

**IN THE WAITANGI TRIBUNAL  
KEI MUA I TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI**

**WAI 1040**

**IN THE MATTER OF** the Treaty of Waitangi Act 1975

**AND**

**IN THE MATTER OF** WAI 1040 Te Paparahi o Te Raki

**AND** Raniera (Sonny) Tau, Titewhai Harawira and Hone  
Pereki Sadler

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**MEMORANDUM REGARDING STAGE TWO HEARINGS**  
**Dated the 16<sup>TH</sup> day of December 2010**

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Te Roopu o Tuhoronuku  
PO Box 263  
**KAIKOHE**

## **MAY IT PLEASE THE TRIBUNAL**

1. This memorandum is filed on behalf of Titewhai Harawira (WAI 1427), Raniera (Sonny) Tau (WAI 2073) and Hone Sadler (WAI 1676, WAI 1709) in response to the Waitangi Tribunals memorandum-directions dated 15 November 2010.
2. We wish it recorded that we support Te Roopu o Tuhoronuku (Tuhoronuku) seeking a Deed of Mandate from Ngapuhi to negotiate a settlement of Crown breaches against Te Tiriti o Waitangi.
3. We also wish it recorded that Tuhoronuku supports a parallel process that enables a Stage Two Inquiry to proceed in a planned and coordinated manner that does not impede direct negotiations commencing.

## **COMMENT**

4. Te Roopu o Tuhoronuku consulted with Ngapuhi on three separate occasions – 13 hui were held in April 2009, 14 hui were held in September 2009 and 14 Information Hui were held between June and August 2010.
5. The purpose of these Hui was to discuss with Ngapuhi commencing negotiations with the Crown, representation and a Deed of Mandate strategy. During the course of those hui, Ngapuhi were clear that Deed of Mandate be sought at the conclusion of the Initial Hearings, that hapu are to drive negotiations and to ensure hearings are supported.
6. In March and April 2011, at the conclusion of the Initial Hearings in February 2011, Tuhoronuku will seek a Deed of Mandate from Ngapuhi to represent them in settlement negotiations.

## **Stage Two Hearings**

7. Tuhoronuku have listened carefully to Ngapuhi, they've heard the challenge from home (Te Whare Tapu o Ngapuhi) - Hearings must proceed with some semblance of order, not dictated or coordinated by lawyers. The following is provided for the Waitangi Tribunal's consideration:

8. The allocation of hearing weeks is for the Waitangi Tribunal and claimants to determine however it is our understanding 12 weeks may be allocated to a Stage Two Hearings process. We urge the Waitangi Tribunal to confirm whether or not this is the case.
9. In keeping with a 12 week hearing timeframe, and the intention of the Waitangi Tribunal as an Independent Commission of Inquiry, we wish the Waitangi Tribunal to consider the following:
  - a. Allocate a set number of weeks for Ngapuhi to present Tangata Whenua evidence excluding legal counsel;
  - b. At the conclusion of the presentation of Tangata Whenua evidence, and in conjunction with claimants and legal counsel, identify and prioritise the issues to be heard. Allocate a set number of weeks for these issues to be heard.
  - c. The Waitangi Tribunal to confirm hearings on these issues and to decide whether they be localised or regional.
10. To conclude, it is our firm belief that Tuhoronuku is open to working with those who are committed to Ngapuhi moving forward.

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Dated this 16<sup>th</sup> day of December 2010

Raniera (Sonny) Tau

Titewhai Harawira

Hone Sadler