

IN THE WAITANGI TRIBUNAL

(TBC)

IN THE MATTER

of the Treaty of Waitangi Act 1975

AND

IN THE MATTER

of an application by Tawhirimatea Williams for an urgent hearing into the Crown decisions to resume negotiations with the Whakatōhea Pre-Settlement Claims Trust (WPSCT), continued recognition of the WPSCT Mandate and the Crown decision to initial a Deed of Settlement and conduct a process of ratification.

STATEMENT OF CLAIM OF TAWHIRIMATEA WILLIAMS

Dated 12 March 2021

RECEIVED

Waitangi Tribunal

15 Mar 2021

Ministry of Justice
WELLINGTON

Level 14, 48 Emily Place

Po Box 461

DX CP 20503

AUCKLAND

Te Kani Williams / Coral Linstead-Panoho / Rachel Brown

Ph. (09) 379 5026, Fax (09) 377 6553

E mail: tekani@wwandd.co.nz / coral@wwandd.co.nz / rachel@wwandd.co.nz

MAY IT PLEASE THE TRIBUNAL:

Introduction

1. This Statement of Claim is filed on behalf of Tawhirimatea Te Auripo Rewita Williams for and on behalf of himself and Ngāti Ruatakena, and for the benefit of the constituent hapū and marae of Ngāti Ruatakena to the extent that they choose to support this claim (**the Claimants**).
2. The Claimant is Māori and relies upon section 6(1) of the Treaty of Waitangi Act 1975 in bringing this claim.
3. The Claim concerns the Crowns continued recognition of the Whakatohea Pre-Settlement Claims Trust (**WPSCT**) deed of mandate, in spite of consistent opposition by the Claimant and his whānau and members of the hapū Ngāti Ruatakena (**Ngāti Rua**).
4. The Claim further concerns the Crown decisions to resume negotiations with the WPSCT following the outcome of the Whakatōhea Vote in October 2018 and more recently to initial a Deed of Settlement with the unsupported **WPSCT** in late-March and proceed to a ratification process beginning in mid-April, amidst significant turmoil within Whakatōhea.
5. Not only do the claimants oppose the WPSCT mandate, but they are concerned about serious flaws within the proposed settlement entity structure including with regard to the withdrawal mechanism.

Background

6. The detailed background including the Claimants experience leading up to and including the 2017/2018 Whakatōhea Mandate Inquiry is relevant context to the present application.¹

¹ See paragraphs 40-65 of the Brief of Evidence of Tawhirimatea Williams dated 27 January 2017 (Wai 2589 #A1), the further brief of evidence of Tawhirimatea Williams dated 17 March 2017, (Wai 2589 #A1(b) and the third Brief of Evidence of Tawhirimatea Williams dated 12 April 2017 (Wai 2589, #A1(d)).

7. The Claimants also support and adopt the background and contents set out in paragraphs 16 to 78 of the Statement of Claim filed by Ngāti Patumoana on 18 June 2020² (“**Ngāti Patumoana Claim**”) to the extent that they have relevant knowledge about those matters.
8. The Claimant has made clear statements to the Waitangi Tribunal and by way of correspondence to the Crown about his continued opposition to the WPSCT. In essence, the extent of the Claimants opposition involves that he and his whānau as members of Ngāti Rua hapū were not consulted prior to the establishment of the Tū Ake Collective and have never authorised the collective to represent their interests or settle their claims.³
9. After hearing evidence and submissions from the applicants, the Whakatōhea Mandate Inquiry Tribunal came out with some clear statements of Treaty Breach on the part of the Crown. Those findings which are of relevance are reproduced below.
10. At pages 28 to 29:

“In our view, ‘Te Ara Tono’ is a clear statement of hapū rangatiratanga in the particular circumstances of Whakatōhea. ‘Te Ara Tono’ highlights that Whakatōhea clearly envisaged that hapū decision-making would be central to the process of negotiating and settling with the Crown, including the process of establishing a mandate for negotiation.”

11. At page 29:

“... Tū Ake began as a collective purporting to represent four of six hapū recognised in the Trust Board structure. Its authority to do so was under question before us. We saw no evidence that Ngai Tamahaua and Ūpokorehe, the two other hapū represented on the Trust Board, ever clearly decided to support Tū Ake.”

12. At page 30:

“It is also relevant to note that the six hapū of Whakatōhea recognised on the Trust Board are not of comparable size – Ngāti Ruatakena is significantly larger than the next largest hapū, Ngai Tamahaua, and almost three times the size of Ūpokorehe.”

² Wai 2961, #1.1.1

³ Ibid at 8.

13. At page 38:

“Before granting urgency for this inquiry, Judge Savage requested a further analysis of the withdrawal petition to determine the number of signatories to the petition on a hapū-by-hapū basis. The results showed that, even after excluding those who were not registered on the Trust Board register, Ngai Tamahaua and Ngāti Ira had reached the 5 per cent threshold...”

14. At page 53:

“We have identified several problems with the Pre-settlement Trust withdrawal mechanism which in our view make it unfair and unworkable. The Crown has conceded that there is some unfairness in the withdrawal provisions. However, the limited concession relates only to the way that the 5 per cent threshold is calculated. Our view is that all the issues need to be addressed.

...

15. The Tribunal therefore concluded that the Crown’s failure to follow a process that met the Treaty standard of fair, reasonable and good-faith conduct gave rise to significant prejudice to the Claimants.⁴ This included significant and ongoing prejudice in terms of damage to whanaungatanga relationships within Whakatōhea.⁵

16. The primary recommendations of the Tribunal were that negotiations between the WPSCT and the Crown be suspended so that a vote could be conducted.⁶ The Tribunal noted that it is of fundamental importance that Whakatōhea hapū be given an opportunity to decide how they now wish to proceed in a way that is more transparent.⁷

Te Tiriti o Waitangi

17. There is an extensive body of Treaty jurisprudence which recognises the Crown’s obligations to Māori and in particular as it relates to the Crown settlement process. A summary of relevant Treaty jurisprudence has been

⁴ Whakatōhea Report at page 94.

⁵ Ibid at page 94.

⁶ Ibid at pages 96-99.

⁷ Ibid Report at page 97.

outlined in detail at paragraphs 8-15 of the Ngāti Patumoana Claim⁸ which the Claimants supports and adopts.

18. In *New Zealand Maori Council v Attorney-General* (1987), Justice Richardson observed:

“...the responsibility of one treaty partner to act in good faith fairly and reasonably towards the other puts the onus on a partner, here the Crown, when acting within its sphere to make an informed decision, that is a decision where it is sufficiently informed as to the relevant facts and law to be able to say it has had proper regard to the impact of the principles of the Treaty.”

19. Following the release of the Whakatōhea Mandate Inquiry Report the Crown demonstrated a clear intention to continue to support and assist the WPSCT to re-build their tenuous mandate and proceed towards negotiating a settlement.⁹
20. The Claimants position is that the Crown has ignored clear statements of opposition from them and hapū of Whakatōhea and has ignored the clear desire of the Claimants and the hapū to proceed down the Waitangi Tribunal pathway to have their grievances against the Crown aired and determined.
21. The Crown has shown favour to the group that it considers is in the best position to achieve a swift settlement in spite of the continued opposition from hapū and claimants and as such is creating new breaches by failing to actively protect and provide for hapū rangatiratanga and failing to act in good faith towards the Claimants and hapū of Whakatōhea.
22. The Crown has used a selective interpretation of the vote to further its agenda of reaching a timely full and final settlement.
23. Further, the Crown has now signalled its intention to sign a Deed of Settlement with the WPSCT in late-March, to be followed by a ratification process which is the penultimate step in concluding a settlement resulting in irreversible prejudice to the Claimant and his hapū.

⁸ Wai 2961, #1.1.1

⁹ Ibid at paras 53 – 66.

FIRST CAUSE OF ACTION: LACK OF GOOD FAITH BY THE CROWN WHAKATŌHEA VOTE PROCESS

24. The Claimants say the Crown acted in bad faith in the lead up to the Whakatōhea vote by demonstrating a clear preference for the WPSCT to the detriment of the Claimants and hapū of Whakatōhea.

Particulars

25. On or about 1 June 2018 the Crown advised that a decision had been made by the Minister to pause substantive negotiations but that some “technical work within the scope of the Agreement in Principle ... could continue.”¹⁰ In continuing to take steps, “technical” or otherwise, the Crown failed to sufficiently separate itself from the situation and the groups involved in order that good faith engagement could occur with all hapū and claimants of Whakatōhea. The Crown continued to advance settlement negotiations.

26. The Claimants consider that the WPSCT, who continued to be supported by the Crown, were at an advantage going into the vote.

27. The Claimant raised concerns about the vote process and instructed his lawyers to submit a memorandum of counsel stating his position opposing the vote process, as it undermined all hapū including Ngāti Ruatakena who want to settle their own claim.¹¹

28. The WPSCT drove the vote process including implementing a voting timeline, an explanatory note, pānui and vote questions.

29. In addition to issues of unfairness around resourcing and funding for groups other than the WPSCT, voting materials were circulated under cover of the WPSCT, there were issues around privacy and voting registers and the final vote questions were criticised for being unclear and different to the questions which the Tribunal had recommended.

¹⁰ See TFH-15, Wai 2983 #A1(a).

¹¹ See TW1-02 attached to the Brief of Evidence of Tawhirimatea Williams dated 12 March 2021

30. The Claimants were therefore on the back foot from the outset.
31. The vote took place in October 2018, just six months following the release of the Tribunal's report.

SECOND CAUSE OF ACTION: DECISION TO RESUME NEGOTIATIONS WITH THE WPSCT

32. The Claimants adopt paragraphs 81 to 86 of the Ngāti Patumoana Claim.
33. Contrary to the obligation to act fairly and in good faith towards its Treaty partner, the Crown has interpreted the vote outcome in a manner which favours its own agenda causing prejudice to the Claimants. At best, the Crown interpretation can be described as selective.
34. In doing so, the Crown has also failed to adhere to its own assertions that it would be bound by the outcome of any vote.¹² That is disingenuous to the Claimant, who had his strong concerns about the vote process, and lack of support from the Crown.

Further particulars

35. The official vote results were released on 13 November 2018.¹³
36. There is no dispute that none of the hapū supported seeing a mandate process re-run from the start.¹⁴
37. The support or otherwise, for the WPSCT is the only matter that is more finely balanced.
38. A mere two months following the release of the vote results, Hon. Andrew Little released statements in a press release that included:¹⁵

*The Whakatōhea vote resulted in a **narrow majority** supporting the Whakatōhea Pre-Settlement Claim Trust (the Trust) continuing to negotiate a settlement with the Crown and a **significant minority***

¹² Whakatōhea Report at page 99.

¹³ Wai 2961, 1.1.1 at para 46.

¹⁴ <https://www.beehive.govt.nz/release/next-steps-whakatohea>

¹⁵ <https://www.govt.nz/assets/Documents/OTS/Whakatohea/Te-Whakatohea-Open-Letter-30-Sep-2019.pdf>

voting for a Waitangi Tribunal inquiry into the historical claims of Whakatōhea

39. Before proceeding to say in the same release that “*the results show too much support for the Trust for the Crown to walk away.*”¹⁶
40. The two statements are contradictory and fail to address how the Claimants “significant minority” on the Crown’s interpretation, would be engaged with.
41. Instead, an open letter was released on 30 September 2019 advising the Crown had decided to “continue negotiations” with the WPSCT and “to finalise the deed of settlement for ratification by Te Whakatōhea.”¹⁷
42. Mr Williams instructed his counsel to send a letter to Minister Little on 4 November 2019 on behalf of Wai 1795 to urge him to halt negotiations with the WPSCT while the historical inquiry was still taking place, and seeking withdrawal of their claims from the WPSCT mandate.¹⁸

THIRD CAUSE OF ACTION: INTERVENTION IN THE WAITANGI TRIBUNAL HISTORICAL INQUIRY

43. The Claimant adopts paragraphs 91 to 97 of the Ngāti Patumoana Claim.

Further particulars

44. The Crown decision in favour of their preferred large natural grouping seeks to subvert the Claimants and hapū choice to consider alternative pathways for settling their grievances against the Crown.
45. The Crown’s decision directly cuts across the section 6(1) obligations on the Tribunal to inquire into every claim submitted to it and demonstrates an arrogant disregard for its own legislation which gives rise to the jurisdiction of the Tribunal.
46. The Claimants note the observations by the Tribunal in the Whakatōhea Mandate Inquiry Report regarding the tension between the legal rights of

¹⁶ Wai 2961, #1.1.1 at 54.

¹⁷ Wai 2961, #1.1.1 at 7.

¹⁸ See TW1-4 attached to the Brief of Evidence of Tawhirimatea Williams dated 12 March 2021

claimants to pursue their claims and the rights of a mandated group to negotiate a settlement.¹⁹ However, while it was recognised named claimants may not have an “effective veto over the settlement of their claims” the Tribunal also noted that in this case there was a clear majority of claimants asking for their claims to be heard in the Tribunal pathway.²⁰ That fact has been ignored by the Crown.

47. On balance, there appears to be a small minority of claimants who remain in support of the WPSCT.²¹ It is unfair and in breach of the Crown's obligations under Te Tiriti for it to support a minority of claimants to essentially veto the majority of claimants and hapū ability to withdraw from that mandate and choose an alternative pathway to settle their claims.

FOURTH CAUSE OF ACTION: FAILURE TO ADDRESS THE WITHDRAWAL MECHANISM

48. The Claimant adopts paragraphs 98 to 101 of the Ngāti Patumoana Claim.

Further particulars

49. Once the Crown was aware of the Claimants and hapū position of opposition for the WPSCT, the Crown were obliged under their duty of partnership to act in good faith towards the Claimants to assess the hapū concerns and test the hapū levels of support for the mandate that it purported to recognise.
50. The Claimant has taken steps to contact Crown ministers to register their opposition for the WPSCT and to request that the Crown withdraw from recognition of the mandate for lack of support.²² The response the Claimants received was that the Trust would be amending the withdrawal mechanism and the Crown will have little involvement except to recognise any amendments to the mandate.²³

¹⁹ Whakatōhea Report at page 41.

²⁰ Ibid, at page 41.

²¹ Ibid, at paras 20 and 25.

²² See TW1-3 and TW1-4 attached to the Brief of Evidence of Tawhirimatea Williams dated 12 March 2021.

²³ See TW1-6 attached to the Brief of Evidence of Tawhirimatea Williams dated 12 March 2021

51. This is unacceptable and not conducive to appropriate Treaty relations between partners.
52. The Tribunal also made significant findings regarding the fact that the withdrawal mechanism failed to meet the standards required under Te Tiriti and was flawed in many respects. One of the key issues was that the withdrawal mechanism failed to take into account the hapū viewpoint.
53. The Crown has blatantly refused to address the hapū aspects of the Tribunal findings on the flaws that arise with respect to the withdrawal mechanism. The amended withdrawal mechanism therefore continues to perpetuate the Treaty breaches found by this Tribunal and goes a step further by making the process even more difficult for hapū to have their position considered.
54. The Crown has failed in breach of Te Tiriti to recognise, provide for and actively protect hapū rangatiratanga in the face of clear findings from the Tribunal that support Whakatōhea decision-making being based around the notion of hapū rangatiratanga.

Particulars

55. The Crown has directed the WPSCT to make changes to its withdrawal mechanism which blatantly does not address the concerns raised by the Tribunal regarding hapū.
56. The Crown continues to rely on the support from “ngā uri o Whakatōhea” to justify continuing down a path which is not supported by the majority of hapū of Whakatōhea.
57. The Crown had the option of further engagement with iwi and hapū before it resumed negotiations with the WPSCT, but decided to reassure the WPSCT as to its “willingness to engage with the WPSCT to work through some matters before settlement negotiations are resumed²⁴.”

FIFTH CAUSE OF ACTION: CROWN FAILURE TO SUPPORT THE CLAIMANT TO DEVELOP AN ENGAGEMENT PATHWAY

²⁴ Wai 2961, #1.1.1 at apara 80(a).

58. Since the beginning of the process, the Crown has not engaged with the Claimant or his hapū of Whakatōhea in a meaningful way. Instead, the Crown has failed to actively protect the ability of hapū to exercise their tino rangatiratanga by recognising the Deed of Mandate on 14 December 2016 without having proper regard to the sustained and significant opposition of whānau and hapū within Ngāti Ruatakena and their leadership.²⁵
59. The Tribunal has made significant findings of breach by the Crown in this regard.²⁶ The Crown had an opportunity to try to remedy its conduct following the release of the report, and following the Whakatōhea vote. However, it has failed to do so.
60. The Crown has not sought to engage with the Claimant and instead has continued to support the WSPCT and its current model. This is despite the Claimant having approached the Crown and in no uncertain terms stated his position that the WSPCT does not have the authority to settle his claims.²⁷
61. The Claimant, in response, has only received:
- (a) A letter dated 20 June 2019, stating that the Claimant’s view will be taken into account with regard to the resumption of settlement negotiations with the WSPCT; and
 - (b) A letter dated 21 November 2019, only after the Crown had made the decision to resume negotiations with the WSPCT.²⁸
62. The Crown has acknowledged the Claimant wished to withdraw his claim from the mandate, but effectively washed their hands of any further responsibility by stating “The Crown will have relatively little involvement except to recognise any amendments to the mandate...”²⁹

²⁵ Wai 2589, #3.1.1 at 16.

²⁶ Whakatōhea Report, at pages 29-30.

²⁷ See TW1-3 and TW1-6 attached to the Brief of Evidence of Tawhirimatea Williams dated 12 March 2021.

²⁸ See TW1-7 attached to the Brief of Evidence of Tawhirimatea Williams dated 12 March 2021

²⁹ Ibid

63. As noted in [52] above, the Waitangi Tribunal significant findings regarding the fact that the withdrawal mechanism failed to meet the standards required under Te Tiriti and was flawed in many respects, therefore the Crown having little involvement in the withdrawal discussions is a breach of the Crown's obligations under Te Tiriti.
64. On 26 February 2021 the Crown wrote to all claimants advising it would be initialling a deed of settlement with the WPSCT in late-March to be followed by a ratification process.³⁰
65. Engagement in these circumstances is therefore untenable and the Claimants consider they have no other option but to seek urgency in the Waitangi Tribunal.

EIGHTH CAUSE OF ACTION: CROWN DECISION TO INITIAL A DEED OF SETTLEMENT AND PROCEED TO RATIFICATION SHOWING PREFERENTIAL TREATMENT TO THE WPSCT

66. The Crown decision to notify the claimant it would be initialling a deed of settlement was poorly timed and undermines the claimant's position that the WSPCT does not have the authority to settle his claim.
67. The Crown therefore failed to adequately support the claimant and created a situation of unfairness, where the WPSCT were positioned to tightly control any proposed process.
68. The Crown then proceeded to announce on 26 February 2021, that it would initial a Deed of Settlement with the WPSCT in late-March to be followed by a ratification process.³¹
69. The timing of this announcement lends itself to the view that neither the Crown ever considered taking seriously the claimants requests.
70. The Crown's actions have not only undermined the Claimant's chances of meaningful engagement, but have shown clearly the Crown preference for the

³⁰ See TW1-8 6 attached to the Brief of Evidence of Tawhirimatea Williams dated 12 March 2021

³¹ Ibid

WPSCT in spite of the views of the claimants and the whānau and hapū they represent.

NINTH CAUSE OF ACTION CROWN RELIANCE ON RATIFICATION TO CURE MANDATE ISSUES IS FLAWED AND AN ABUSE OF PROCESS

71. The 2018 vote questions focussed quite clearly on two types of issues. Question 1 was a question about mandate. Questions 2(a) and (b) were questions about process. The Crown has erroneously conflated these two issues to support its desire to settle Whakatōhea claims which is not only flawed, but an abuse of process.

Mandate issues

72. On the question of mandate, the results showed that Ngāti Rua and Ngāti Ngahere supported the WPSCT mandate at that point in time.³² The Ngai Tamahaua result, although in favour of WPSCT by 8 votes, was more closely split and there were several blank votes (26) unaccounted for. Ngāti Ira, Ngāti Patumoana and Te Upokorehe all voted against the WPSCT.

73. The results demonstrate that at 2018, support for the WPSCT was tenuous at best and had significantly decreased by over 35% since the mandate was recognised in 2016.³³

74. Two years on and support for the WPSCT is even less clear as the majority of claimants and hapū they represent demonstrated their opposition to the WPSCT when they filed their urgent applications in 2020.

75. Adding to this, there has been a significant interruption to the usual way of doing things in Aotearoa with the advent of Covid-19. Not only has this drawn limited hapū resources away to focus on the health and safety of whanau, but it has significantly changed the way hapū are able to meet, engage and be consulted about their position.³⁴ This interruption also calls into question whether WPSCT engagement and consultation processes have been sufficient in the intervening period to sustain their purported mandate and casts doubt

³² 2018 Vote Results, Affidavit of Tuariki Delamere dated 16 June 2020 at Exhibit TJED-2

³³ See Wai 2596 #2.5.18 Appendix 4 showing WPSCT Mandate Vote result was 91.6% of total votes returned compared with the 2018 vote which showed a mere 56.3% of total votes returned.

³⁴ See the Third Brief of Evidence of T Hillier dated 11 March 2021 at paras 30-33.

on the soundness of the proposal to conduct a ratification process in the current climate.

Process and pathway issues

76. On the question of process, all 6 hapū voted in favour of the settlement negotiations being stopped in order that a Waitangi Tribunal process can proceed. By contrast to the tenuous support for the mandate, this result is a clear direction from all hapū that settlement negotiations should be stopped in order that they proceed to have their claims heard and inquired into by the Waitangi Tribunal in an historical inquiry as the preferred Treaty settlement pathway.
77. In spite of this, the Crown has and continues to conflate the two results in order to justify continuing on to settlement. Examples of how the Crown has attempted to conflate the issues to suit its own position include in the Crown's open letter to Te Whakatōhea where the Minister stated:

As well as demonstrating support for a Waitangi Tribunal inquiry, the result of the October 2018 vote showed strong support for settlement negotiations to continue.

78. That is simply not true, the question asked and answered by Te Whakatōhea was "Do you wish to see the current Treaty negotiations stopped in order that the Waitangi Tribunal can carry out an inquiry into the historical grievances of Whakatōhea?" to which the answer was resoundingly "YES".
79. The Claimant says it illogical and flawed for the Crown to seek to remedy these issues through a ratification vote on a settlement package. Ratification is the mechanism whereby a settlement package is confirmed. Any issues with the mandate must be rectified prior to any final settlement package being agreed.

Prejudice

80. The claimants have suffered and are continuing to suffer prejudice as a result of the Crown acts and omissions contained in this statement of claims. That prejudice includes but is not limited to:

- (a) The Crown continuing to breach Te Tiriti obligations to the Claimants and hapū by failing to adequately address the findings and recommendations in the Whakatōhea Mandate Inquiry report;
- (b) The Crown continuing to support an entity which has no support and which has failed to demonstrate it has maintained the level of support required to maintain a mandate;
- (c) The Crown failure to actively protect hapū rangatiratanga by failing to engage with hapū and adequately respond to their concerns;
- (d) The Crown continuing to progress towards settlement cutting across the Claimants and the hapū desire for a full Waitangi Tribunal process which includes findings and recommendations in respect of historical grievances;
- (e) The Crown demonstrating preferential treatment to one group over others;
- (f) The Crown continuing to work towards a settlement without adopting a generous and patient approach;
- (g) The Crown and WPSCT continuing to cause inter-tribal and inter-hapū conflicts within Whakatōhea;
- (h) The Crown proceeding to signing a Deed of Settlement without hapū support.

Relief Sought

81. The Claimants seek findings that:

- (a) Their claim is well founded;
- (b) That the Crown acts and omissions, policy and practice are in breach of Te Tiriti as follows:

- i. That the Crown failed to act as a good faith Treaty partner by failing to engage with hapū of Whakatōhea following the outcome of the vote;
- ii. That the Crown demonstrated a preference for one group in their decision to resource and support one group ahead of the Claimant groups;
- iii. That the Crown interpretation of the vote outcome was selective and demonstrated a clear preference for one group over others;
- iv. That the Crown decision to resume negotiations with the WPSCT after the Vote was in bad faith and was unreasonable;
- v. That the Crown accepted a flawed withdrawal mechanism in the earliest Deed of Mandate;
- vi. That the Crown supported the amendment of the withdrawal mechanism without consultation with the Claimants or hapū of Whakatōhea;
- vii. That the Crown failed to take into account the findings of the Whakatōhea Mandate Inquiry to address hapū specific concerns about the flawed withdrawal mechanism; and
- viii. That the Crown acted in bad faith by seeking to achieve a settlement:
 1. without adequate levels of support being maintained by the settlement entity;
 2. at the cost of genuine engagement and dialogue with the hapū of Whakatōhea.
 3. while demonstrating a clear preference for one group over other groups within Whakatohea.

82. The Claimants seek recommendations that:
- (a) The Crown immediately suspends negotiations with the WPSCT and withdraws recognition of the mandate of the WPSCT;
 - (b) The Crown accept the decision of the hapū and Claimants of Whakatōhea to stop negotiations in order that a Waitangi Tribunal historical inquiry is conducted into their claims;
 - (c) The Crown invite, support and resource hapū to engage in discussions about possible future mandate opportunities that are hapū driven and in accordance with their tikanga;
 - (d) The Crown commit to maintaining the redress offered to Whakatōhea under the August 2017 Agreement in Principle as a base line and interest at commercial rates on the cash component of that base line from at least April 2018 ;
 - (e) The Crown to immediately suspend the signing of the Deed of Settlement, currently intended to be signed at the end of March 2021 and ratification process; and
 - (f) Any other recommendation the Tribunal thinks fit.

Leave to Amend

83. Leave is sought to file further amendments to this statement of claim as additional information becomes available.

Dated at Auckland this x day of March 2021



Te Kani Williams / Coral Linstead-PanoHo / Rachel Brown
Counsel for Tawhirimatea Williams

This Statement of Claim is filed by **CORAL LINSTEAD-PANOHO** Solicitor for the Claimants whose address for service is at the offices of Wackrow Williams & Davies, Barristers and Solicitors, Level 14, 48 Emily Place, Auckland 1010.

Documents for service on the abovenamed Claimants may be left at that address for service or may be

- a) Posted to the solicitor at PO Box 461, Auckland; or
- b) Left for the solicitor at a Document Exchange for direction to DX CP20503; or
- c) Transmitted to the solicitor by facsimile to (09) 377-6553