IN THE WAITANGI TRIBUNAL **KEI MUA I TE TARAIPIUNARA**	**WAI 3400** **WAI 3375**
UNDER	**The Treaty of Waitangi Act 1975**
CONCERNING	**The Marine and Coastal Area (Takutai Moana) Act Coalition Changes Urgent Inquiry**
AND	**A claim by John Tamihere on behalf of Ngāti Porou ki Hauraki Concerning the Marine and Coastal Area (Takutai Moana) Act 2011**

BRIEF OF EVIDENCE OF JOHN HENRY TAMIHERE IN RESPONSE TO EVIDENCE OF FRANCES DAGG

Dated: 7 May 2025

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I, **JOHN HENRY TAMIHERE**, Manager, living in Auckland, say:

1. My name is John Henry Tamihere. This is my third time giving evidence in this inquiry on behalf of Ngāti Porou ki Hauraki (**NPKH**).

2. I've read the affidavit of Frances Dagg dated 30 April 2025. I want to correct some key points about the hui we had on 10 October 2022.

3. Our understanding after that hui was simple: Te Arawhiti would hand over all the documents it held about NPKH, and then we'd work together on a plan to move things forward.

4. At no point were we told we had to get written agreements from overlapping groups before our Crown engagement application could be decided. If we had been, I would've instructed our counsel to act on it immediately.

5. Frances Dagg wasn't at that hui. The record doesn't back her up. Jenna-Faith Allan might've said agreements "needed to be reached", but that's not the same as saying they were a precondition to our application advancing.

6. Our position was clear and is recorded in the minute: many of the overlaps don't stack up. Some conversations are impossible. The applications need to be decided on the evidence. Simple as that. And right now, the engagement pathway has no working process to move things along. There should be a strike-out tool to deal with overlapping applications which are ultimately going nowhere.

7. I've never seen a Crown policy or rule that says iwi have to get consents from overlapping groups before the Crown can make a decision. That's what courts and Ministers are for. That's why we had to be put through the public enquiry process from 7 August 2013 to 16 September 2013. Ultimately someone needs to make a decision.

8. At paragraph [19], Frances Dagg says we weren't considered "close to Ministerial determination" because there'd been no sign of progress with overlapping groups. That just looks like justification after the fact.

There's no evidence of any shortlist, no evidence our application was properly considered, and no contact from the Crown to check in with us. The reality is that Te Arawhiti hasn't had the capacity to properly manage these applications. There's no guiding policy, and it seems like things are being left to drift while the Crown waits to see what happens with the reform of the Act.

9. To conclude, nothing the Crown has filed in response to the chronology I filed helps this Tribunal. The 2024/25 funding settings have blocked us from progressing and despite all of the work we have done over the years we weren't even in the running to be labelled "close to Ministerial determination". The Crown has parked our application for its own financial convenience.

10. I saw the last line of Ms Dagg's affidavit where she says Te Tari Whakatau will be in touch before the end of the financial year. We're ready and waiting. Our kaumātua and kuia have walked alongside this kaupapa since 2004. Some have now passed. We honour the work they did and the path they laid. We now carry that forward in 2025, and we owe it to them to see this through.

Dated: 7 May 2025

John Henry Tamihere