OFFICIAL

IN THE WAITANGI TRIBUNAL

IN THE MATTER of The Treaty of Waitangi Act 1975

AND

IN THE MATTER of Pairama Tahere, Helen Lyall, Ellen Toki and Whito Arona

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BRIEF OF EVIDENCE OF PAIRAMA TAHERE TO BE HEARD IN CONJUNCTION WITH WAI 1040 AND PAPARAHI O TE RAKI INQUIRY

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04/05/2010

I **PAIRAMA TAHERE** of Mangamuka, farmer SWEAR that this is my brief of evidence and at the Paparahi o Te Raki -WAI 1040 hearing I will say:

RANGATIRATANGA, MANA, TIKANGA

1. Te Ihutai hapu identifies with "Rahiri" the eponymous ancestor of Ngapuhi. The rohe of Te Ihutai hapu and whanau is in North Hokianga extending from Mangataipa to Rangiora on the original Te Karae lands.

2. The ancestor Kupe landed in Hokianga about 970 AD on the waka named Matahourua. The waka was so large the crew of 70 disembarked and pulled it through the "narrows". Hokianga was a safe harbour, with rivers of fresh water, an abundance of sea food and bird life which was vital for their survival. Hokianga is rich in historical references to Kupe and korero of incidents and place names are still repeated and in use today. We refer to "Hokianga nui a Kupe" when he left to return to his homeland in Hawaiki.

3. Adjacent hapu alliances with Te Ihutai were with Ngai Tupoto, Ngati Here, Ngati Tama, Porangia, Umutahi, Ruawaha, Kohatutaka and others. Further alliances included the hapu of Te Mahurehure, Te Popoto, Te Hikutu and Ngati Korokoro.

5. Alliances were a result of ties through whakapapa and inter-marriage but also a consequence of the strategic position of Te Ihutai as a launching point for passage to North Hokianga and Mangonui via the headwaters of the Mangamuka river.

6. Korero puraku is that Te Ihutai formed an understanding with Te Mahurehure to warn the people further downstream of impending attacks coming down the harbour from up the harbour. In early times waka taua movement was often under the cover of darkness but the odour and noise could be smelt and heard on the sea breeze and gave some warning for people to prepare to defend themselves or retreat. Te Ihutai's name has its origin here "to sniff the smell on the sea breezes".

7. Inter-hapu alliances were important for protection of takiwa and rohe against attack and cooperation between hapu strengthened that defense. Cooperation also allowed collectives to establish larger "mahinga kai" areas or gardens.

M.M. Fielding
5037
KAIKOHE
Justice of the Peace for New Zealand
04/05/2016

8. The exercise of rangatiratanga at the hapu level by ranagtira and at a collective hapu level by rangatira ariki resulted in effective protection of tribal areas and maintenance of manawhenua and manamoana.

9. Rangatiratanga is the exercise of leadership and governance over the hapu or tribe in accordance with established practices and tikanga.

10. At the highest level tikanga was determined by codes and principles to be found encapsulated in Maori creation mythology and traditional legends, which were considered to have been handed down from Atua. As a consequence these practices were extremely tapu and any transgression of them resulted in the ultimate form of punishment which was death.

11. Rangatira and in particular rangatira ariki had the power to communicate with Atua and control through special karakia the forces of nature which were attributed to the different Atua. For example Tawhirimatea was the Atua who controlled the elements of wind, rain and storms.

12. At the next level of tikanga were the kaitiaki who were part of the spiritual realm but interacted with man providing guardianship to Maori in the physical world.

13. Ranagtira, rangatira ariki and also tohunga had an awareness of the spiritual world and how it touched the word of the living and they harnessed this phenomena and used it to formed part of their tikanga which guided decision making.

14. At the tribal level rangatira ariki consulted with the hapu rangatira in decision making so that there was input from them, and more often than not decisions were made after lengthy debate and those decisions represented a position of consensus. The rangatira ariki still held the mana to make decisions on their own if the situation required it.

15. Rangatira of individual hapu exercised decision making for their own hapu and these decisions were usually made after consultation and input from kaumatua and kuia from the hapu. Again these decisions often reflected a consensus view that was reached after the options were debated at length. Rangatira also had the mana to make decisions on their own if the situation required it.

M I A. Fielding
5032
KAIKOHE
Justice of the Peace for New Zealand
04/05/2010

16. The exercise of rangatiratanga by rangatira ariki and rangatira were not challenged by the tribe or the hapu as this was accepted customary lore. Their leadership and governance decisions applied to Maori and Pakeha alike if they lived within the rohe or tribal area. Particular examples which illustrate the exercise of rangatiratanga include when rangatira ordered Captain De Surviles' death when he breached tapu by fishing in a reserve that had a rahui prohibiting fishing in place. De Surville was told by rangatira of the rahui and instructed not to fish in that area and when this was deliberately ignored the penalty for his transgression was death. A second example of the exercise of rangatiratanga was the muru carried out against James Busby in the Bay of Islands by Rete. It signified Rete's displeasure at Busby's purchase of ten thousand acres of land in the Bay. For Rete, it was inappropriate for the man sent to act for the King as Maori's protector to be speculating in land and threatening to stop the log trade which was Maori's economic lifeline. Busby's house was sacked and some of his property was taken in restitution of the wrongs Rete believed Busby had committed.

17. In addition to the exercise of rangatiratanga, governance and control of hapu activity was also regulated by tikanga in relation to specialised tasks such as when to plant, when to fish, or when to harvest food. The Maori lunar calendar was particularly important in establishing the best days for activities and taking the guess work out of decisions concerning these activities.

18. The proper exercise of tino rangatiratanga across a whole tribe increased the tribes standing and mana which was an extremely important part of Maori life.

19.. Rangatiratanga had to be displayed through regular acts of manakitanga at inter-tribal encounters including hui, tangihanga, tomo, ringakaha, muru, utu and so forth.

20. The protcols of encounter involved manaki shown by the hau kainga towards visiting manuhiri and recognition of hapu or tribal kawa and practices elevated the mana of the hau kainga and manuhiri alike. These protocols were important and specific to the type of occasion and rangatira had to be familiar with all of these irrespective of whether it was a small hui or a tangihanga or an inter-tribal harkari.

21. In terms of Ngapuhi tikanga the practice in huihuinga was "kanohi ki te kanohi", "ring ki te ringa". Thus agreements, arrangements,compacts or covenants entered into under these terms were not taken lightly and was their bond. That bond made by either the Rangatira ariki or Ranagtira

M.M. Fielding
5032
KAIKOHE
Justice of the Peace for New Zealand
04/05/2010

bound the hapu, the tribe and uri whakatupuranga.

22. The role that rangatira played meant that they were not just ordinary men. Rangatira were decided by birth right in the first instance, however, leaders could also be chosen because of special leaderships skills the individual demonstrated or because of their knowledge of Matauranga Maori. The natural attributes that those of rangatira lineage possessed was maintained down through the generations by breeding for it through tomo or arranged marriages. Those not born of a rangatira line, but nevertheless become leaders because of their exceptional abilities, were rarely a result of chance. Children were selected at birth with the assistance of tohunga who could predict from the day and month and what part of the celestial calendar they born in what that child would be good at and from an early age they would be taken aside and instructed in the arts of the role they would occupy in their later life. The only other way to become a rangatira was by demonstrating courage and leadership in the battlefield.

HE WHAKAPUTANGA AND THE LEAD UP TO IT

23. He Whakaputanga is the Maori version of the Declaration of the Sovereign Independence of Maori. It was drafted by Maori linguistic language expert Te Pari and is based on the English version of the Declaration of Independence scribed by the British resident James Busby. He Whakaputanga was recognised by Maori ancestors and Maori today as a sacred covenant affirming their Rangatiratanga of Nui Tireni and its tapu was akin to the biblical handing down of the tablets of stone from God to Moses. He Whakaputanga held for Maori the wairuatanga and hohonutanga of the Chiefs who put their signatures or mark to it. Northern Maori tupuna never accepted that He Whakaputanga was extinguished by the subsequent signing of Te Tiriti / The Treaty and although only the main Northern rangatira had signed it before a copy was forwarded to the British Colonial Office, many other rangatira have added their signature to that document over the years since then.

24. Maori had been in New Zealand for 28 generations before contact was made with Captain Cook in 1769. His secret instructions were to proclaim all continents and land he discovered as part of the British Empire.

25. In 1772 a letter by John Thompson to Colonial Secretary stated that to conquer the natives of New Zealand, tribes should be set against each other, and Britain should make allies of the victors.

M.M. Fielding
5022
KAIKOHE
Justice of the Peace for New Zealand
04/05/2010

26. In 1792 the first European immigrants arrived from Australia to settle in the Bay of Islands.

27. In 1814 Thomas Kendall, a Church Missionary Society member, was made British Magistrate by the New South Wales Governor MacQuarie, and sent to New Zealand "to arrest British ships and crews for outrages and abuse against the native population". He also issued lifetime warrants as constables to Hongi Hika, Waikato and Ruatara to assist him.

28. The 1814, 1817, 1823 and 1828 Imperial Acts and later the South Seas Bill represented the British Parliament's attempts to provide judicial solutions to provide for and punish British subjects or crew members of British ships for their outrages or violent offending committed outside His Majesty's dominion and deal with the offending as if it had been committed on the high seas and fell within the ambit of admiralty law.

29. In 1832 the South Seas Bill was defeated on the grounds that the British Parliament could not make laws which would have effect outside his Majesty's dominion. In essence Parliament was implying that while it was fair enough to say that British naval vessels were covered by admiralty law, it was quite another matter to suggest, that British law could be applied to the crews of British registered ships operating outside His Majesty's dominion or British subjects residing in a foreign country.

30. In 1831 concerns of Northern Maori Chiefs over the increasing occurrence of criminal behaviour of British subjects and crew from British trading ships while they were in New Zealand and a fear of annexation by France prompted them to petition King William IV to ask him to act as Protector of Maori and New Zealand.

31. In 1832 James Busby was appointed British Resident to New Zealand and although he had no legal jurisdiction in New Zealand he was accepted by Maori as the Kings man having arrived in New Zealand bearing King William IV's personal reply to Northern chiefs, and agreement to act as their protector. This had followed their petition to him in 1831.

32. In 1826 the European stock market crash saw four out of every five stock companies companies that had been registered between 1825 and 1826 destroyed including the New Zealand Company. This company was seeking a charter from the British Parliament to allow them a 31 year monopoly in establishing commercial enterprises in New Zealand for trading timber, fax and other resources

Justice of the Peace for New Zealand
04/05/2010

available within New Zealand. The failure of the New Zealand company which had at least three British Members of Parliament as directors was not the end of such enterprise and the New Zealand Association of 1837 and then finally, The New Zealand Land Company of 1939 was the phoenix that rose from their ashes and ultimately forced the British Parliament's hand. The New Zealand Association, with objectives of colonisation of New Zealand, had sought the British Parliaments sanction through a grant of a charter giving them exclusive rights. When that approach failed primarily as a result of public criticism by the Church Missionary Society, the Association put a bill before the British Parliament for the Provincial Government of British settlements in New Zealand. There had been widespread debate in the British public and Parliamentary arena's that started about 1837 over the haphazard and unregulated colonising of New Zealand that was already taking place and whether Parliament should get involved to curb the evils that colonising was known to inflict on aboriginal peoples. The focal issue was whether the British Parliament should intervene to regulate colonisation which would necessitate the introduction of a British Government into New Zealand together with a British judicial system, and that also necessitated a cession of at least partial sovereignty from Maori.

33. The fact that in1834 a New Zealand flag was chosen under which New Zealand vessels could register and that this had been sent to King William IV who officially acknowledged it which in essence meant the British Monarch had recognised New Zealand's fledgling sovereign status. That combined with the Maori's subsequent Declaration of Independence/ He Whakaputanga in 1835 which was also acknowledged meant Maori sovereignty over their land was now undisputed and these were significant factors behind why the British Parliament was loath to move because it would mean intruding and impinging on a sovereign nations affairs.

34. The fact that the British Resident James Busby was instrumental it the drafting and inception of the Declaration / He Whakaputanga was also a factor and he was still in New Zealand working to assist Maori develop a Maori Parliament. Having a Maori national government was of value to the British as Maori chiefs would then be responsible for their own affairs The issue that was still of concern in British political circles was whether this could achieved before conditions in New Zealand had degenerated to such an extent as a result of unregulated colonisation that the new government would no longer have the capacity to control its own affairs.

35. James Busby had applied to Governor Bourke in New South Wales for £400 towards the costs of hosting the first hui of the Confederation of Chiefs. The coffers of the New South Wales colony

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04/05/2010

were empty and the money requested could not be given. The effect was to slow the progress of forming a nation wide Maori Parliament. Despite the set back Te Whakameninga which was the leadership group identified in He Whakaputanga continued to meet with hapu to discuss issues so Northern rangatira were well aware of the political ramifications the future might hold. Further problems that Maori were facing was there were still difficulties amongst the Chiefs (though not impossible to overcome) that included mistrust that had been exacerbated by the inter-tribal musket wars which had not been completely forgotten and also the reluctance of ariki rangatira to share their mana let alone promote one from amongst their ranks to be leader in the new government.

36. In 1837 another modified form of the South Seas bill was before Parliament in yet another attempt to provide the means of controlling unscrupulous and unlawful behaviour of British subjects in New New Zealand which threatened both trade and the ultimate safety of all British subjects resident there. King William IV died unexpectedly and as is the custom in Britain, Parliament had to go into recess, be dissolved and a new Parliament elected. As the late King was Nui Tireni's protector this had potentially serious consequences for Maori. Although the King had expressly bound his future heirs as protector of Maori's, technically in law the new sovereign's powers could not be fettered and the new sovereign was still free to do as she pleased. This placed Maori in a difficult predicament and they saw the need to renew their alliance with Queen Victoria herself, but, the nature of what that arrangement might be was uncertain. For the new British Parliament the options were to:

- Renew the sovereigns role as Protector of Maori and allowing colonisation to continue unchecked; or
- Allow Busby time to assist Maori to develop a National Maori Government.
- Provide Crown protection by using a modified version of Busby's plan with a chartered company and permitting it to enter into a contract with the United Tribes to set up a functional government with a Resident Commissioner. After negotiating with Chiefs who signed the Declaration of Independence and adopting principles of a constitutional code the Commissioner would formally accept on behalf of Her Majesty to become the parent an protector of New Zealand. The contract would last for 21 years and on expiry be replaced with a two-chamber representative government;or
- Follow Hobsons proposal to purchase harbours and land in New Zealand for factory enclaves or Companies which would then operate in New Zealand essentially as British sovereign territories on foreign soils; or
- Follow the Church Missionary society's "CMS" suggestion to introduce a British Consular Agent plan where the CMS would act to promote the introduction of a code of laws among the chiefs for the introduction and maintenance of an efficient native government plus have a Consular agent

04/05/2010

with substantial powers and authority derived from government; or

- To enter into a treaty of cession of sovereignty over the whole of occupied land in New Zealand if Maori consented and further proclaim sovereignty over unoccupied lands on the basis of discovery.

37. At that time the debate was going on the British Parliament had a lot on its plate. In 1838 16,000 British troops invaded Afghanistan in an attempt to take the control of the country and force a stop to the expansion of Russia which was spreading into Afghanistan. Only 121 of those soldiers sent in made it out alive and highlighted for the British Parliament the potentially crippling costs in money and people of continuing or attempting to conquer by force of arms. Britain was cash strapped and although it desperately needed the natural resources that New Zealand had to offer it could not afford the costs of a war to obtain them and hence any attempt to conquer New Zealand by force of arms was definitely not an option.

38. In 1838 when the New Zealand Association failed to get its private bill passed on the basis that sovereign colonisation was only a prerogative that could be exercised by the Sovereign. Wakefield dispatched without any sanction from the British Parliament their first New Zealand Land Company ship together with settlers and with instructions to buy up as much land as the directors could from the Maori Chiefs of New Zealand and to do it as as quickly as possible.

39. When that happened the British Parliament recognised it could no longer sit on the fence as the New Zealand Land Company would quickly strip Maori of the title to their lands which would inevitably escalate to war and all titles to land including those negotiated by British subjects already residing in New Zealand would be in jeopardy not to mention their safety. Captain Hobson was instructed and dispatched to New Zealand and ultimately on 6 February 1840 Lieutenant Governor Hobson signed Te Tiriti / The Treaty with Maori chiefs.

MAORI EXPECTATION INTERESTS

40. For Te Ihutai Maori Te Tiriti/ The Treaty represented a renewal of a well established alliance, but this time with the new British Monarch, Queen Victoria. For them it also marked the beginning of an even closer relationship and partnership that would also allow for controlled settlement.

41. Te Tiriti/ The Treaty guaranteed Maori protection of their property rights but also opened the way for new development which meant prosperity for Maori through cession of a governance role to the British sovereign. Maori believed it would bring an end to trouble chiefs had experienced

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04/05/2016

in controlling unlawful behaviour of British subjects resident or trading in New Zealand. The British Crown would be responsible for governing its own citizens and Maori chiefs would continue to govern their own affairs through the continuing exercise of tino rangatiratanga.

42. For Maori the right of governance ceded was therefore limited and they did not expect the mana and control exercised by their own rangatira or rangatira ariki to change or be systematically stripped from them.

43. Maori tupuna viewed Te Tiriti/ The Treaty with the same wairuatanga they placed on He Whakaputanga. It was a sacred covenant and Maori believed and expected both parties to the treaty to honour it. For Maori Te Tiriti/ The Treaty carried with it an expectation of loyalty and duties to act reasonably and in good faith towards the other partner to the compact.

44. For Maori Te Tiriti/ The Treaty was the blueprint for future development of their country and capable of dealing with issues or matters that may not have even been in the contemplation of those who originally signed it.

45. At the time Te Tiriti/The Treaty was signed it may have been that European technology would increase opportunities to harvest Maori resources such as timber, flax, and gum and in addition new crops or animals introduced would increase the the range of commodities Maori could produce to trade with Pakeha. The trading vessels also meant that Maori had a ready market at their doorstep and it virtually opened up the world and world markets to them.

46. Although many of those resources and introduced products created opportunities for Maori, many of those opportunities were already beginning to occur before He Whakaputanga or Te Tiriti/ The Treaty had been signed and hence it was probably only a matter of time before development and growth of Maori prosperity occurred even under an independent Maori sovereign state. Te Tiriti / The Treaty thus offered more than just the possibility of trade and development.

47. Te Tiriti /The Treaty was also about protecting Maori property interests and the alliance compact that provided Maori in terms of their perspective with additional safeguards against other foreign nations that might attempt to annex New Zealand for themselves.

48. Maori did not expect that the guarantees expressly given in the Articles of Te Tiriti / The Treaty

M.M. Fielding
5032
KAITOKE
04/05/2010

would not protect their lands estates, fisheries and other interests and that the cession of sovereignty that was assumed by the British Crown would be used to gradually strip them of all their possessions and toanga have also have a fatal impact on their culture.

49. The expectation was that if there was a interest that was not clearly a Maori property interest then the partnership and alliance implied in Te Tiriti/ The Treaty would come into effect and there would be equitable sharing between Maori and the Crown.

50. For Maori, sovereignty was never ceded in Te Tiriti and neither was He Whakaputanga expressly extinguished in either version of the treaty. For Ngapuhi in particular, this is extremely significant as the Northern chiefs were signatories to both.

51. Nagpuhi Maori have continued to advocate a right to a dual house Parliamentary structure with one house controlled by Pakeha and the other by Maori. The expectation of an active and equal role with Pakeha in the Parliamentary process has its foundation in both He Whakaputanga and the guarantee of tino ranagtiratanga contained in Te Tiriti/ The Treaty. That expectation is still live today.

52. For Ngapuhi and Northern Maori the new Governor, and in fact subsequent Governor's, were always extremely important and were seen as the personification of the Monarch in New Zealand. It also stems from the alliances Ngapuhi and Northern Maori forged with King George III and King William IV, and the latter's subsequent agreement to act as protector of Maori.

53. In Britain the Sovereign was the ultimate source of all law and could make law by simple proclamation. However, over time the incapacity of the sovereign to physically deal with all matters put before him lead to the delegation of some of his judicial responsibilities. The Kings Bench was the Kings Court an dealt with important matters of state and the King himself sat at the head of that court. The Court of Ecclesiastics dealt with concerns of a religious or moral kind and was presided over by the heads of the churches. The Court of Common Pleas dealt with matters of practice and customs which the King usually had no stake in and this was presided over by a touring Magistrate. Over time the common law developed based on case precedents. Later as some customs and practices became universally accepted many were codified in statutes. The Court of Chancery dealt with issues of conscience and with rights and wrongs in equity and was presided over by the Kings Chancellor. However, the role of the Sovereign remained the primary source of law by retaining the Kings capacity to veto a bill by giving final assent before it became an Act and law.

04/05/2010

This meant that ultimate responsibility for all law still remained with the sovereign. The significance of British law to New Zealand is that our laws are based on British law and the Governor, then subsequently the Governor General as the Crown head of state must still assent before bills become law. In the same way as in Britain the Crown in New Zealand was and is responsible for all laws.

54. For Maori the expectation was that if the Crown made laws they would be applied to British subjects only and they would have as there basis Te Tiriti/ The Treaty. The Maori expectation was that Te Tiriti/ The Treaty would be given legal status in statute without undue delay, but it was not done.

55. Having recognised that this did not happen Maori did protest and reminded the Governor that it was expected that Te Tiriti/ The Treaty would be honoured. Hone Heke's act of cutting down the flag in Kororareka represented an exercise of rangatiratanga and a reminder that Ngapuhi tikanga was "kahohi ki te kanohi" and it was not appropriate for the Governor to shift his residence to Auckland which would mean Northern Maori would not be able to deal or interact with him in accordance with their tikanga.

56. There was a shift in expectations by Maori not out of choice but as an adjustment to changing realities. That changed expectation was that laws made in the new fledgling colony would be fair and just and recognise the guarantees of Maori property rights.

57. A review of early New Zealand proclamations, ordinances and legislation would suggest that the laws were not fair or just but in fact were extremely prejudicial to Maori and designed to destroy the very fabric of Maori society and tino rangatiratanga. Maori property rights were systematically alienated through legislation.

58. Maori expected the various Governor's would always act as Maori's protector stemming from the promise made by King William IV in 1832 , and an implied promise by his heir Queen Victoria when she took the throne in 1837. Secondly, there was an expectation that the Governor as Head of the State would only assent to legislation that was fair and just.

59. The Governor failed on both counts, but despite those failures Northern Maori and Nagpuhi never lost faith and remained loyal to the Governor's and remained staunch in their expectations of what Te Tiriti / The Treaty could deliver.

04/05/2010

60. When laws do not meet the needs of the society it services all citizens have left,other than protest is to petition Parliament and Maori did do this. However, for Maori this had no effect as all the seats of Parliament were held by European settlers who were out to look after their own interests and as Maori held the land and assets the settlers wanted they became the target and the Crown or Parliament became an instrument in that process. As Maori were denied involvement in the Parliamentary process until 1867 and then they held only 4 seats in a total of 72 they were never more than a few brown faces in a white settler controlled Parliament.

61. The option of appealing judicial decisions that were prejudicial to Maori in early New Zealand. Neither does it seem that the process of judicial review was available or if it was the hearing would have been controlled by setters or weak judicial officers that were unlikely to side with Maori. The early New Zealand High Court also lacked the British Court of Chancery's understanding of the law of conscience and did nothing more than follow the law rather than call into question whether the legislation that gave rise to the unjust decision was in fact unfair or bad legislation.

62. When the Governors asked for help Northern Maori and Ngapuhi went to his aid. When the British Motherland went to war, Northern Maori and Ngapuhi sent its' finest young men and women. Maori mothers and fathers expected their young men and women would be respected, and treated properly but their expectations fell well short of what the Crown delivered. Those that did return from war were damaged beyond comprehension, expected to fit back into society and fend for themselves.

63. Over the years Ngapuhi made many requests of or protests to the different Governors and on many occasions the Governors made many promises in reply. Governor Hobson promised Maori settlers would be put on the land they sold to the Crown and it would develop infrastructure. It used the costs of doing this as justification for low prices being paid for Maori land. Governor Brown for example promised Northern Maori self government in 1861 in return for their continuing loyalty at Kohimaramara conference, and also a Counsel of Maori advisors for Parliament. Governor Grey established two Runanga with governance roles in the North and promised these would be permanent institutions. He promised infrastructure, that towns would be established, roads, schools and medical care and the government would fund a significant part of the bill.

64. Many promises Governor's made were empty promises. Nevertheless, the promises made at different times created at that time expectation interests which Maori believed in. More often than not, and as a result of those beliefs and subsequent actions taken by Maori in reliance on those promises, Maori

04/05/2010

suffered loss of land, mana, and property.

65. For Northern Maori and Ngapuhi it was reasonable to expect that the judiciary under the doctrine of separation of powers would act as a fetter on abuse of Parliamentary power, however, the depth of the candidates that the Governor had to chose from was limited and all of the judiciary were constrained by the colonial mindset of their upbringing and education that they effectively became pawns of Government policy which was driven by settlers who had no other agenda but to look after their own and grow wealthy by plundering the fruits that New Zealand bore.

66. The Crown or its agents have committed multiple breaches of the Articles of Te Tiriti/ The Treaty and the Principles of the Treaty and this has created for Maori an expectation that their grievances will be redressed and as many of the things that Maori have lost cannot be returned it is appropriate and a legitimate expectation, that damages by way of significant monetary compensation should be part of that redress.

67. Although the Treaty of Waitangi Act 1975 created the means and forum for addressing past grievances serious under funding of the Waitangi Tribunal has resulted in many claimants being forced to wait years to have claims heard. Those claimants that had their claims heard early such as iwi of Ngai Tahu and Tainui, have had the benefit of significant cash injections that has acted as a slingshot and given these early claimants significant advantages over claimants that are still to have their claims heard. Ngapuhi have an expectation that their settlements packages, whatever they might be, should be adjusted upwards to compensate for delays of more than twenty years of waiting to have their case heard.

68. This concludes my brief of evidence but I am prepared to provide additional evidence by way of affidavit to support our hapu's statement of claim and the first amended statement of claim that has been filed if the Tribunal requests it.

SWORN at KAIKOHE)
this 4th day of May 2010)
before me)
Justice of the Peace /~~Registrar of the District Court~~

04/05/2010