.

54. The Whangārei Hīkoi also coincided with the Tūhoronuku Deed of Mandate Information hui in respect of the Independent Mandated Authority (IMA) election process held at Pāihia and Whangārei Wed 5 March 2014. Both the above-mentioned hui were cancelled at short notice by the organisers because of the protests. Both myself and kaumātua Matutaera Te Nāna Clendon travelled from Tāmaki to attend those hui, only to find a cancellation notice on the venue door.

55. That is the problem, they never wanted to hear any voice of opposition at the hui and either closed hui down when that occurred or simply did not convene them.

Ngāti Wai Deed of Mandate

56. Further and at the same time, Ngāti Kuta and Patukeha have had to contend with Ngati Wai trying to include us in their Deed of Mandate without our authority. I was advised by a Ngāti Wai Trust Board member that they were instructed by Crown officials to include our Wai claims, hapū and marae in their Deed of Mandate without any consultation whatsoever with us.
57. On Saturday 24 Aug 2013 I organised a large group of whānau from Ngāti Kuta and Patukeha to attend the Ngāti Wai Deed of Mandate hui at Ngaiōtonga. At that hui I demanded that Ngāti Wai remove our Wai claims, hapū and marae from their Deed of Mandate. This too has been ignored by the Crown and Ngāti Wai.
58. Ngāti Kuta and Patukeha met on Sat 30 November 2013. At that hui it was resolved that we invite Ngāti Wai to meet with us at Te Rāwhiti to discuss our demands to be removed from their Deed of Mandate. Ngāti Wai declined our request to meet at Te Rāwhiti but instead invited us to attend a further mandating hui at Tūparehuia Marae, Whangaruru. We in turn declined their offer.
59. During the Ngāti Wai mandating hui, Ngāti Kuta and Patukeha were also collating submissions to oppose the Tūhoronuku Deed of Mandate. Both processes were running parallel. I believe that this action was deliberate. In our view, the Crown trying to force our hapū into either Ngāti Wai or Tūhoronuku Deeds. Why else would the Crown and those bodies include us in both Deeds?
60. It is an absolute travesty that Ngāti Kuta and Patukeha have been included in two separate Crown mandating processes, Ngāti Wai and Tūhoronuku - without any consultation, agreement or approval, based on an assumed right to include us in their process or a Crown directive to do so.
61. Now we are in a situation where our hapū are being attacked from more than one side, without our agreement and without any consultation. When we have said take us out, no one listens. There is no other process that I am aware of where people can just hold hui and dictate to those who attend that they are going to represent them

and negotiate a settlement of their claims, financial, land and otherwise without any authority or consent from those who are the rightful claimants. This is the process that the Crown promotes and funds to subvert our rightful position and rangatiratanga.

62. From here on in, our hapū have demanded that the Minister remove references to our hapū and our claims from both Ngāti Wai and the Tūhoronuku Deeds of Mandate.
63. This process has been stressful, time consuming and has taken a personal toll on myself, my whānau and all our hapū. The continual meetings to counteract the actions of these two groups Ngāti Wai and Tūhoronuku has become a financial burden not only to me, but also to our kaumātua/kuia and all our whānau.

Rationale for Opposition

64. Ngāti Kuta and Patukeha want a negotiation process and a settlement that supports our Hapū Rangatiratanga to grow our hapū independence.
65. Ngāti Kuta and Patukeha oppose the Tūhoronuku Deed of Mandate because those who have self appointed themselves do not know our claims, are not answerable to our people, lack authority or integrity because we as a hapū are not guaranteed any substantial input or a place at the negotiation table, nor are we guaranteed any Ngāti Kuta and Patukeha specific redress.
66. Our hapū have suffered grievances at the hand of the Crown and it is these grievances that we seek redress for. No other hapū can advocate on our behalf and understand our pain and suffering.
67. We believe that the Ngāpuhi wide settlement proposed by Tūhoronuku is too large and unwieldy. Smaller hapū like ourselves will become subsumed and marginalised in large groupings as per this proposed model.
68. Ngāti Kuta and Patukeha must negotiate itself and administer any redress that is negotiated in response to our claims and not a organisation that we have little or no relationship with.

69. Tūhoronuku is not a transparent body and is not accountable back to the hapū. We have no way to keep them honest and working for the benefit of our hapū.
70. During the whole Deed of Mandate process not once have Tūhoronuku come to our marae, presented their model to our whānau sought our mandate to represent our Wai claims, our marae, and our hapū and yet they claim to represent us.

Current Election process

71. The first stage of the Tūhoronuku process for mandating hapū kaikōrero is being implemented. We have no input or control over who will represent or speak for our hapū through this process.
72. The process was supposedly to elect or appoint 'hapū' kaikōrero, however any person can be nominated by another individual. The nomination does come from the hapū or have endorsement from the hapū. This is contrary to our mana rangatiratanga and undermines our tikanga.
73. Nominations for 'hapū' kaikōrero on Tūhoronuku closed on 17 April 2014 and the successful nominee was Joe Bristowe. Joe Bristowe is not supported or authorised by the hapū to represent or speak for them on our claims.
74. Tūhoronuku have advertised Mr Bristowe as being the Patukeha nominee. No nominee has been nominated for Ngāti Kuta. As stated Mr Bristowe was not endorsed by the hapū. This does not reflect hapū representation but that of individuals seeking self recognition. It cuts across what we decided in February this year at our hapū hui where as I have already said, Ngāti Kuta and Patukeha discussed the issue of persons purporting to represent the hapū. It was resolved that Ngāti Kuta and Patukeha do not recognise any person purporting to represent our hapū on Te Rūnanga ā Iwi o Ngāpuhi or Tūhoronuku.
75. We also resolved that any person seeking to represent Ngāti Kuta and Patukeha must seek endorsement from the whare. Therefore the person who now stands as the Tūhoronuku/Patukeha kaikōrero is acting without the support of Ngāti Kuta and Patukeha. We oppose this person.

76. Mr Bristowe is also standing for one of the Kaumātua positions. Our view is that this is a takahī on the mana of our hapū kaumātua and kuia. We do not support separate Kaumātua/Kuia representation on Tūhoronuku. Each hapū has our own kuia and kaumātua.
77. Nor do we support Urban kaikōrero. The rationale we are told by the Crown is that 70 percent of Ngāpuhi live outside of our rohe therefore they must have representation. That is not for the Crown to decide quite frankly. Our view is that the grievances occurred at the haukainga. Any representation must have hapū authority, support and endorsement.
78. It is not necessary to have a representative from TRAION? TRAION does not have any Wai claims before the Tribunal. Therefore they should not be represented on Tūhoronuku.
79. In my view the Tūhoronuku Election process is prejudicial and must be challenged. We as hapū have no control over the process. The fact that someone can put themselves up to represent us without our hapū endorsement and thereby also imply that we agree to the negotiation process in itself causes immediate and irreversible prejudice to our hapū. It strikes at the heart of what should be a democratic process.

Withdrawal from Tūhoronuku Deed of Mandate

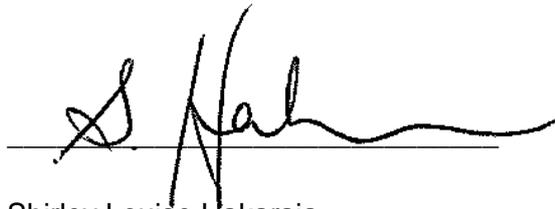
80. On 17 Feb 2014, Minister Finlayson advised hapū that in order to withdraw from the Tūhoronuku Deed of Mandate we would need to follow a process as robust as that followed by Tūhoronuku to gain a mandate (Annexed and marked "I" is a copy of that letter). This is extremely prejudicial to our hapū. The Crown funded the Tūhoronuku process. Ngāti Kuta and Patukeha will not have the same or any Crown financial support to undertake such a process.
81. Further the hapū cannot convene the number of hui required in the way carried out by Tūhoronuku to withdraw their hapū from the mandate. Nor frankly should have to. These are our claims and our hapū grievances.

82. As we cannot undertake the same process the Crown will not recognise our withdrawal. As they will not recognise the withdrawal the process and there the prejudice is irreversible.
83. It is a process which is unreasonable and one which we cannot hope to achieve.
84. We do not have the funding to do so. Look at the amount of advertising and the road shows and the hui they were able to hold.
85. However, if we were to follow the Tūhoronuku consultation process with individual hapū like Ngāti Kuta Patukeha, then a letter to the Minister must suffice. It is more than we have received from Tūhoronuku.

Joint Hapū Response

86. Ngāti Kuta and Patukeha seek to exercise our hapū rangatiratanga. Hapū Rangatiratanga means we exercise mana over our territories and hapū interests. Therefore all decisions regarding our negotiations and settlement process must be made by Ngāti Kuta Patukeha. Ma Ngāti Kuta and Patukeha anō Ngāti Kuta and Patukeha e korero.
87. Our kaumātua and kuia have been pivotal in the direction that our hapū have chosen – hapū based negotiation and settlement. Our whānau have also engaged in this process.
88. Ngāti Kuta and Patukeha made a clear decision not to be involved in the Tūhoronuku process as we did not want our involvement to be misconstrued as support. We do not support this top down model. We have demonstrated clearly and consistently over time that we oppose the Cown's recognition of the Tūhoronuku Deed of Mandate as I have set out in this Brief.
89. We have ignored and not listened to, we have not been consulted, nor engaged with.
90. Any negotiation process that we intend to pursue will be transparent and accountable to our whānau/hapū of Ngāti Kuta and Patukeha.
91. I have said already we want a robust and durable negotiation and settlement for our future generations.

92. It is for these reasons that we support our Hokianga whanaunga with the urgent application.

A handwritten signature in black ink, appearing to read 'S. Hakaraia', written over a horizontal line.

Shirley Louise Hakaraia