

IN THE WAITANGI TRIBUNAL

Wai 3400

Wai 1307

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Marine and Coastal Area (Takutai Moana) Act Coalition Changes Urgent Inquiry

BY Matutaera Te Nana Clendon, Robert Sydney Willoughby on behalf of Te Aroha Rewha (*dec*), Russell Hook on behalf of Mārara Kaweora Hook (*dec*), Huia Storm Azimi, George Frederick Riley and James Henare Clendon, on behalf of themselves, and their whānau, and the hapū of Ngāti Kuta ki Te Rāwhiti

**BRIEF OF EVIDENCE OF
MATUTAERA TE NANA CLENDON**

Dated 13 March 2025

Phoenix Law Limited

Barristers and Solicitors

200 Willis Street

PO Box 27400

Marion Square

Wellington 6141

Phone: (04) 384 1304

Email: mason@phoenixlaw.expert

and: rai@phoenixlaw.expert

Counsel Acting: Janet Mason

Counsel Assisting: Sameer Rai

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Waitangi Tribunal

13 Mar 2025

Ministry of Justice
WELLINGTON

I, MATUTAERA TE NANA CLENDON, Rangatira, Kaikōrero and Kaumatua
for Ngāti Kuta of Te Rāwhiti, state:


1. I was born in Te Rāwhiti, and I grew up here.
2. Ngāti Kuta share ahi kā at Te Rāwhiti with Patukeha. The two hapū are distinct and autonomous even though the rohe they exercise rangatiratanga and mana over is shared.
3. The purpose of this Brief of Evidence (“BoE”) is to provide evidence of the effect of the Coalition Government’s proposed changes to the Marine and Coastal Area (Takutai Moana) Act 2011 (“MACA Act”) funding scheme will have on us in relation to our takutai moana customary rights.
4. This BoE should be read alongside my BoE, dated 8 August 2024 (“my Previous BoE”), which I filed in the Wai 3400 Marine and Coastal Area (Takutai Moana) Act 2011 Coalition Changes Urgent Inquiry.¹
5. Our mana whenua and mana moana relate to the authority exercised over our territories and people. We continue to assert these inherited rights of management, control and oversight to this day, as we had always done before the arrival of the settlers. The exercise of that authority was and is the exercise of rangatiratanga.
6. Our role and responsibility is to protect and preserve our customary knowledge and practices for future generations, as tangata whenua and kaitiaki over our rohe moana.
7. With no regard whatsoever to our continued assertions of rangatiratanga and mana motuhake, in respect of our rohe moana, the Crown has dictated the process by which our rights can be recognised or claimed. This is not in accordance with te Tiriti.
8. It is hurtful in the extreme to know that yet again, the Crown is using Parliament and the numbers game to amend the MACA Act through the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Bill (“the

¹ Wai 3400, #A37.

Amendment Bill”). If the Amendment Bill translates into legislation, the proposed changes will confiscate our property rights. Māori are likely to end up with very little, or none of our property rights, and our sea lands recognised.

9. The Amendment Bill goes in the opposite direction when there is a strong need for a fundamental shift in how our customary interests in the coastal marine area are recognised.
10. The Amendment Bill will limit our rights to exercise kaitiakitanga over our rohe moana. To make matters worse, the Crown has now reduced our funding.
11. We had not filed an application in the High Court prior to the deadline set out at s 100 of the MACA Act, and had been intending to file an application to appear as an interested party (“IP”). The Crown’s new funding regime has no funding for IPs, so we are not able to participate.
12. Removing funding for our application will have far-reaching and detrimental impacts. We will have no legal representation, and researchers and historians, to present our case before the High Court.
13. The funding available to applicants under the Takutai Moana financial assistance scheme for the 2024/25 financial year will lead to delayed or denied justice and heightened financial and emotional stress for us seeking recognition of our customary tangata moana rights.
14. The cuts are a grave breach of our te Tiriti rights which we scarcely believe is happening.

Dated 13 March 2025



Matutaera Te Nana Clendon