

WAI 2003, TE WAHAPU
 WAI 3300 – TE TOMOKIA NGĀ TATAU O MATANGIREIA
 WĀNANGA TUANO
 TE TII MĀRAE, WAITANGI – 4 DECEMBER 2025
 SPEAKING NOTES

1. Mihi and introduction

5 minutes

Wai 2003 claimants: Cheryl Turner, John Klaricich, Harerei Toia (deceased), Ellen Naera, Fred Toi, Warren Moetara and Hone Taimona on behalf of Ngāti Korokoro, Ngāti Wharara and Te Pouka Hāpu (Ngā Hāpu o Te Wahapu o Hokianga nui a Kupe).

2. Vision for constitutional reform

10 minutes

Our vision for constitutional reform rests in the foundation laid by the expression of sovereignty in He Whakaputanga o te Rangatiratanga o Niu Tirenī (1835), and te Tiriti o Waitangi (1840). Hapū rangatiratanga is central to this expression of sovereignty.

Through the empowerment of hapū, hāpori, marae and whānau, Māori will have agency and responsibility over their own people and tikanga, or governance structures, which will be directly connected to, and reflected in, the flourishing of people and te taiao.

To illustrate this vision, we can also look to a counterfactual: *what if* He Whakaputanga had been realised? *What if* the agreement and promise of te Tiriti o Waitangi had been realised?

We believe that the biggest thing that would have happened if these ‘what if’ had been realised, is that our people would have been **connected**. Connected to their whakapapa; their whānau, their tūpuna and their babies. Connected to their hapū, marae, and their turangawaewae. And when they found themselves in need of some help and tautoko, they would have been connected to the organisations and people that can help them. They would be connected through tikanga Māori.

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But, if these ‘what if’s’ had happened, like they were promised, connection would not just be felt at the personal level. Connection would happen through joined up agencies and organisations at governance levels too. Resources, and support for whānau and all taonga would have been joined up; because our constitution, and the constitutional arrangements under te Tiriti o Waitangi and He Whakaputanga were both predicated on the flourishing of te taiao and tangata katoa.

In outlining our vision for constitutional reform, and before we outline the history and the failures of the current constitutional arrangements, we wish to make the following clear to the Tribunal:

1. Firstly, the democratic nature of our Aotearoa is undermined by a constitution that does not give sufficient voice and recognition to minority populations, which includes Māori. This means, that current constitutional arrangements, irrespective of what government is in power, are never going to honour the promise of tino rangatiratanga and mana motuhake.
2. Secondly, it is fundamental that local government is not left out of constitutional reform. Hapū and iwi Māori are impacted at a day-to-day level by the decisions of local government. For us, despite our enduring mana motuhake over our rohe, we have not been involved at a decision-making level on matters concerning the natural and cultural environment, including resource management, that we should have been.
3. Thirdly, it is essential that the Crown comes to the table as a matter of urgency with all the hapū of Ngāpuhi to ensure we can reach a settlement, and that resources and land, as has happened for other iwi across the motū, are justly returned to our people. This is an essential step for us being able to empower and uplift our people.

3. Laying the foundational constitutional history and Wai 1040 5 minutes

We briefly want to provide some historical foundation to our kōrero.

Te Wahapu's rangatiratanga was alive at the signing of He Whakaputanga and te Tiriti o Waitangi in 1835 and 1840 respectively and has been maintained by the autonomy of the marae across the rohe.

Our tūpuna, in signing He Whakaputanga and te Tiriti, intended to continue our enduring mana motuhake over this rohe.

He Whakaputanga was a declaration of Māori sovereignty, specifically the pre-existing rights of hapū, who that point, were the central economic and political unit of Māori society, to continue to exercise their rights and responsibilities in accordance with tikanga and rangatiratanga.

Our tupuna signed te Tiriti o Waitangi in 1840, but this was not a cessation of sovereignty. In the absence of our tupuna ceding sovereignty; our views on constitutional arrangements are predicated on our local tikanga.

Our whānau from Te Wahapu have been engaged in many Waitangi Tribunal Inquiries, including the Wai 1040 Northland Inquiry.

The Te Paparahi o Te Raki (Wai 1040 Northland Inquiry) Tribunal Reports did acknowledge that our tūpuna did not cede sovereignty in signing Te Tiriti o Waitangi. However, disappointingly the recommendations of these reports, including the transfer of land, economic compensation and discussions to determine constitutional processes within Te Tai Tokerau, have not been actioned by the Crown.

Therefore, one of the reasons that we are here today, in this Constitutional Inquiry, is because the Crown has not actioned these recommendations, and accordingly the impacts of these failures persist.

4. How are constitutional failures reflected in health, justice etc. for our people? 15 mins

This Inquiry, whilst it is concerned with constitutional issues in Aotearoa, should not be an abstract legal inquiry.

From our perspective, constitutional issues are played out, and are reflected at the whānau and hapū level, and this Inquiry must not forget that.

This is even more so for us in Te Wahapu, because we are not one of the big iwi players who have the resources behind us to be less impacted by constitutional and governance decisions of the Crown. In fact, every decision of the Crown, from the changes to the Resource Management Act, to the minimum wage, and the cost of medicines, impact our whānau.

Constitutional issues affect our people and te taiao within the rohe of Te Wahapu in a variety of ways. However, we want to illustrate three connected examples within the health, education and justice systems.

[Whaea Cheryl]: Firstly, within the health system, it is clear that the government has neglected our community. I am a Registered Nurse at Hokianga Health and we provide a fundamental primary healthcare service to the wider Hokianga community. Hauora Hokianga is the main healthcare provider in the rohe of Te Wahapu with trustee representatives for areas that fall under the rohe and mana of our hapū. We have been chronically underfunded since 1992, when we were established, and as a result, despite our best efforts, health inequities within our rohe persist. The reason why this example of health is important to raise in this Inquiry, is that health, whilst not the first thing that comes to mind when talking about issues of constitutional reform, is central for two reasons. Firstly, patient engagement with our public healthcare system, despite its underfunding, is one of the key touchpoints that the public have with the State. Secondly, Hauora Māori is a taonga, and through Article 2 of te Tiriti o Waitangi, Māori were guaranteed tino rangatiratanga over all taonga. We come back to our ‘what if’ counterfactual. If the promise of te Tiriti o Waitangi had been honoured within our constitutional structures in Aotearoa, Māori health would not be in the dire position it is today. If we lose our hospital, we lose our community. Our people want to return home and there is progressively less and less for them to return home to. The same goes for our schools.

Overall, we are seeing failures in connected and well-resourced government agencies. We have realised that despite these issues that we face, and the harm to our people, no one is coming to help us.

5. How do we achieve constitutional reform?

10 minutes

We now move from what our vision for constitutional reform is, to how we get there.

Firstly, achieving constitutional reform relies on kotahitanga and collectivism—working together to achieve a connected society.

Secondly, He Whakaputanga and te Tiriti not only provided the foundation for what constitutional reform should look like, but they provide the foundation for the process of constitutional reform. What we mean by this is:

1. Re-imagined and reformed constitutional arrangements should be unique to Aotearoa. Notwithstanding the opportunity to engage with models of constitutionalism from overseas, we believe the vision needs to be true to this whenua.
2. Furthermore, we don't need to reinvent the wheel to imagine the process of constitutional reform because there have been processes, like **Matike Mai**, of imagining constitutional reform which helpfully provide the blueprint. The models proposed through the process of Matike Mai address the opportunity for re-imagined constitutions and governance systems, and for this reason, we think that it offers an important and well researched pathway forward.

Furthermore, although it is sadly no longer, the vision and structure of Te Aka Whai Ora provided a glimmer of hope into what constitutional reform could look like for hauora. From our perspective, Te Aka Whai Ora provided the following for Hauora Hokianga:

1. A pathway for the provision for rongoā services through Taumata Rongoā;
2. A Hauora service that is complementary to western healthcare;

3. Funding contracts which enabled the expansion of resources and healthcare services, such as the Hine Kopu service which educates expecting māmā on their hapūtanga; and
4. Funding contracts which enabled the employment of additional kaimahi and kairongoā to implement expanding healthcare services.

We understand that there has been, and we have been engaged in, a separate Inquiry into the disestablishment of Te Aka Whai Ora. The reason why we bring it up here today is that Te Aka Whai Ora is an important structure and organisation for this Inquiry, because it is symbolic of the opportunity for power and decision-making to be shared, and for tikanga Māori to be valued within the wider system.

Thirdly, to reiterate a point we made earlier, constitutional reform must involve the strengthening of whānau and hapū, so that each hapū and with that, whānau, can become responsible for their people. Rangatiratanga is the key ingredient.

The Crown must assist Ngāpuhi to prioritise a settlement. This is key to us being able to progress as a people and be able to realise and enhance our own governance and tikanga. The Crown's reluctance to do anything about it is harming our people. This mahi needs to be urgently prioritised—we can't wait for the Crown to do this in our mokopuna's lifetime, this needs to happen in *our* lifetime.

Finally, this Inquiry cannot just be concerned with abstract and legal issues that in turn take years, if not decades to be affected. There are practical and important steps that can be taken to get the ball rolling. These include:

1. Connecting Te Wahapu, and hapū across the country to government agencies, so that we can help our whānau in times of need navigate the complex social service system. Our whānau can't afford to spend hours and hours waiting on the phone for someone to answer, and then dismiss them, when they have a hapū that can be resourced to be that conduit and provide the support they need.

2. Resourcing and empowering Te Wahapu to work closely with local government on decisions that impact our taiao, and our whānau more broadly.

6. Summary and wrap up

5 minutes

In summary, Aotearoa is in urgent need of constitutional reform, specifically reform which is grounded in He Whakaputanga and te Titiri.

If there is one word that sums up our vision, and what constitutional reform would do for our people, it is **connected**.

Whilst we need constitutional reform, we can't afford to way years, if not decades for change. Therefore, a few simple actions today could have a significant positive impact for hapū.