WAI 3300 – TOMOKIA NGA TATAU O MATANGIREIA
CONSTITUTIONAL KAUPAPA INQUIRY
HEARING WEEK 6
HELD AT TE TII WAITANGI MARAE , WAITANGI
MONDAY 1 DECEMBER 2025 - THURSDAY 4 DECEMBER 2025

Tribunal:

Chief Judge Caren Fox
Prue Kapua
Dr Monty Soutar
Dr Grant Phillipson
Kevin Prime (via AVL)
Derek Fox
David Williams

Crown Counsel:

Andrew Irwin

Claimant Counsel:

Tom Bennion
Emma Whiley
Kudrat

Interpreter:

Paiheke McGarvey

Witnesses:

Day 1 - Monday 1 December 2025
Waihoroi Shortland
Karla White
Ipu Tito-Absolum
Hūhana Lyndon
Brandon Edwards
Mark Scott
Nicki Wakefield
Jade Kake

Day 2 - Tuesday 2 December 2025
Dr Mary-Anne Baker
James Henare Clendon
Matutaera Clendon
Huia Azimi
Rhonda Aorangi Kawiti
Arthur Mahanga
Professor Margaret Mutu
Yohanan Theodore
Hone Tiatoa
Matilda Kahotea
Paula Ormsby
Frances Materoa Goulton

Mel Rosenthal
Awhirangi Lawrence
Toni Kingi Oneill
HInerangi Himiona
Raiha Frederickson
Aroha Rickus
Ema Roriana Weepu
Hone Sadler

Day 3 - Wednesday 3 December 2025
Hone Edwards
Sarah Rewi
Chantez Connor-Kingi
Kelly Retimana
Grace Le Gros
Donna Kerridge
Jane Kelsey
Ian Mitchell
Raewyn Kapa
Dr Hope Tupara
Sheena Ross
Lorene Royal
Violet Eva Walker
Bryce Aldridge
Owen Hape Kingi

Day 4 - Thursday 4 December 2025
Rukuwai Allen
Raewyn Kapa
Tina Patricia Latimer
John Klaricich
Cheryl Turner
Hone Taimona
Mere Mangu
Paraika Wira
Waimarie Kingi
Peti Kake
Isobelle Karaitiana
Patricia Tauroa
Doreen Puru
Wiremu Hori
Maiki Marks
Rosaria Hotere
Leah Wright
Ed Moses
Kawhena Paul
Natalie Kay Baker-Martin

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PLEASE NOTE: In recognising that the spelling of names, dialect, and kupu differ across hapū and iwi, we acknowledge that each kupu has a whakapapa that is valid. With respect of these differences, the following transcripts have been specified for continuity in our mahi. The following mita/dialect has been spoken in this hearing: (insert iwi). The dialectal variations have been transcribed verbatim. We have received preference from (insert iwi/rohe) for the (insert letter) to be included in the written word (although spoken without).

HEARING COMMENCES ON MONDAY 1 DECEMBER 2025 AT 10.07 AM

KARAKIA TĪMATANGA

(10:07) DEREK FOX: (MIHI)

Kia ora tātou. Tēnā koe e te minita, nāhau i whakatūwhera tō tātou hui i te rā nei. Kei te rere tonu ngā mihi, kei te mihi au ki a rātou i whakatau i a mātou, i a tātou katoa i te rā nei, nō reira, tēnā tātou i roto i tō tātou whare. Me ētahi, tērā pea kei waho e whakarongo mai ana, me rātou kei runga i te ipurangi. Nō reira, huri noa i tō tātou whare, tēnā tātou, tēnā tātou, kia ora tātou katoa. **Greetings all. I want to thank the minister who opened our gathering today. Turning to acknowledge those who greeted us, everyone, today. So, greetings to everyone in our house, and perhaps those outside listening, those joining online. To everyone in the house, thank you, thank you, thank you all.**

HOUSEKEEPING (10:07:41)

DEREK FOX: (CONTINUES)

This is, as the Chief Judge, and others have said earlier in the day, this is the sixth wānanga/hui, that we have had around the country, sixth and final one. I think it's extraordinarily appropriate that we should be holding it right here in this wharenui and on this marae, where te Tiriti began. Nō reira, kei te mihi ki a tātou mō tēnā **so I want to thank everyone for that.**

Just to explain why we are doing this and how we are doing it, I am going to ask the Chief Judge to come up and give us a few words on that. Nō reira, kia ora tātou. **So, thank you.**

(10:09) CHIEF JUDGE FOX: (MIHI)

E rere tonu ngā mihi ki a koutou, koutou kua tae mai nei ki te whakamōhio mai ō koutou whakaaro e pa ana ki te mana motuhake, te tino rangatiratanga, me ētahi atu o ngā mātāpono o te iwi Māori. He aha ai? Ki te whakatakoto tētahi tūāpapa mō Te Rōpū Whakamana i te Tiriti, me tana uiuitanga, tēnei te

uiuitanga *Tomokia Ngā Tatau o Matangireia.* **We, once again, continue to thank you who have come to share your thoughts on mana motuhake, tino rangatiratanga, and other principles of the Māori people. Why is that? To present a foundation for the Waitangi Tribunal during its inquiry, *Tomokia Ngā Tatau o Matangireia.***

I tēnei wā, kei te mihi atu au ki a Wuzzy, nānā me tana rōpū pou tikanga te whakaaro me hui tahi tātou ko ngā kaikerēme, ko te Karauna, ki te whakawhitiwhiti whakaaro e pa ana ki te take, te Constitution. Nā reira, koirā te take ka whai mātou i te huarahi ki ngā wānanga katoa, te wānanga ki Waikato, ki Tūranga, tāku kāinga tērā. Ki Tūranga, ki Pōneke, whakawhiti atu ki Te Waipounamu, hoki mai ki a Pāmutana, tae atu ki nāianei, te wāhanga wānanga tuaono. Nā reira, kei te mihi au ki a koe me ō whakaaro nui ki a hāpai i tēnei rōpū o Te Rōpū Whakamana i te Tiriti. **At this time, I want to thank Te Waihoroi, it was he and his group of tikanga experts who decided that they must gather together with claimants and Crown to hold discussions over the issue pertaining to the Constitution. That's the reason as to why we have held wānanga, in Waikato, in Gisborne, that's my home. In Gisborne, in Wellington, crossing over to the South Island and returning to Palmerston North, and now, the 6th wānanga here. So, I want to thank you for the great thoughts in supporting the Waitangi Tribunal.**

Kei te kōrero atu au ki ngā kaikerēme mō tēnei wā. Kōrero mai, kōrero mai a muri i te kōrero o te rōpū i tēnei rā. **I want to address the claimants at this time. Please speak after the Tribunal speaks today.**

Ka huri au ināianei ki a koutou o te marae, tēnei marae rongonui rawa atu, Te Tiriti o Waitangi. Kei tēnei whenua te wāhi e kī atu, Te Whakaminenga, he iwi motuhake te iwi Māori. Ka hono rātou ki Te Whakaputanga o te rangatiratanga I te tau 1835. Kei konei hoki te hui mō ngā rangatira ki te whakawhitiwhiti kōrero e pā ana ki Te Tiriti o Waitangi. **I now turn my attention to the people of the marae, of this famous marae, Te Tiriti o Waitangi. On these grounds is where assemblies stated that the Māori people are special people, and they join together He**

Whakaputanga in 1835. What happened here was also where the chiefs had discussions pertaining to Te Tiriti o Waitangi.

Heoi, e tika ana me hui ai tātou ki konei. Nā reira, tēnā koutou Ngāti Kawa, Ngāti Rahiri, koutou, Ngāpuhi-nui-tonu, ngā kaitiaki o te Tiriti. Ka huri ki te whakapapa o ērā momo pukapuka nei, ka kī atu au ki a koutou, nā koutou te mana whakahaere o te kaitiakitanga o ēnei pukapuka tino nui ki te ao Māori. Nā reira, kei te mihi atu au ki a koutou. **Nonetheless, it is appropriate that we meet here. I want to thank Ngāti Kawa, Ngāti Rahiri, and the entire Ngāpuhi, the protectors of te Tiriti. I turn to the lineage of those documents, and so I say to you that you control over the protection of these most important documents to the people, and so, I want to thank you.**

He wānanga tēnei, mehemea e pīrangi ana koutou ki te kōrero Māori, me kōrero Māori koutou. Kei konei ētahi pouaka pango mō koutou kāore i te mōhio i te reo Māori. Mēnā ka pīrangi koutou ki te kōrero Pākehā, a, me kōrero Pākehā hoki, kei a koutou te mana. **This is a wānanga and if you wish to speak Māori, then speak Māori. Present, are some black ear pieces if you don't know the Māori language. If you want to speak English, then you can do so, you have the power.**

He wānanga ki te ata whakaaro, he aha ēnei mea ngā mātāpono o te Māori, ehara o te Karauna, o te Māori, e pa ana ki te Constitution. Nā te mea, mehemea ka whati te Karauna i te Tiriti e pa ana ki te tino rangatiratanga, he aha ngā mātāpono i whati ai? Koirā te tino pātai mō te rā nei. **This is a wānanga to carefully consider these principles of the Māori people, and not of the Crown, but of the Māori people, in relation to the Constitution. Because if the Crown breaches te Tiriti in relation to tino rangatiratanga, then what are the principles that were breached? That is the main question today.**

Ka huri hoki ki ngā kaupapa o te uiuitanga, e whitu ngā kaupapa ināianei. Te mana motuhake, tino rangatiratanga, te kāwanatanga, ngā tikanga, ngā

citizenship rights, he aha te mea Māori mō tēnā, he whakapapa. Koirā ngā momo take o te rā. Nā reira, kei te tino hiahia mātou o te rōpū ki te whakarongo ki a koutou whakaaro me ngā take. **I also want to the attention to the kaupapa for the inquiry. There are seven matters, mana motuhake, tino rangatiratanga, kawangatanga, the tikanga, citizenship rights, what's the Māori term for that, genealogy. Those are the issues to be discussed today. So, we really want to hear your thoughts and opinions on those issues.**

Nā reira, me huri au ināianei ki te mahi ā muri ake i tēnei wānanga. Āmuri ake ka tuhi mātou tētahi rīpoata o ngā wānanga e ono. Ka noho tātou katoa ki Pōneke, aroha mai, nā te iti o ngā pūtea, koirā te take ka hui anō tātou ki Pōneke. Ki te āta whiriwhiri he aha te huarahi kei mua i a tātou, he aha te anga whakamua. Nā reira, he mahi nui kei te haere, i kite au te mahi kua mahia e koutou mō te rā nei, engari, he tīmatanga anake tēnei. **So, I must turn to the work after this wānanga, and we will draft a report from the six wānanga. We will all meet in Wellington, sorry, but due to budgetary pressures that is why we will meet in Wellington to deliberate as to what is the best way forward. So, we have a big job ahead and I saw work that you have worked on for today, but this is just the beginning.**

Ka mutu i konei pea, ka huri au ki te reo Pākehā. **I will conclude here and change to English.**

For those of you who don't understand Māori, there are little black boxes that are available at the back with Alan. They are little boxes that you can use to hear the translations in te reo Māori and te reo Pākehā. They also help with hearing if you can't hear, so please feel free to get those for you.

I want to take some time to introduce everyone.

Ko Derek Fox tēnei, nō Ngāti Porou, Rongomaiwahine. **This is Derek Fox, from Ngāti Porou and Rongomaiwahine.** Derek Fox, those of you who know

him will know that he comes from a long illustrious career as a media communicator, and we are very fortunate to have him on the Tribunal now.

Next to him is Dr Monty Soutar, even if you don't know his face, you will know his books. Many books on World War I, World War II, his work for military vets is unparalleled, and he is also, now, a non-fiction writer of two bestselling books, mostly about our tribe, although he says it is not real, it's fiction. But you can recognise the tribal characters in them.

Then we have Dr Grant Phillipson. Dr Grant Phillipson is the longest serving historian on the Waitangi Tribunal, both as a staff member and as a member and he is unparalleled in terms of his knowledge of New Zealand history.

Then we have Prue Kapua. Prue Kapua is Te Arawa and has a long illustrious career as a lawyer and acting for claimants before she became the president on the Māori Women's Welfare League and now, she is a very valued member of the Tribunal.

Next to her is Emeritus Professor David Williams, many of you will know him because he has been at Waitangi nearly every year since he was born. He calls himself, Wiremu karuwha, **William four eyes**, those of you here who will know that name quite well, although his politics may be different.

Then we also have online, Matua Kevin Prime, who has managed to hurt himself, I understand and is unable to be here today, but is listening online.

HOUSEKEEPING (10:18:30)

(10:20) WAIHOROI SHORTLAND: (#B062)

E te Kaiwhakawā matua, tēnā anō rā koe, me tō tira kua haere mai nei, ki a āhei ai mātou ki te hora i ō mātou whakaaro ki mua i a koe. **To the Chief Judge, thank you, once again, and your party who have come here to enable us to present our thoughts before you.**

E te iwi, nōku te hōnore ki a tukua hei kaiwāwāhi i ngā kōrero o te rā, a kaua e pōhēhē, nā te mea, ko ahau te mea tuatahi, ko ahau te mea matua. Ēhara, koinei te wā kua tohua ki a mātou o Ngāti Hine. **To the people, it is my honour to begin our discussions today. Do not assume because I am the first speaker, I am the main one. No, but this is the time, opportunity that has been given to Ngāti Hine.** I tēnei rā, i tōna tikanga, e rua māua, **On this day, there were supposed to be two of us,** so you are getting two for the price of one i tēnei ata **this morning**. Engari ka pērā tonu te roa o te taima, ēhara.

So, I am here on behalf of Ngāti Hine and also speaking on behalf of Pita Tipene, who, as some of you know, you voted on to the regional council. Which, by some quirk of fate, is now suffering some of the things that touches our world from time to time. Where people somewhere else make decisions that fairly affect us all.

Now, Pita, new to the chair of the Northland Regional Council is attending that today, as you all know since last week, for how long? We don't know. But I am sure he will do whatever the job that he's given, as he always has, to the best of his ability. So, I hope I can do him justice by trying to cover both papers today.

Nō reira **therefore**, I am going to go to my speaking notes because if you let me talk away, I will talk and talk and talk, and you won't know where I was coming from and where I am going to, and how I ended up. So, my team has solved that problem by saying, here is what you sold us, and stick to them.

So, tēnā koutou **greetings**, the first part of this presentation relates ki te tū a Ngāti Hine. This was the part of the paper that Pita was going to present, but one we all share i roto o Ngāti Hine **within Ngāti Hine**, and it begins with the position of Ngāti Hine.

WITNESS REFERS TO STATEMENT OF POSITION #B062, PARA 1.3

We are descendants of He Whakaputanga me te Tiriti, Ngāti Hine have a deep connection to the whakapapa of those documents and the promises that they

carry. These promises, together with events that surround them, are echoed throughout our kōrero tuku iho **oral traditions** and heard in every corner of our whare **house**. The legacies of te Tiriti are carried in the names of our people, places and kaupapa and are etched into the headstones in our urupā. They live in us and guide the way that we conduct ourselves, both internally as Ngāti Hine and externally with the Crown and others.

Sitting behind the positions that we advance in this statement are generations of Ngāti Hine tikanga, kōrero tuku iho, **oral traditions** kaupapa and whakataukī, and for every example shared, there are tens if not a hundred more.

Accordingly, the breadth and depth of Ngāti Hine's constitutional history means that this statement should not be considered as the only source for identifying Ngāti Hine's constitutional understandings. Rather, it represents a non-exhaustive compilation of the different touchpoints in history that inform our understandings and how we consider te Tiriti today.

Ngāti Hine are descendants of Te Whakaputanga and te Tiriti by way of the people who signed them, and in particular, Te Ruki Kawiti. Who singed Te Whakaputanga on the 28th of October 1835. Te Kuhanga Maihi, later known as Maihi Paraone Kawiti, and Taura Kawiti signed te Tiriti on the 6th of February and followed by Kawiti on the 13th of May. So, he wasn't all that in a hurry, but he got around to it at the insistence of his people.

He Whakaputanga me te Tiriti are affirmations of Ngāti Hine mana and rangatiratanga. More about that later down the line. Some of this stuff, you already have in the evidence of Erima Henare, so I am not going to trouble you by repeating those words too much, I know you will find those references as we go along.

In signing He Whakaputanga me te Tiriti, Ngāti Hine rangatira ensured the constitutional future of Ngāti Hine. I say these, not at the exclusion of others, but our understanding of what our tūpuna were putting us up for and why it comes down to us today, as Ngāti Hine. When I stand as Ngāti Hine, this is

what binds me to those things, this is what I, and Ngāti Hine descendants have come to understand I sour obligation to the promise our tūpuna signed up to. I am sure it is similar, if not exactly the same for so many others, so, it is not an exclusive thing.

Kahore au i konei ki te kī, whakarongo koutou nā Ngāti Hine i tārai te huarahi, nō reira, ko tā koutou, he whai mai. **I am not here to say, listen, it was Ngāti Hine that fashioned the way forward and so, it's up to you to just follow us.** It is not that. What I am saying is, this is the reality for us and why we are the way we are.

That it as a guarantee and protection of our rangatiratanga. Now, I have an understanding of rangatiratanga that might differ a little bit interpretation. Because I have always had a bit of trouble with it because it was something that didn't quite express what they knew was meant to be, and the expression for me has always, or should have always been mana motuhake. It was never in this, this was an expression for me of the godly notion of rangatiratanga taken from the lord's prayer, which expressed, thy kingdom come.

So, when I am looking at rangatiratanga as an expression in these documents, I interpret it this way, those things which you have domain over. Those were quite specific at the time, and you go anywhere in Māori history, you will find that they refer to it that way. When they truck the Kīngitanga ideal around the country, instead of saying, let's have one whole thing, many rangatira said, I am already king where I am, or words to that effect. Those were the same words Kawiti spoke, and later, his son, Maihi spoke in expressing the way they saw the things they had domain over. That's the expression of rangatiratanga.

Had the words, mana motuhake been written into those documents, we would have had no doubt today what was meant. That they're not there is only a thing of the person who actually wrote it. I have this funny thing that I often say to people. You know, we hold these documents above all things in our history. But not one word, whether in Māori or in English, was written by us. But we

hold them to be true, we live by them, it has become a fabric of our intent to grow a new nation.

Whakaputanga for one, in one instance, was set so that they could establish that there was a nation here, and in fact, all of it refers to the several nations that were here and we know them by name. Collectively, the one you are in at the moment was called, Ngāpuhi. As thing as it might be from time to time when you are looking at us, you know, that was the nation. But within that nation, there were a whole lot of little nations, Ngāti Hine was one of those nations.

The expression that our rangatira had in looking at the rangatiratanga is they had domain over that part of their nation, of Ngāti Hine. Kawiti's word and Kawiti's mana in Ngāti Hine was **(inaudible 10:32:23)** as it was in other places with other rangatira. They never stretched beyond it and while you can track many a conflict between our nations, you will note very few instances where they did, through those actions, extended their nation. We have had to live with what some of our tūpuna did down through the years, whether at home or further afield.

Derek mentioned the fact that him and I hold a history that goes back to 1965. What he fails to tell you, he was a fully grown man when I arrived as a 12 year old. But as a 12 year old, and him as a fully grown man, there were some things in our history that still irk Derek about what my nation had done in the past years. We used to have a famous rugby game within the school called, north south and that was an opportunity for everybody to take their revenge on anybody that whakapapa'd from the north. As they say, if it don't kill you, it makes you stronger, and many other nations of schools learnt how much stronger that school became and how much stronger it is becoming again. Same history, same background, same genesis, same rangatiratanga, same mana motuhake.

So, that kind of **(inaudible 10:34:25)**, where we come when we are talking about te tū a Ngāti Hine. It's these things that reflect how and who we are. I

just want to again, reflect, quickly, on a notion we hear constantly, when Māori exert this rangatiratanga or this mana motuhake that we believe we still hold, that we never ceded. There seems to be a notion out there in the stratosphere, or in those areas of government that will say that we do things, or the Māori view, based on te Tiriti and He Whakaputanga divisive.

When a Māori sticks his hand arm and says I want to be Māori, I am Māori, we are being divisive. What I want to remind the Tribunal, that all of the things that are denying us the ability to be who we are, that is the divisive thing. It devised me from who I am, it divides me from my culture, it divides me from my understanding of what I had domain over. It is a much diminished domain, much diminished. But I still hanker to have domain over it, and the last part of that domain is domain over me, my children, my mokopuna, my hapū.

Those are things that fall still, within my domain, and anything that denies that domain, denies me, and it denies every Māori the right to be who they are, and for any other authority to lay itself over that Constitutional right. I say it's a Constitutional right because it was there when we constituted this nation. The documents we speak about are the documents that constituted this nation.

Yet, they are documents that were built by two nations. The nation that I'm standing here today, proudly speaking for, and that nation that came hoping that the door would be open to them. What they said to us at that momentous occasion on the 6th of February 1840, we are now one nation. But what he was taught to say in Māori was, together, we are one nation. He iwi tahi tātou, not he iwi kotahi tātou. Big difference. The difference is, he iwi tahi tātou, the word tahi in Māori means together.

From that point on, they just simply dropped the together part and assumed that it meant me, and the more I had the capacity to exert that notion, the less the Māori aspiration became what was able to survive. Bit by bit, they took down the notion of two nations, creating a nation together. Then, that one nation idea, or that one people notion took over, because by then they were starting to settle

on us, but we all know, is the good and bad of democracy. The tyranny of numbers, and they have served that tyranny on Māori by the shovel full.

In many ways, we have been asked to swallow every shovel. We did it for a little while after, we think. And within five years of swallowing the first shovel full, the ones around here said, no more swallowing, I'm going to go and take the spoon down, I'm going to go and take the sign down. They did, because that was the representation of the thing that was **(inaudible 10:40:08)**.

I don't need to go over that history, except to say, Ngāti Hine was there, and we say that proudly. We were there, we stood up against it and we exerted our right to the things we had domain over, even at that time. Think of it as you will, why didn't we suffer the kinds of confiscations that followed all the other conflicts with the Crown that our whanaunga up and down this country have suffered. The reason was, they weren't in the place to do that to us at that time, because, if they were, they surely would have, there is no doubt about that.

So, here we are today, considering, what is the constitutional base for this hearing, this wānanga? The constitutional base for this hearing and this wānanga is the fact that we were there when we constituted this nation, and we are still here waiting for that recognition. I am still waiting for the day that this nation can acknowledge a nation within a nation. It is not a strange concept, all of you who are Welshman, although they got a hiding on the weekend, and a Scotsman, and are Irish, and are English. All come from a source where they celebrate the fact that they are all nations within a nation and collectively, they call themselves the United Kingdom, but they are nations within a nation.

When I suggest that to this country, to the people who hold the reigns of the political world, they won't have a bar of it, because it's too much to consider that there is a nation, and that nation are Māori. Within that nation, we have little parts of it that I call Ngāti Hine, and you call Ngāti Rehia, and you call Ngāti Rahiri, and you call Ngāti Porou, and all those little parts that make up those nations. They are real in our world, we still walk around with the

whakapapa and the weight of our tūpuna who set those nations in place. Nothing will remove those things from the psyche of a Māori.

What we have today is many Māori disconnected to that psyche, and like anything else, when you are disconnected and the policies that disconnect you are being visited on you by the people every three years, we are asked to put our faith in. It leaves you wondering, is there a better way, Māori for 185 years have lived with the notion there is a better way.

I hope that that, e te Kaiwhakawā, e te heamana, covers the first part of my delivery. Some of it might be repeated in the second part, which is, that was Pita's part and there are names and places, and events that are recorded in that part of that presentation. But you can read at your leisure, no doubt, and I can see my lawyer saying go, go, go, haere tonu, yes.

So, I am now going to spend a little bit of time talking about my notion of tikanga. Tikanga and mana motuhake, kaupapa, tino rangatiratanga, where do these things sit in relation to each other? Much of what we do and how we do it is based on tikanga. Many of the things, when we get down to measure what this tikanga thing is, for me is very simple. I've broken it down and this is how magical I can be sometimes, into three main things.

I say that tikanga is collective responsibility driven by cohesive action for the common good, it is what I call the three C's. When I was at primary school, it was about the three R's, and I wasn't too bad at two of them. But the writing part, I could never get right. I had some of Derek's former teachers saying they had seen better scratching's by hen, so, one of the R's I couldn't handle. Rhythmic, I was a gun, yes.

For me, tikanga comes down to what I call the three C's. Collective responsibility, driven by cohesive action, for the common good. I can apply those three things to every tikanga I know, and if one of them is missing, it's time to reexamine the tikanga. Because without all three being present, the

tikanga often becomes self-serving. But if you are covered by all those three things, the tikanga will stand the test that you align it to.

You can mark any tikanga on these three things and decide if tikanga are appropriate. While you attempt to create tikanga that serves beyond us, tikanga is and should be, everchanging. You know, there was only one fellow who wrote tikanga in stone, and we have a real problem sticking to the 10 stuff he wrote in stone. That's the only place that I know that something was written in stone. At least, you know, it's recorded to have been written in stone, with the fiery finger of the lord, and we have great difficulty hanging on to those. Te Tiriti has only four principles, why is it so difficult we often ask ourselves.

So, tikanga are adopted, adapted and discarded to serve the purpose of the day. Anytime a tikanga starts to exert itself on the people, it has been created to serve. It moves into a place of dictating to people, then it is time to reexamine the tikanga. Sir James said, now, this is Sir James, and all of us Ngāti Hine, when you say that, we bow, or at least, we cast our memories back to someone who could say things that resonate with us down through time and that's what good rangatira do.

They say things that resonate down through time, and Sir James said: "We are removing some of the tikanga because you can no longer live by them. They will do you more damage than good, so the only way is for us to remove the tikanga. You cannot live with the kind of tapu your forebears lived with. So, rather than expose you to it, we will remove it."

There are some of us in the room, I think, still can recall when the word tapu was uttered. It sent certain feelings racing up the back of your spine, and if you had hair, it would stand up. But when they talked about it, I still remember days in Ngāti Hine when the tikanga applying to our urupā, you take something in, it stays in. For a long time, we had to cut the cemetery with a side because nobody wanted to take their motor mower in, because they would have to leave it on the inside. Then they decide that you know, it's better done with a motor mower, so they removed the tikanga.

They removed the sense of that tapu, didn't remove the respect of that tapu, but they removed the sense of that tapu, so that things could get done. You can reflect on how that applies to many things along the way. This morning, I looked across the marae ātea and saw that the Chief Judge was respecting tikanga, nut we have a duty to respect the Chief Judge. We have to be malleable in our application.

People do not strive to get to certain positions to always remain in the second row, simply because tikanga said there is no place for women here. It's only a chair, but it carries great meaning. It gives substance to tikanga when you are capable of adapting and acknowledging. That is what we find with great difficulty when we present tikanga as a means of going forward on many things that are reflected in our national psyche.

When we present these things as tikanga and say to the Crown, it is a good tikanga for Māori to sit at the table with you as equal partners in discussions that pertain to them and pertain to the nation we created. You did not create this nation, we did, together. But when we invite you to do that, you worked easily, and quickly told, get back to the back of the bus, that's where you fellows are, we know that story, it's not our story. But we are being sent to the back of the bus every time we ask to sit up beside the driver, to be a navigator, as out tūpuna were, to get here.

Historically, we are great navigators. We were navigating the greatest ocean in the world when people were still taking arrows out of their eyes, you know. When people somewhere else still believe the world was flat and if you went out of sight, you fell off the other end. Our tūpuna were navigating these waters, we were populating the biggest expanse on this earth. Our presence was everywhere, that is the kind of legacy that passes down and passes down.

Today, when I consider what it is we are presenting, you know, the last local body election, I was asked to vote for the Māori ward or not. So, it becomes the tyranny again, they know it's not an open gesture. I referred to it early today

in welcoming you, te Tiriti and Te Whakaputanga were an open gesture to come on in and see what we can do together. But we haven't done too much good, well, we've done a lot of – no, that's a bit unfair. But that we can't recognise the good we can do together. That we keep pushing the idea only one sort of authority can dispense with the kind of aspirations that a Māori might have by being Māori when we have push back after push back, taking away, swallowing up.

When we do something good and the example I will proffer here. You know, Whānau Ora and I'm not making a big speech about the prison things. But Whānau Ora is an example of a policy generated by Māori, clear, and precise, it was aimed to improve our situation. The result of Whānau Ora was that it worked so well that it now adopted it to cover all New Zealanders.

Now, it leaves me with a question, did you open it up so that you could swallow us back in, or did you genuinely see how good it was? Because if you saw how genuinely, how good it was, then why can't you see it in other things? Why can't you see it in co-governance? And so, that brings me to this tikanga and kāwanatanga part of this question of this wānanga. I have no doubt and sometimes we say we gave them the power of government over their own. Yes, well, that would have been true if we then were able to go on and self-govern ourselves, but quickly, we found we couldn't do that.

There is a story in Ngāti Hine, of one misdemeanour, I won't go into the details, too many lawyers in the room. But Kawiti determined that the perpetrator would hang, and so he hung him. Quickly, word came from the governor, going and tell Mr Kawiti he must stop doing that kind of thing. The karere was then dispatched saying, go back, tell the governor, if he sends you again, I will hang you and then I might come down and hang him.

Nobody came again, but I think he kind of, might have mellowed his approach a little bit because I can't recall if another incident where somebody was hung. But there are other incidents of exercising that domain just after the Tiriti times. But as time has gone on, our capacity to exercise those things has diminished,

we may not have ceded sovereignty as it was pertained at the time of te Tiriti, but we have great difficulty exercising it today. Not because, well, yes, it is because the Crown won't allow us to do it in the way that we might want to do it. But we won't allow ourselves to do it because in some way shape or form, we have grown up a little bit different from the people who did.

So, like tikanga, those things move and mould. We constantly have trouble with the exercise of sovereignty over us. We are here, we have heard from politicians who have come to this place and said to us, you may not have ceded sovereignty, but we can tell you where it sits right now. Now, that's, you know, sort of, kind of a smart answer and sometimes it gets you catching a whole lot of horse manure at the gates of this place.

But there is a truth to it, so we constantly look for other ways, we look for other ways to express this want to be who we are. That is the thing about governance. There is a difference between, I believe, between government and governance. Māori have 185 years of learning a new way of governance, of exercising it to the betterment of us in the places we live. The best expression of governance and Māori government is on our marae. It is the last bastion where these things are exercised and they only ever pertain to that little nation that gathers themselves around that little whare and that marae ātea, like this one, to be allowed to express, in that little corner that is left to us.

The thing we hold true about being Māori, this is the one place they cannot intercede, not that I'm going to go out and hang somebody if I don't like them. But at least here, I can stand, I can say, I can be told that the things you just said was a pack of rubbish and here is the truth. That is the nature of this place, that is my recognition of the authority of these places, the mana motuhake.

The little essence of what is left to me to practice what was a much bigger thing is here in this little space. It's a magical little space and there are hundreds of these little spaces all over the country. Most of them have a recognised form of authority, of mana motuhake, of tikanga driven kaupapa, of places where we

can ensure the safety of both my manuhiri ad te hau kāinga **home people**. Those are the things that the last bastion of these things exist.

Tino rangatira versus mana motuhake, tino rangatira is not a concept that grew out of tikanga, it is something that was aligned to and tried to find expression – now I'm starting to find the problem of expression. Because it has been aligned more to the conversation about sovereignty. Tino rangatiratanga has become aligned to sovereignty. I am saying, tino rangatiratanga or rangatiratanga is aligned more to the domain we once had authority over. And that domain is now so diminished that I can only point to this place as the last bastion where I can exercise it, we can exercise it free of any interjection by the world out there. By the nation out there, we supposedly helped create.

There are some things here that talk about tikanga and its roots, I'll leave that to your reading, or if you have questions about it.

The place of whakapapa has everything to do with the way we reflect our tikanga. Without whakapapa you are disconnected and Māoridom is full of disconnection, and you can track that disconnection to whakapapa. When you don’t know who you are and where you come from and who you are related to, and how you connect to others, you are living without tikanga. That’s what makes that so important.

There are things that run down further, about mana wahine, mana tane, kotahitanga, all these notions are all expressions of what goes into the tikanga theme. Mātauranga **knowledge**, there you go, I mean, the paradigm of mātauranga goes on and on and on, and no matter what field you turn to, there are always aspects of Māori mātauranga **Māori knowledge**. Whether people want to acknowledge it or not, we have an aspect of mātauranga that touches every part of our lives. The knowledge about every part of our lives is included in our interpretation of mātauranga Māori **Māori knowledge.**

So, at the moment, tikanga is not treated on par with law. Māori are constantly reminded by the people who create law that tikanga is of lesser consequence,

and you only have to do it to take the actions they take in effect of that to have that easily acknowledged. We are told that tikanga matters so little that Māori are going to have to swallow it. Swallow your tikanga, swallow your cultural perspective, swallow your pride, because a good for all New Zealanders usurps you. Once again, at the moment you do that, Māori will say, well, what's changed? Nothing has changed. Everything in our Māori world is expected to transcend into the European world. They believe we have little ability to oppose.

Believe it or not, I'm getting to the last page.

Tikanga needs to remain with us as Māori. Tikanga is our thing. I can remember as a 6th former at the same school when I grew up and nearly got as big as the man that was there when I first arrive. Sir James came to the school and spoke to us, and he spoke to us about the folly of encapsulating te Tiriti in legislation. It wasn't that the principles didn't stand the scrutiny, it was that, and these were his words, the same pen that creates the law will expunge it. Those are words I heard in 1968, they resonate with me still, every time we recount the principles of te Tiriti and they get pushed down, pushed back, pushed down. Those words come back to me.

So, when certain elements of this present government propose to encapsulate or to dismiss those parts of the principles of te Tiriti, has been almost a non-entity once again. Those words came back and so do the other words of Te Ruki Kawiti, who in his salutation to Ngāti Hine and the words are there for you to see in reference. He says: "Tatari ki a kakati te namu ki ngā whārangi o te pukapuka, mā reira koutou tū atu ai." **"Wait until the sandfly nips the pages of the pukapuka, only then shall you arise."**

In 1846, those words were uttered by him at the end of the conflict. He says, put away the guns, that's the deal we have at this point. But don't put away the principles for which your ancestors stand by. Hold them to your heart and when the sandfly starts to nip at the pages of the document, Ngāti Hine, then, you must stand and oppose. Every time that happens, I got the sandfly swat or the

Aero blast, or whatever, I'm ready and willing to honour te ōhaki a tō mātou tupuna **the legacy of our ancestor.** In whatever way I am able to exercise that and today, coming here, is another way, I hope, that I can exercise that by relating to you, te tū a Ngāti Hine **the stance of Ngāti Hine** in these matters of constitutional change that is needed.

Tikanga is our way, of not just keeping safe, but keeping free. Not free of suppression, but free to be who we are. Free to be Māori, free to be Ngāti Hine, free to be Te Kau i Mua o Ngāti Te Ara, as hapū within Ngāti Hine. Tikanga is us expressing that freedom.

I runga i ērā, e te Kaiwhakawā, e te heamana **with those words, your Honour, chair** I'm going to conclude the presentation part, unless you're going to really grill me any much longer, I will wait for what you need.

(11:12) PROFESSOR DAVID WILLIAMS TO WAIHOROI SHORTLAND:

Q. Tēnā koe, e kara. Thank you very much for your kōrero this morning. Because you are one of the pou tikanga that suggested this process, you do know that one of the things we are looking for is concepts from tikanga which may help to open that door to Matangireia. I think you invented the name, so, we have been trying to see how the door opens. But you have just finished with the tangi of Kawiti, after Ruapekapeka, and in the wording there it says, “papa pounamu”. The translation given in your document is, “sacred covenant”. Of course, there is also te kawenata tapu, also a reference to te Tiriti at times. This is not a reference of the Treaty, this is a reference to the connections to your ancestors, your forebears. So, I’d just like a little bit more of this papa pounamu, how can we fit that into our vocabulary please.

A. I think the interpretation is probably much simpler than the grand idea of it. When you talk about papa pounamu, you do get this reflection of something big and grand, but it's in the simplicity, I believe, of ngā papa pounamu. They are the things that you treasure the most. Ngā papa pounamu are the things of your ancestors that you treasure the most.

Don't ever set them aside, ignore them, but wear them with the pride of all things that are of high value. There are no other things of high value than the things that your forebears leave you.

We can create other things that then makes me a forebear of – you have one of my mokopuna sitting beside you, that he gets to inherit in time, which is only a short distance from me to him. But the ones that he is to bring that I might never get to meet, that's the pathway and I want for the things that I hold dear, for them to pass on. In the same way as I said earlier in my kōrero, that words, when I hear them, such as those uttered by Sir James Henare, in the flesh.

You know, we are privileged when we are exposed to those things in the flesh, not hearsay. But there was the fact that as a you know, probably a pretty frisky 16 year old whose mind was often wondering to other things. That something resonates from people of that ilk that live, that's a papa pounamu **most treasured** and that becomes part of the treasurers that I hold. If Ngāti Hine, in every walk, shape of life, wants to examine that, then it's theirs to take from me because I didn't create these things, somebody else did, my job is to pass it on.

So, that's what makes it treasured, is the act of being able to pass it on, that's what makes it pounamu. That's what makes it valuable, that's what makes it that, hopefully, continues to resonate in Ngāti Hine and we constantly refer to, is te tū a Ngāti Hine **the stance of Ngāti Hine**. No more flasher than any other one, but yes.

(11:17) DR MONTY SOUTAR TO WAIHOROI SHORTLAND:

Q. Kia ora, Wuzzy. Sir James's statement to you, I know in the mid-80s when Labour came to power, he was at one of the openings of Te Māori overseas when they had this huge hui, I think it was at Ngaruawāhia. He was consistent in saying it again, then, when Labour was proposing that the Treaty be written in to some form of legislation. I understood from what you said, he was warning that, what the pen writes into legislation, it can write out again. So, in terms of a constitution, thinking into the future, do you see a place for the Treaty in it?

A. I'd never put myself up as an expert on constitutional structures, matters, or things. But I am a student of notions that constitutions may be written or unwritten. The written kind usually is always fraught with some devilment and when I look across the waters at somebody who can pick and unpick their constitution to serve what he thinks the world needs. Regardless of what the world may think, then I'm cautious. If I could believe that we could share a real common understanding and that we could etch that understanding into our hearts and minds. Then that is the best place for developing a constitutional understanding.

But I'm also pretty certain that if you don't write it down, nobody will remember it, or people will pass it over, or people will pass it by. Many of the things our matua and tūpuna **ancestors** have said over these generations since te Tiriti had been passed over constantly. It was never an easy thing for Māori to be told by the law of the time, your Treaty is null and void. How it came back from null and void to where it sits in our psyche today, must be one of the most amazing transmissions in history. You know, the experts at history may be able to tell us better yourself. To go from that, to what we have or what we are proposing and what we are saying to the Tribunal. We are capable of doing if we could only sit down and exchange things – take our responsibilities, create some cohesive action that's aimed at our common good.

Those things I think, bring me all the way back to the thing, you know, that would be a constitution I could live with. I take those three things and put the lens over that and say to them, every time one of these aspects disappears, it's time to re-examine what we would say. All I can say to that is, so many of the things that are presented to us supposedly, for our common good as New Zealanders are aimed at denying this particular part of being a New Zealander. It takes away, it supresses, and all of those words that do us less than we deserve. In my heart of hearts, I think the Māori wish is only to have what we deserve. Not to be able to rise above others, but to have what we deserve, and it's often at no great cost, and that is something I surely believe. Kia ora koutou.

Q. Kia ora.

(11:22) DEREK FOX TO WAIHOROI SHORTLAND:

Q. Wuz, there's one question and it maybe, highlights what you were talking about and what Sir James was saying all those years ago. We have just seen in the New Zealand parliament, some legislation passed by someone who whakapapa's back to this area, allegedly. Whereby his party, a very small party in parliament was able to pass this piece of legislation. Which has really, very far reaching effects on how legislation is developed in this country. Another person, also in the parliament, who again, whakapapa's back to Taitokerau, and his party said, should they get into government next time, they will get rid of that piece of legislation immediately. Now, that, perhaps, is what Sir James is kind of referring to and what are your thoughts on that, and what do you think Sir James's thoughts might have been? It's very hard to try and gauge that.

A. Kia ora. No, it doesn't pass our view of politics today, that every minor party is led by a Māori. One would think we are in the box seat, rangatiratanga at its best is about to blow over the nation. I won't say what a hopeless dream that is, because that might do some discredit to something that I haven't seen yet, that I'm missing. But nevertheless, you know, I take note, exactly, of that, but it's not just the one that's gone in, and the other player says you know, if I'm part of the next thing I will remove.

But it's the other one too, saying, we will remove the need for you to acknowledge the principles of te Tiriti. We will take that out of the legislation to allow you the maturity of making up your minds. You know, I wish that was true, but I'm loathed to say, it is not true. No, I'm not loathed to say it, I will say, it is not trust because all you are allowing is for those who hold that distant view of what is achievable. You are giving them space to continue to hold that and the ping pong game that's going on between the two uri of the north. It's the ping pong game they've played all the time.

But you know, they play that game down in that house, that is the nature of the place. Sometimes the Māori says I don't want to play ping pong, in fact, I'm going to go play ping pong with my own mates, and so on and

so forth. How those things transpire is hard to figure, but that is the nature of the thing that we have.

So, while, as a uri **descendant** of this rohe **area** and of Ngāpuhi-nui-tonu, as much as I stand here speaking about my Ngāti Hine reflections today. I hope that in expressing them, they do reflect somewhat of the wider nation I belong to and beyond that, the Māori nation I absolutely sign up to. Even if, from time to time, I want to reach out and bang some heads who are supposedly Māori, and I need to whack them together. But then I don't have that, I'll be called a **(inaudible 11:27:45)**, you know, things like that.

But there are times when I hark back to when our rangatira were all powerful and I sometimes dream what it would be like to be a dictator. Wouldn't that be sweet. But nevertheless, you know, along with that comes all other things, but you know, you do lay there some nights and say, it would be good, even for a little instance. I runga i tēnā, Derek, I hope, kua whakautu au tō pātai. **With that, Derek, hopefully I have answered your question.**

Q. One of the unfortunate things is in dictatorships, they don't bother with elections to change people.

WAIATA TAUTOKO

WAIHOROI SHORTLAND: (CONTINUES)

There is a little grove of Rimu trees that stand at the Matawaia Marae, and I can still recall when my kaumātua would go down there to find the words that they needed to express in the whare. It usually involved a little imbibing to get them the courage to say the things they wanted to say. One such kaumātua by the name of Ngarahu pai, which is a word you have to say carefully. Ngarahu pai would come into the house and sing this very song. But his ending was always different, and he would end the song by saying, "kore rawa e tū tika ai te haurangi e." **"unable to stand upright when you're intoxicated."** With those, I hope you are not drunk with my message. Kia ora.

(11:32) KARLA WHITE:

Kia ora whānau. Karla White tōku ingoa. Haukainga, ahikā ki Waitangi. Kaitiaki to Waitangi, Te Tiriti o Waitangi Marae ki Taurangatira. He Whakaminenga, He Whakaputanga. **Karla White is my name. Local from Waitangi, Te Tiriti o Waitangi Marae, Taurangatira. He Whakaminenga, He Whakaputanga.**

So, I just have a little bit of evidence to add for the Tribunal to consider, it's relatively brief, but it is important.

On the 4th of February 2017, a royal inquiry was held in this whare. The participants were the Chief Justice Sian Elias, along with Karen Winkelman and that point in time, not sure if there were any others present in the whare at that time, 2017, it was the beginning of Waitangi Day. The inquiry that was asked was a question to the Chief Justice. The question was, does New Zealand parliament assume its sovereignty by means of a constitution unwritten? I'm going to say it really slowly so that you can understand what the question was, does New Zealand parliament assume its sovereignty by means of a constitution unwritten?

Her answer was, yes. I was ecstatic, so I turn to the taumata to just check whether they had heard the response, because that brings clarity for us when we are making our considerations with the Tribunal and dealing with the Crown. It helps us to not suffer from an identity crisis, because when we are engaging at that level, we must be sure that we know who we are engaging with.

So, the next question was, to follow on from the question that was asked, does New Zealand parliament assume its sovereignty by means of a constitution unwritten? I'm repeating it to make sure you are all understanding the question. the question then was asked to the Chief Justice, which was a rhetorical question, what is your relationship to the Crown corporate Her Majesty the Queen in right of New Zealand? You see because then, the queen was still alive, I'm talking about Queen Elizabeth and she responded, this is Sian Elias, the Chief Justice, I am the Queens Judge.

Now, that could be confusing if you are not, you know, don't clearly understand which Queen you are talking about. So, it was a rhetorical question to make sure that I was not referring to the Queen of England. I was referring to the corporate queen, Her Majesty the Queen in right of New Zealand. So, I asked the question, what is your relationship to the corporate Crown, Her Majesty the Queen in right of New Zealand? And are you from a Judge, appointed by the corporate Crown, Her Majesty the Queen in right of New Zealand? The answer was, yes.

Now you might be thinking, what on earth is she talking about, but it's actually very important. It is important for us to know who we are engaging with. It is important for us to know whether there is a relationship between the corporate Crown facilitating subordinate service in Wellington and the Crown of England. There is clearly no relationship or commission, so, this is the highest court in the land, this whare. This is the place to make the decisions, this is the place to have clarity.

The only constitutional way – I'm not going to say that what I'm going to say is that I support the judicial decision of the Chief Justice in the seabed foreshore decision. It was a reaffirmation of a privy council decision, which puts us clearly in our position that the primary title, the unextinguished aboriginal title is still alive. The question is, how do we access it, because it doesn't seem like it is. There's subordinate titles that have been distributed and its created confusion. The only way to access the unextinguished aboriginal title, of the primary title is coming through the He Whakaputanga.

The constitutional change that actually has to happen is that our people need to go back to the document, the foundation of the He Whakaputanga and look at the structures and systems that were set in place by our tūpuna. It is the only way back. We can still facilitate a New Zealand company facilitating for the subjects, things that need to be doing. If they have come here for the purposes of trade. But our people that are in this room today, if you're not coming from the capacity of rangatira, or hapū capacity from the He Whakaputanga, you

need to go back and consider that. Because that is the freedom that has been put in place for us.

When the Chief Justice said that New Zealand parliament is assuming sovereignty, the problem is, with some of people, they are assuming their sovereignty as well. But we need to remember that we are the sovereign people. We are the tino rangatiratanga, it's very clear for us, all we need to do is go back to the He Whakaputanga and at that point, come together, make the decision about what you are wanting to do, and then give that decision forward.

I'm hoping Wuzzy hasn't left, Wuzzy you haven't, because I'm waiting for him to – we were in a meeting and Wuzzy said that he was going to give back the Waitangi National Trust back over to mana whenua. So, I am hoping that he's going to come back, because we need some flag protocol changed. We have the wrong flag flying over the other side, it's disturbing.

So, it's a very short presentation, I just wanted to make sure that, for me, it was critical evidence. It had evidence pertaining the status of the Crown, and it had evidence pertaining confusion between our people. The only way is going back into taking care of your whānau first and back into that hapū structure of He Whakaputanga and pick up that He Whakaminenga role, and I know that we can do it.

I just seen Cliff there, hi Cliff, and many other people, and it looks like it's our time. we know what we are supposed to be doing, and I think that it's our time now, to be doing that. I want to thank the Tribunal for giving me this last minute. I spoke to Ngāti Kawa and said, Ngāti Kawa, I think it's important that we deliver the evidence that was given to us from the chief Justice. Who made it quite clear that New Zealand parliament was assuming sovereignty. So, for the court record, thank you for giving me time today and you have any complicated questions, please don't ask them.

QUESTIONS FROM THE WAITANGI TRIBUNAL PANEL – NIL

WAIATA TAUTOKO

(11:44) IPU TITO-ABSOLUM: (#B051)

Tēnā rā koutou katoa.

Ko Te Mahurehure te iwi, te awa nui ko Moehau whakatere manawa, kei a ia te maunga e karapoti ana i ngā tini hapū o roto. Ko te whenua ko Waima, ko Moehau. Ko ngā rangatira toto nui i tapainahia te iwi me ōna hapū katoa, ngā maunga, ngā awa, ngā taniwha o roto, ngā whenua, me ngā papakāinga o runga. Tāku mana e te ika, i karangatia ki te tai o Hokianga. **Greetings all. Mahurehure is my iwi, the river is Moehau, which launched waka and the mountains that surround the many hapū within. The land is Waima, Moehau. The chiefs that form for the iwi and hapū, mountains, the rivers, and all the taniwha within, the lands and all of the homes on the lands. That was called by the tides of Hokianga.**

E kui mā, e kara mā, patua, tairāwhiti i te here, i te tere. Te tere i ō uta, te tere i tai, kei ketua e te korekore. Tēnā rā tō whakakina e kore pea no te ngongo kino. Tane kino, kui kino, ko rimu haere kau ai, kua puka ki a haere kau ai. Ko totara haere kau ai, ko koroi haere kau ai, titī e, tata e, ko koe ki runga, ko ahau ki raro nei e. Kāore kau ana te kare ki roto nei e whakatau anake te toi tā māua whitiraua, haere mai te toki, haumi e, hui e, taiki e. **(Tauparapara)**

WITNESS REFERS TO STATEMENT OF POSITION #B051

Tēnā rā koutou Te Rōpū Whakamana i te Tiriti o Waitangi, ki a koe te Kaiwhakawā, tēnā koe. Ki a koutou te rōpū karauna, koutou e kaha nei te mihi mai ki a mātou, te iwi o tēnei whenua, ka mihi, tēnā koutou. Ki te hunga rōia e awhi nei i a mātou, mōhio ana au kei konei tonu koutou i roto i te whare, tena koutou. Ngā kaikōrero o ngā kerēme katoa, tēnā koutou. Ki te iwi nui tonu tēnā koutou, na reira tēnā koutou, tēnā koutou katoa. **Greetings to the Waitangi Tribunal. To you, your Honour, greetings. To the Crown, greetings, and I acknowledge your acknowledgements towards us, the people of this land, so thank you. To the lawyers who are assisting us, I know that you**

are here in the house, greetings. To the speakers on the claims, and to the entire iwi, thank you, greetings, greetings, everyone.

Kāti ra. Ko tōku ingoa kō Ipu Tito-Absolum no ngā hapū katoa o Te Māhurehure ki Hokianga, ko Te Uri Kaiwhare, ko Ngāti Tarahape, ko Ngāti Uewhati, ko Te Whānau Whero, Te Whānau Mai, Te Whānau Wai, me Te Rauwawe. Me ōku pānga ki Te Uri o Te Aho, Ngāti Toro, Te Ngahengahe, Ngāti Pou, me Ngāti Pākau. **My name is Ipu Tito-Absolum, from all of the hapū of Te Māhurehure in Hokianga, Te Uri Kaiwhare, Ngāti Tarahape, Ngāti Uewhati, Te Whānau Whero, Te Whānau Mai, Te Whānau Wai, me Te Rauwawe. And to my affiliations to Te Uri o Te Aho, Ngāti Toro, Te Ngahengahe, Ngāti Pou, and Ngāti Pākau.**

Tēnei tauparapara i kōrerohia i tāku kōrerotanga tuatahi, tēnā tauparapara i tīmata tāku kōrero, he tauparapara karanga ki tētahi atu. Mēnā ka nui te hiakai o te tangata, ko te tohutohu tika ko tēnei, kaua anō e tino apo ki rawa. E mea ana mātou, ko te ngongo kino ka Tītī ki roto tō korokoro. Ki te pēnā te tangata ki te tika, ko te tikanga ko te **(inaudible 11:48:34)** koia pū te ngako o aku kōrero āianei. **This chant that introduced my speech, that chant commenced, it was a chant calling upon another. If someone is very hungry and correct instruction is do not over indulge and that will become stuck in your throat. If a person does that then they will choke and that is the essence of what I'm saying now.**

He tapu manaia i karangatia te tai o Hokianga, Te Tai Hauauru ki te Tairāwhiti ki a patu i te tere. Kia āta haere te kai, ko ngā kōrero he kaupapa mō te Karauna, i tō rātou apo ki ngā rawa o te iwi Māori, he kino ki te tūkino, he kino ki te apo. Heoi, e kore rā e whakarongo ki te tangi, ki ngā tangi katoa o ngā iwi taketake o tēnei whenua. Kāti rā, ka waiho tēnā ki reira, he whakaaro nui mā tātou katoa. **That was called the tides of Hokianga on the west to east. We must carefully eat things, and that's what I had to say to the Crown, is they consume the valuables of Māori people, it is abusive to grasp greedily. Nonetheless, and that it does not heed the cries of the**

indigenous peoples of these lands. So, I leave it there and for us to take great consideration.

Ko ngā kōrero ēnei, kōrero poropiti o Aperahama Taonui, he tupuna matakite nā mātou, i a tātou katoa. E toru ōna poropiti e mōhio nei ahau. I tēnei wā ka whakapāoho ōna poropiti, ka māramahia i roto i te rua tuarua āianei ake nei. **These are the prophecies of Aperahama Taonui, who was a visionary who belonged to all of us, and he had three prophets that I know of. This time I will share his prophets and explain in my second language.**

Ko te tuatahi, ko ana kōrero, he taniwha kei te haere mai. Ōna niho, he hiriwa me kōura. Ko tōna he whenua. Kaua e mataku i te hiriwa me te kōura, engari, kaua e tuku i te hiriwa me te kōura hei atuatanga māu. **First, what he said is, a taniwha is on its way and its teeth are silver and gold, and it consumes the land. do not be afraid of the silver and gold, however, do not allow the silver and gold to be gods.**

Ko te tuarua, kaua anō e hainatia te Tiriti ki runga i tēnā **(inaudible 11:50:32)**. Ina hainatia, ka riro tō koutou mana ki raro i te panekoti o tētahi wahine, kīhai tātou mōhio ai ko wai, nō whenua kē. **Secondly, do not sign te Tiriti on that. If it is signed then your mana will be trampled below the dress of a women, who we do not know, who is from another country.**

Ko te tuatoru, he taniwha kei te haere mai, he taniwha taikuhu, taihuna, e kore rawa koutou e kitea, e kore koutou e mōhio kua tae mai. Kia kite rā anō i ngā kanohi a ō mokopuna. Ina tae ki tēnā, kaua e patua i ō koutou mokopuna, engari, hipokina o koutou mokopuna ki te kahu aroha a te whānau. **Third prophecy is that a taniwha is on its way. It is a taniwha that is hidden, and you won't be able to see it and you will not know that it has come until you see the eyes of its grandchildren. Once reached that point in time, do not attack your children, but cover your children with the cloak of love of the whānau.**

In translation, these words are the prophecy made by Aperahama Taonui at the Declaration of Independence.

There is a demon on its way, it's a demon that will arrive with teeth of silver and gold, with an insatiable diet for land. Fear not, the teeth of silver and gold, just do not allow the silver and gold to become your god.

Ko te tuarua, the second, in 1840 at the signing of Te Tiriti o Waitangi, Aperahama Taonui through his kiwi cloak on to the table for where the signing was to happen. When an armed constabulary through the flag of the union jack over the top of the cloak, on which, the table Aperahama called out, do not sign the Treaty on top of that flag, which is the union jack of England. For if we do, then we would agree to place our mana below the skirts of a women from another land, for which, we do not know. At the time it was Queen Victoria.

Ko te tuatoru, the third, before his death 1883, Aperahama gave his last prediction. There is a demon on its way, it is a demon that will arrive stealthily, deviously, and you will not see it coming. You will not even know that it's here until you see it in the eyes of your mokopuna. When you do, do not punish your mokopuna, you must wrap your mokopuna in the cloak of love of a whānau.

So, we get to the point where Aperahama Taonui was starting to build a nation. We heard just a little while ago from Wuzzy, that we were a nation, we are building nations, nation to nation, so, now, I'm talking about building the nation.

Aperahama Taonui hired a Scottish boat builder named Anderson to build a cargo ship to trade between Hokianga and New South Wales, supplying food, which was pork, potato, timber, flax among other products. Te Taonui and Patuone were aboard the Horeke, Sir George Grey when it was ceased in Port Jackson in November 1830.

Sir George Grey, in the ship yard, at Horeke, were later sold at auction to Thomas McDonell as an ex naval officer, McDonell was able to get a temporary license to allow the ship to leave and re-enter British waters, Naval waters.

Because of this, McDonell drafted up a register for Sir George Grey and asked Taonui and Patuone to etch their moko as signatures to the ships register of New Zealand.

I'm not going to go into the description of the boat, it was quite extensive, so I'll pass that as read. What I will do is just take the first piece of number nine and then move on to the second paragraph of number nine.

What they say here is, this is in recognition of chiefly governance: "We, the principle chiefs of Hokianga, in the island of New Zealand, Patuone and Taonui send greeting to say that Thomas McDonell, a resident and land holder in our country is a sole owner of the barque or vessel called Sir George Murray. Whereof and said Thomas McDonell, now, is master that the said barque or vessel called the George Murray was built in our territories of our timber.

If I can go on to the third paragraph of that, the second paragraph defines or gives a description of a barque, or the vessel. So, as the two principle chiefs, Patuone and Taonui, do hereby certify that the several particular sit forth in the above description and measurement is true or are true and correct, and we further certify that the aforesaid Thomas McDonell is entitled to all the privileges and immunities of a chief at Hokianga in the island of New Zealand. That was dated on the second of June 1831.

Now, the statement was signed and sealed by Patuone and Taonui as chiefs and witnessed by Robert Williamson and W H Russell as residents. Now, this tells us that Taonui and Patuone were recognised as rulers, so it must be acknowledged that what took place in Hokianga was a first expression of executive and judicial government formally made on behalf of Hokianga and New Zealand. This is a well-considered contractual action legalised in good faith, that was placed in King William the fourth, by way of McDonell.

Taonui and Patuone had no reason to believe that there were any threats to their chieftainship or governance over the interests of their territories at that time. All actions by the noble English at that time were above board and carried

a lot of confidence and neutral respect. It also indicated that our chiefs' intentions to act on equal terms with King William of England as rulers, with regard to future contractual arrangements. So, they were acting as sovereign rulers, rangatira ki te rangatira **chief to chief**, so the sovereign to sovereign – I hate that word, sovereign, sovereignty, just doesn't fit in my psyche, anyway, nōku anō tēnā.

So, we go to the kara, te kara o Te Whakaminenga. The need for a flag arose as trade grew with the colony in New South Wales. Many Māori leaders and entrepreneurs had already been trading with and visiting the colony of New South Whales for some decades earlier. In 1830, Hokianga chief, Patuone and his whanaunga, Taonui, sailed to Sydney aboard their vessel. First European style ship built in New Zealand, in little Horeke in Hokianga. Now, if you people haven't been to Horeke, I would advise you to do so, it's a beautiful place.

Anyway, the boat was part owned by Patuone and Taonui, they provided the timber. Upon arrival, on it's **(inaudible 11:59:49)** voyage, the ship and cargo were impounded by customs officials, by British maritime navigation laws, which required all trading ships to fly a national flag. So, the official name is Te Kara o Te Whakaminenga o ngā hapū o Niu Tīreni, the flag of the united tribes of New Zealand. The boats were recorded by Eruera Pare, the united tribes flag receive 12 out of 25 votes. The other two designs received 10 and three votes each. Te Kara was chosen by Northland Māori chiefs, including Patuone and Taonui, and in 1834, to allow New Zealand ships to be recognised international and avoid being seen as pirate ships.

So, Te Kara was sent to King Williams the fourth for approval and a drawing of it circulated internationally with instructions to recognise it as the New Zealand flag. The union flag was flown only by the British officers after te Tiriti was signed. However, it never officially replace Te Kara, which remains a legal New Zealand flag, neve decommissioned by the Crown. Te Kara is important in our history and identity for many a powerful symbol of Māori independence. So, the action by King William in acceptance of Te Kara and requiring his own

vessels to recognise it, confirms New Zealand's independent sovereign status is recognition of one state to another.

I'm going to skip the origin, the symbolism, the legal status and the significance and I want to go on to the nation of peace and war. I won't hold on your time because it's getting hot in here and it's getting hēmanawa. I wish somebody would bring me some water.

Anyway, we go to the nation of peace and war, in 20. Then comes the signing of Te Tiriti o Waitangi, that's where our trouble started, wasn't it. The target was the confederation of these united tribes. I can rattle off the names of those people who were part and parcel, even my own tupuna, he was one that went down, he was part of the writing up of the Whakaputanga. He was one of them, from Ngāpuhi, who went down to promote He Whakaputanga. He ended up in Rotorua and he got shot down there. He didn't survive, he came home, and he didn't survive that, he died in 1834.

So, they had people out there promoting Te Whakaputanga, so Te Tiriti o Waitangi and this is what happens. I don't need to go into any detail here, as the peace was broken by war, by the signing. When we signed, we signed it away, didn't we, breaches are well documented. What I will do instead, is look at the Crowns legitimacy to govern this country and what happened to the confederation of the chiefs in Hokianga.

It's well documented that a bloody conflict had taken place over the aggression by the colonial leaders as they moved to establish a governing entity to govern this country. They cease sovereignty on behalf of Queen Victoria of England and in June 1852, and act to grant, a representative constitution to the colony of New Zealand took place. On the 16th of November, she issued letters patent to erect a separate colony, which is on page 260 of the letters patent. Her Majesty made caused laws of aboriginal native inhabitants to be maintained.

Now, in the same letters patent, it seems to me that the Queen of England's representatives took her so far as they are not repugnant to the general principles of humanity. What I think she meant was, so long as they weren't eating people. But I think what happened here, that those – whatever we were doing must have been repugnant to the extreme, because they destroyed our government by targeting our leaders. They destroyed our culture, they destroyed our reo, they destroyed our education and health systems. They destroyed our workforce systems as they systematically went about creating laws to usurp our government.

The principle chiefs of the confederation of tribes in Hokianga, and by unilaterally claiming the right to cease sovereignty with guns and canons as part of what you'd assume to be their absolute sovereign right of the 1840. This, by any standard of law, has to be regarded as treason against the principle chiefs, the governing power that was in existence and in practice in Hokianga and with the rest of the tribes in Niu Tīreni. Unbroken from Kupe, Nukutawhiti and it should be considered an illegal act and an excessive breach of Article 2 of tino rangatiratanga and Article 3 of Te Tiriti o Waitangi, which go into citizens protection.

I'm going to skip the rest and I'm going to go on to number 26 and this is not – because what happened there is not what our tūpuna Taonui, Patuone, Pī, Muriwai, Muka, and other Hokianga rangatira signed up to when signing Te Tiriti o Waitangi. The Crown's actions were also in breach of their own promise, and then they lied to themselves. A breach of their own province when signing Te Tiriti o Waitangi with our rangatira, who were serving as rulers over their territories. So, this makes the intent of the colonial Crown a disturbing fact that has not been addressed to this day.

Now we look at the New Zealand constitutional crisis and this is a call to investigate. As Ian Wishart states, you know, Ian Wishart was one of the Labour ministers PA when all this took place. Now, what Ian Wishart states, whatever path New Zealand chooses, whether a continuation of a constitutional

monarchy, or republic, we have to legally clean up the aftermath of the 1986 **(inaudible 12:08:48)**.

The UK government had no authority, this is a carry on from Ian Wishart, had no authority to actually transfer the Crown to the New Zealand parliament. Because at the midnight moment, passing the Crown to Wellington, its powers to do so was like Cinderella that turned to cinders. Likewise, Longhi and Palmer had no legal ability to accept the Crown in 1986. They had to get ratification from the people first, they never did.

This time, its time, says Wishart, to face the elephant in the room, and merely changing a few words in legislation won't cut it. Our plight is arguably very serious. Are we an illegal, unconstitutional monarchy, where parliament in Wellington took supreme power for itself in 1986 and that power has intoxicated politicians ever since. Now, the **(inaudible 12:10:10)** is French for **(inaudible 12:10:14)** often shortened as simply **(inaudible 12:10:19)**, is a sudden illegal and often violent overthrow of an existing government or political regime by a small group. Typically, a military faction, or a political elite. Anyway, we get to the bloodless **(inaudible 12:10:38)** in 1986.

So, in June 2017, a little conference of constitutional experts revealed New Zealand's dirtiest political secret. That in 1986, the New Zealand parliament ceased control of a country in a bloodless **(inaudible 12:11:03)**, declaring themselves sovereign over the people in a technical of highly significant move. Nearly two decades later, the position has not been rectified. So, according to Ian Wishart, that one night in 1986, the radically informative Labour government under Longhi, Palmer, **(inaudible 12:11:31)** Douglas, hatched a plan so cunning you could, in the words of Edmond Blackladder, stick a tail on it and call it a weasel.

So, the plan was simple, declare legal independence from Great Britain and turn the New Zealand parliament into the Crown itself by ceasing all the power and authority from west minister and in throning the Queen of New Zealand. I heard what she's talking about, that very thing, earlier. They did this through

the Constitution Act in 1986 and the Imperial Laws Application Act in 1988. Helen Clark didn't get away with it either, I mean, she put her little koha in there. She added her little koha, and this is what she inserted in the following, into the Act, "revoked all residual United Kingdom legislative power.

Now, this was a total severing of a pito **umbilical cord** that held New Zealand to England. It is irrefutable, a declaration of independence. So, there was only one problem with this cunning plan, it was, and remains to this day, technically, illegal and unconstitutional. None of this happened in a vacuum, apparently it materialised as wall status. Each, a small step that did not draw attention or cause unease to any of us. They would have known that we would recognise it as a declaration of independence with all the legal implications.

The question must be asked, why did Longhi government hide New Zealand's declaration of independence? Yet, parliament and all its subsidiaries still display the union jack, they still send our people to jail as they supposedly have committed a crime against His Majesty. Members of parliament still swear allegiance to the King and on and on it goes. From where I am standing, it is not hard to see that the New Zealand parliament has severed the pito. Yet, by its actions, they are still holding on by a thread and have not buried the pito like we do in our culture.

So, how can we see lawful and legal anymore, how can we say that. But one thing is for certain, it has to come back to the people. In particular, tangata whenua entrenched to people's referendum in order to put things right and to choose a new constitution. Only this time, Te Tiriti o Waitangi must be honoured, and the iwi Māori must be involved as a partner in Te Tiriti o Waitangi. So, imagine how easier, how better our lives would have been, could have been if we had only addressed this issue at a time Ian Wishart brought it to our attention. There will be many factors involved in these what ifs, but whatever the case, we have to give it our fullest attention yet.

HOUSEKEEPING (12:15:55)

IPU TITO-ABSOLUM: (CONTINUES, #B051)

Anyway, I will leave that there for now, because I will be wanting answers along with my fellow iwi and our fellow settlers. I will also leave that to the legal minds we have in this country of ours.

Heoi anō, hei whakarāpopototanga, Taonui and Patuone were not the only rangatira in Niu Tīreni **New Zealand** who were rulers. All other iwi governed themselves and that was why the colonels took the view that because the country didn't have a national government, they considered that there was no ruling class here.

But according to Kerei Theodore there was a mistaken view that Aotearoa mauri, prior to European settlement had no politic or semblance of decision-making or governance. In our communal living, decisions were made that effected the whole whānau, hapū, iwi in regard to mahinga kai, gathering kaimoana, fishing warfare, felling of tree's, rāhui on whenua and moana. Here, the genius of a whare wānanga, leadership and personal played a major role in a communal decision-making process. The role of tohunga was of paramount importance in this, and necessity. Their knowledge, their experience, **(inaudible 12:17:41)** of a lifetime of commitment to the welfare and safety of their iwi determined their collective decision in governance making.

I would agree – Kerei on those matters, and the same with ngā hapū o Hokianga, were govern in the same way.

Kāti rā, ehara tāku maunga i te maunga nekeneke, he maunga tū te ao, tū te pō. Kei konā tōku oranga. Tēnei ka mihi ki a koutou, Te Rōpū Whakamana i te Tiriti o Waitangi, me te whakawhētai mō tēnei was moku. Tēnā koutou. Tēnei ka mihi hoki ki te hui kei roto i te whare, me te iwi whānui ā-waho. Tēnā koutou, tēnā koutou, kia ora mai tātou. **So, my mountain does not move, it stands in the day and at night, and that is my salvation, and so, I want to thank you. The Waitangi Tribunal and thank you for this opportunity, this time to give to me. I also want to thank the**

people in the house and all of the people outside, thank you, thank you, thank you.

CHIEF JUDGE FOX:

Kia ora ki a koe e te mareikura. Tēnā koe me ō rangahau hei hāpai i te rōpū whakamana. Kāore he pātai, engari, he mihi, he mihi, he mihi.

QUESTIONS FROM THE WAITANGI TRIBUNAL PANEL – NIL

WAIATA TAUTOKO

HEARING ADJOURNS: 12.21 PM

HEARING RESUMES: 1.14 PM

HOUSEKEEPING (13:14:15)

(13:15) MARK SCOTT: (MIHI)

I te tuatahi, te whakatōpū i ngā mihi ki te taumata, ki ngā mana i tēnei o ō tātou whenua. Kei ngā pou i te whenua i mau ai te mauri ki konei, e mihi ana ki a koutou, mai i te whakamīreirei i runga i te marae i tana taranga, tae atu ki te taumata kōrero, ngā kupu karakia, te paihere me te kawe i a tātou katoa ki te awhi o Te Awhirēinga kia tukuna iho mai te tau atawhai o te hunga runga rawa ki runga i a tātou i tā tātou wānanga ā-rohe nei, tae atu ki a koutou, kei te tumu whakawā, kei te heamana, ki tō koutou taumata o te Taraipiunara. **Greetings. Firstly, I want to add to the greetings made by our speakers and the pillars of the land who upheld the mauri of this area. I want to thank you, acknowledge you, and I want to acknowledge the kaikaranga and the orators on the marae and all of the karakia that bound us together so that we are able to… and acknowledging those who are in heaven during our wānanga in this region, and I also want to acknowledge the Chief Judge, Chair of the Waitangi Tribunal.**

Ko mātou tēnei, ko ēnei o ngā matakire o Te Tai Tokerau, engari nō roto mai i ērā o ngā kāwai tini o Torongare, o Hauhauā, i raro i tērā o ngā pou o te whare tapu e tū ana ki te hau marangai ki runga o Whangārei, te terenga parāoa, tēnei te noho ki mua i a koutou me te mihi i tēnei kaupapa nui me te whai whakaaro ki ngā pou i kōrerotia i te ata nei. **We are citizens of the north, and through – from the lineage of Torongare, Hauhauā, and under one of the pillars of the sacred house to the storm winds of Whangārei, so we appear before you, and I want to acknowledge this most important matter, and also acknowledging the pillars that were mentioned this morning.**

Nā rātou i ngā rau rangi i raranga te whāriki e takoto nei hei kōmitimiti i te ture me te tikanga me te manako kia tau ai te ture ki te tika, kia tau ai te tika ki te rangimārie, me te tautoko i ngā kupu hihiri, kupu karakia, kupu inoi kua utaina ki runga i a koutou i tēnei mahi nui i te roanga atu o tēnei wiki anō, kei te tiāti. **And who wove the mat in terms of justice and tikanga and the hope that the law is in line with justice, and I want to acknowledge all of the aspirational words and also the prayers that were placed upon you all in this great important work, Chief Judge.**

Ehara i te mea kumea roa, hāunga atu i te wāhi o te mana o te kāinga nei, i tā koutou i whakatuwhera nei kia noho tahi tātou i raro i te tāhuhu whakairinga kōrero o Te Tiriti o Waitangi. Tēnā koutou, tēnā koutou. I roto i te wānanga, tērā te kōrero, tukua mā ngā pātū e whā o te whare ki te kōrero. **I do not want to prolong, but acknowledge the mana of this home, which was openeed to you so that you can… sitting under the mantle of Te Tiriti o Waitangi. This house, I want to thank everyone during this wānanga and allow the four walls of this house to share its own narratives.**

E tangi tonu ana, e heke tonu ana a roimata ki a rātou kua pāhou i te ara o te pō. Mātou nei o Whangārei e rongo tonu ana i te tamō, i te momo o te rā, tērā o ngā aumangea ki roto i Ngā Hapū o Whangārei, engari kei te rongo tonu i te tamō o Tangaroa, o te momo i a Hinewhare, i a Titewhai, a te tini. **And we continue to shed tears for those who have traversed the pathway to the world of death, and we of Whangārei continue to mourn one of the pillars**

of the hapū of Whangārei. So, we continue to feel the sensation from Tangaroa, acknowledging Hinewhare, Titewhai, those who have passed on.

Kia puta atu ki te whare tapu, ka kite tonu i te kanohi o te momo i a Te Oneroa Pihema mā, o Patu Hohepa, o Nau Epiha, ngā mata kāmehameha o te ao tuku iho. **And when I see faces like Te Oneroa Pihema and others, Patu Hohepa, Nau Epiha, and all of the great elders of the past.**

Ko rātou ngā poutokomanawa o te whare o te whakaaro rangatira i roto i ēnei o ngā kōrero, engari, ko te tini. Nō reira, kua hinga atu rā he tētēkura. Ko rātou ērā kua whetūrangitia. E moe, e moe, e moe. Kia ara mai anō he tētēkura, ko tātou tēnei te mahuetanga iho. Huri tū, huri noa, tēnā koutou, tēnā koutou. Ko tātou tēnei. Tihei mauriora. **And they were the central pillars of noble thoughts, but I want to acknowledge all of those who have passed on, those who have joined the stars, rest, rest, rest. And new chiefs arise. We are the legacy of those who have passed on. To everyone assembled, behold the breath of life. Thank you.**

(13:18) HŪHANA LYNDON: (#B083)

Kia ora anō tātou katoa. E tautoko ana i ngā mihi ki a tātou e huihui mai nei i tēnei ahiahi ki runga i tēnei nohoanga o te Tairaipiunara hei wānanga i a tātou e pā ana ki ēnei kaupapa nui mō te iwi Māori, otirā mō Aotearoa whānui. Nō reira, tēnā koutou, te Taraipiunara, Te Rōpū Whakamana i te Tiriti, noho mai nei ki waenganui i te manaakitanga o Ngāti Kawa, Ngāti Rāhiri, Te Matarahurahu, me te mihi anō ki te hau kāinga i tēnei wā me tēnei mate kei runga i a rātou. Ko Lani Apiata tērā i nehu ai i tēnei rangi tonu, engari ko Merehora Taurua hoki. Te ngaronga o te kanohi o Merehora ki runga i te marae me āna tohutohu, tohutohu ki te whakahaere, tohutohu ki te tū, me ngā kaupapa maha. Nō reira, e te iwi kāinga, āe, e tika ana me mihi atu ki a Hinewhare **(inaudible 13:19:38)**. Engari tātou katoa, ngā mate kei waenganui i a tātou. **Greetings once again. I endorse the acknowledgements to everyone gathered this afternoon in this sitting of the Waitangi Tribunal as we are discussing these issues in relation to the Māori people and the**

entire nation of Aotearoa, and so I want to greet the Waitangi Tribunal who are sitting amongst the care of Ngāti Rāhiri, Ngāti Kawa and Te Matarahurahu, and I want to acknowledge the local people and the death of Lani Apiata, who was buried today, but Merehora Taurua also, and we lost Merehora on the marae and all of her instructions, instructions in terms of managing things and how you conduct yourself and all of the many matters. And so to the local people, it is right that I must acknowledge Hinewhare also, and indeed all of us, and all of our dead.

Tēnei rā Ngā Matakīrea o Whangārei hei pīkau nei, e mihi atu ana i tēnei wā. Kei konei a Te Ra Nehua, tētahi o ngā pou whirinaki o Ngā Hapū o Whangārei mō ngā take kerēme, me koutou ngā kaumātua, ngā kaikerēme o ngā hapū o Ngāpuhi e pīkau roa i ēnei o ngā kaupapa nui mō tātou. **And so we are Matakīrea of Whangārei, who want to acknowledge you at this time, and Te Ra Nehua is here, one of the vital pillars of Whangārei in terms of our claims, and all of the elders, the claimants of the hapū of Ngāpuhi who have shouldered these most important matters in relation to us.**

Tēnā koe, e te matua, Matu, ‘tahi anō koe ka puta mai. Tēnā koe. **I want to acknowledge you, elder Matu. You have just arrived, and I want to thank you. Greetings.**

Koutou katoa, tēnā anō tātou. **And all of you.**

I am going to provide some opening statements and introductions for our rōpū as we –

Ko Hūhana Lyndon taku ingoa. Aroha mai. Ko Hūhana Lyndon taku ingoa. Nō ngā hapū maha o Ngāpuhi, otirā aku whakapapa ki roto i a Ngāti Whātua, Te Kaipara, puta ki roto o Tainui, a Ngāti Kahu hoki. Nō reira, e mihi atu, tēnā koe, e te Kaiwhakawā. **My name is Hūhana Lyndon. Apologies. Hūhana Lyndon is my name, and I belong to the many hapū of Ngāpuhi, and I also**

have lineage to Ngāti Whātua, Te Kaipara, and throughout Tainui and also Ngāti Kahu, and so, thank you, your Honour.

I am going to provide some introductory statements but recognising that we have a lot of experience in the room, and as we come before you as mokopuna of the claims and as kaimahi **workers**, we stand humbly before you as our elders who have carried us in this journey for a really long time. So in remembering the Merehoras and recognising the Te Ras, we will mihi to those that we have lost – Uncle Nuki, you know, so many that we have lost over the years, and just thank you for the opportunity to participate in this hearing, in this wānanga, but also the mana that sits within the room, and those that have gone before us.

So as Ngā Matakīrea o Whangārei, we come to you to remind us, and thank you, Karla, for pausing and spending time to, you know – let's unpack these things, and we've had a journey reflecting on the Stage One inquiry of *Te Paparahi o te Rahi*, and those two years where we had hearings here. I was just a ringawera **cook**. Came and – my Aunty Louisa is not here, but you know, remembering all of those – she is somewhere around here. But remembering the many who presented evidence in the Stage One inquiry and the mammoth task that we had as Ngā Hapū o Ngāpuhi to bring to light these issues of sovereignty and tino rangatiratanga, and it was a wonderful opportunity for us to gather here again on these whenua to receive back the report of the Waitangi Tribunal that upheld that the rangatira who signed Te Tiriti o Waitangi both here at Waitangi, at Waimate and Mangungu in 1840 did not cede sovereignty to the Crown, and so wanting to labour these points, because while we had this finding, we need recommendations for implementation.

But what that genuinely means, and what we heard from the Tribunal, was that in not ceding that authority to enforce laws over our territories, our peoples and our resources, they did agree to a delegation of power with Britain, but in particular, with the governor of the time. But that British delegation of kāwanatanga was specific towards their citizens, towards their interests, and to look after us and our Māori interests and to support upholding peace here in

Aotearoa. They did consent to te Tiriti, and the way with which we should operate as equals in this whenua but have differing roles, different spheres of influence.

And so just bringing these things back to light so we don't forget them as we discuss these important matters in terms of constitutional matters, but that our rangatira gave us kōrero tuku iho **traditions**. We brought it to light in Stage One. We have received this finding where we can see clearly that the governor had a job, and that we as iwi Māori retained our tino rangatiratanga.

So, you know, sitting here at this time, and we've heard a bit of kōrero around, you know, the current government and what's happening currently, but, you know, we've been operating in a dishonourable kāwanatanga environment for generations. The Westminster system that we have in Aotearoa is foreign, it is counterfeit, and it does not represent what truly a genuine governance structure could look like that could uphold He Whakaputanga, that could give effect to Te Tiriti o Waitangi.

So I mihi to you as iwi Māori, to us who have survived, for our tūpuna, in signing Te Tiriti o Waitangi, would never expect to see our people destitute, to see our people homeless, houseless, in their own tribal territories; that we would be impacted so much that we are the pani me te rawakore **the poor and destitute** of today.

And we participate in these processes. We participate in a kāwanatanga structure which is not our own, under extreme duress. We participate while we object to it, and we oppose it and we see the constant opposition of our people in this system which is not ours.

So, take heart from the opportunity for us to wānanga these issues together, and what is our future for Aotearoa New Zealand, not just for te iwi Māori, but for all peoples, as a bicultural country but a multicultural society. So, in thinking about what is our journey to date, as Ngā Matakīrea but also as the hapū of Whangārei, we're going to come from that perspective.

We have Te Ra Nehua here, who has been a pivotal kaumātua and rangatira within the claims space for Ngāti Hau but also for Ngā Hapū o Whangārei, and I acknowledge his children, his whānau that are here, and thank you for bringing him today. It was important. He's only just passed.

But, you know, Ngāti Hau – I just want to provide a bit of Ngāti Hau into the whare – Ngāti Hau came out early in terms of these issues of tino rangatiratanga and sovereignty, so I want to acknowledge Hinewhare in her relentless pursuit and coordination of our hapū position statement, the role that Te Rā played, Uncle Mike Kake played, the Titewhai Harawira is here, Brandon, claimants that have passed. We've had a number of Ngāti Hau claimants that have passed over time. My grandpa George Davies, Aunty Vilma Sutherland, Pauline Smith, Ellen Halliday, Uncle Wattie, Shane Whatarau – there have been heaps that have contributed to our Ngāti Hau journey. But Ngāti Hau led, in 2016, thanks to the dogged determination of Hinewhare Harawira – numerous hapū hui were hosted, because there was this continued pursuit of upholding te tino rangatiratanga o Ngāti Hau.

And so, we had a hapū position statement that was confirmed, and Brandon had to hold the pen, where our tūpuna – this is what we said and we recommended to our hapū, and once this position statement was supported and ratified, it moved around the hapū, the marae of Ngāti Hau.

"We maintain our tūpuna did not cede sovereignty under Te Tiriti o Waitangi and that sovereignty has never been ceded or otherwise lost by conquest ever since. We will not agree to any arrangement which would compromise our sovereignty (including, without limitation, any full and final settlement)." This was the time of, like, Anaru Iti, post-Tuhoronuku.

"Our sovereignty is not negotiable. We want redress for breaches of te Tiriti" – so, one, two, three – that will be clearly communicated to the Crown at an appropriate time, but there can be no doubt in terms of what our position is in

being misrepresented or mischaracterised in terms of sovereignty and tino rangatiratanga.

So this position statement that Ngāti Hau came out really strong with was the tūāpapa or the foundation for wider hapū of Whangārei. The ripples, you know, the staunchness of Ngāti Hau, and from that position, in 2016 – and we adopted in 2017 – at a Whāngarei Taiwhenua hui held at Ngāraratunua Marae in Whangārei on the 15th of September, we met at 3 pm and our minutes say we met til it was late, but it was nearly midnight. Massive wānanga, and I wish Aunty Louisa was in the room. Where's Aorangi Kawiti?

But we came out of this wānanga of the Whangārei Taiwhenua, who was the gathering place of our claimants of that district, to confirm we strongly opposed the evolved mandate – so that was the proposal at the time – because it does not honour, He Whakaputanga me te Tiriti. "We will not agree to any arrangement which would compromise our Tino Rangatiratanga and our sovereignty… our Tino Rangatiratanga and our sovereignty is not negotiable. Any proposal…" – and this is in the Tuhono time – "… must recognise the centrality of He Whakaputanga me Te Tiriti and prioritise constitutional transformation", and an agreed pathway for constitutional redress must be in place before cultural and commercial redress can be considered.

Now, that resolution was put forward to this hui, and it was agreed. I want to reflect on some of those that were in the hui, because we have lost many. Taparoto George, from Te Parawhau. Te Ra Nehua, who we have here. Aunty Moana Kake. Ngāti Hau, Ngāti Manu, all of those whakapapas. My nan, Anne Davies, who passed earlier this year. Uncle Fred Collier. Hinewhare Harawira, Titewhai Harawira, and Violet Sage.

So, these heavy lifter in our claims are now gone, but as mokopuna, we continue to uphold these position statements that they have affirmed and that we have maintained as – these have been the tūāpapa for us as hapū. Since that time, this position statement has guided us, and it was sent to Andrew Little, Anaru Iti of the time, and we continue to utilise this position statement all the

way up to 2024, was the last time it was utilised, in position statements affirming our tino rangatiratanga, our mana motuhake as Ngā Hapū o Whangārei.

Now, who are we? We are Ngā Matakīrea. We are a working group that was formed and supported by the hapū of Whangārei, formerly known as the Whangārei Taiwhenua, in September 2017. So our job at that time – and continues to be – is to help support, coordinate our – well, it was a shared opposition at the time – against that Tūhono Ngāpuhi evolved mandate, but since then, have continued to host hui and to support hapū on the shared needs of whatever's occurring at the time across the diverse issues of importance of Whangārei, and the name Ngā Matakīrea was given to us by Hori Parata of Te Waiariki.

So we are going to have a presentation approach where our kaikōrero will come forward, we will talk to various issues, and I will give you a little bit of an overview and then we are open for whakawhitiwhiti kōrero and pātai.

So Brandon, Nehua and Kiri Edwards will provide kōrero and statements regarding legitimacy of kāwanatanga and the modes of acquisition of sovereignty. Constitutional hierarchy will be provided by Mark Scott. Our responses to the themes that have been proposed by the Waitangi Tribunal will be offered by Nicki Wakefield. What is the future constitution for Aotearoa? What is our Hawaiki hou? Jade Kake will share. And then we will come back, and I will provide a little bit of a whakarāpopoto **summary**, and then enter into discussions, providing time for pātai and whakaaro **ideas and questions**. So that's the approach that we'll be taking today.

Nō reira, e tātou mā, tēnā koutou, tēnā koutou, kia ora tātou katoa. Kei a koe, Brandon. Kei a koe, Kiri. **Thank you, thank you, thank you one and all. Up to you, Brandon and Kiri.**

(13:33) BRANDON EDWARDS: (#B083)

Tēnā anō tātou, e te whare. E tautoko ana ahau i ngā mihi kua mihia me ngā kōrero kua kōrerohia i mua i ahau. **Greetings once again to the house. I support the prior acknowledgements and everything that was said before.**

Ko wai tēnei e tū ake nei? Ko Huruiki te maunga, ko Puhipuhi te whenua. Ko Whakapara te awa. Ko Whakapara te marae. Ko Ngāti Hau te hapū. Ko Ngāpuhi me Ngāti Wai ngā iwi. Ko Hongi Hika me Patuone me Te Wharerahi ngā tūpuna. He mokopuna ahau o He Whakaputanga me te Tiriti. Ko Brandon Patuone Nehua tōku ingoa. Tihei-wā mauriora. **Who is this standing before you? Huruiki is the mountain, Puhipuhi is the land. Whakapara is the river. Whakapara is the marae. Ngāti Hau is the hapū, and Ngāpuhi and Ngāti Wai are my iwi. Hongi Hika and Patuone and Te Wharerahi are my ancestors. I am a grandchild of He Whakaputanga and te Tiriti. I am Brandon Patuone Nehua. Behold, the breath of life.**

I stand here today to talk about one issue and one issue only, and that is legitimacy. The single most important issue in this inquiry is whether or not the Crown, including the government and its three branches of legislature, executive and judiciary, has ever legitimately acquired sovereignty in this country.

The exercise of sovereignty by the Crown denies Māori tino rangatiratanga. Every law made by the government and imposed on Māori is a denial of Māori tino rangatiratanga. Every interpretation of law by the courts and imposed on Māori is a denial of Māori tino rangatiratanga. However, the laws themselves are merely symptoms, and the core issue is whether or not the Crown has the constitutional authority to impose any laws on Māori in the first place. If the Crown has never legitimately acquired sovereignty in this country, then it has no constitutional authority to impose any laws on Māori. Moreover, if the Crown has never legitimately acquired sovereignty in this country, then the Crown, including the government and its three arms, is illegitimate and all its laws are unlawful. This is why it is imperative the Tribunal, in this inquiry, makes a specific finding on whether or not the Crown has ever legitimately acquired

sovereignty in this country, and if so, when and how. Ko tēnei te take nui o te kaupapa nei. **This is the major aspect pertaining to this kaupapa.**

Wai 1040. In Stage One of the Te Paparahi o te Raki inquiry, Wai 1040, the Tribunal concluded, and I quote, "The rangatira who signed Te Tiriti o Waitangi in February 1840 did not cede their sovereignty to Britain." We absolutely agree with this conclusion, and it does not need to be relitigated in this inquiry.

However, cession is only one mode of acquiring sovereignty recognised under international law. Other modes of acquisition recognised under international law include discovery, occupation, conquest, and prescription. In addition, there may be other means by which the Crown asserts it has legitimately acquired sovereignty. Many thought the Tribunal would address the core issue of legitimacy in Stage Two of Wai 1040. However, this did not happen, and the Tribunal stated, and I quote, "We have not identified precisely when the sovereignty of the Crown holds and exercises today was acquired, nor have we considered its legitimacy in a contemporary context. Those questions may feature in the Waitangi Tribunal's forthcoming kaupapa inquiry into constitutional issues."

We therefore respectfully request the Tribunal, in this inquiry, to make a specific finding in relation to the core issue of legitimacy. Kua tae te wā. Ko tēnei te wā. **It is time. This is the time.**

Our position. Our position is the Crown has never legitimately acquired sovereignty in this country, whether by discovery, occupation, cession, conquest, prescription or any other means. The exercise of sovereignty by the Crown is ultra vires and breaches te Tiriti, international law, UNDRIP and tikanga Māori.

Discovery and occupation. A key requirement of the discovery mode of acquisition is occupation. Discovery without occupation is insufficient to establish sovereignty over territory. A key requirement of the occupation mode of acquiring sovereignty is that the territory must be terra nullius. That is, it must

not be subject to the sovereignty of any state. The Crown has never legitimately acquired sovereignty in this country by discovery or occupation, because this country was never terra nullius at any relevant time, as Māori had sovereignty at all relevant times.

Cession. Under He Whakaputanga, our tūpuna declared they and only they held the highest possible constitutional authority in this country – rangatiratanga, kīngitanga, mana i te whenua **kingship, mana over the land** – and under te Tiriti, our tūpuna retained the highest possible constitutional authority in this country, tino rangatiratanga, and delegated a subordinate authority to Britain, kāwanatanga **government**, to govern its subjects only, not Māori.

Kāwanatanga is the only authority the Crown has ever legitimately acquired, and kāwanatanga is not sovereignty. Tino rangatiratanga and kāwanatanga are separate and not equal authorities, and kāwanatanga is ultimately subject to tino rangatiratanga. This is the nature of delegated subordinate authority, and this is the only legitimate constitutional hierarchy in this country. The Crown never legitimately acquired sovereignty by cession under te Tiriti.

Conquest. Two key requirements of the conquest mode of acquiring sovereignty are that the territory must have been taken and occupied by force during war, and control over the territory must have been uncontested. The Crown has never legitimately acquired sovereignty in this country by conquest, because only a small part of this country has ever been obtained by the Crown as a result of war, and Crown control has always been contested.

Prescription. A key requirement of the prescription mode of acquiring sovereignty is acquiescence. That is, acceptance of sovereignty must be peaceful and uninterrupted. The Crown has never legitimately acquired sovereignty by prescription, because Māori have never acquiesced to the Crown's usurpation of sovereignty, as evidenced by the many protests, resistance movements, wars, court cases, and other actions by Māori over the last 185 years.

In this inquiry, the Crown should clearly articulate when and how it asserts it legitimately acquired sovereignty in this country so its assertions can be thoroughly assessed by the Tribunal. Any assertion by the Crown that sovereignty is our prerogative – "Well, we acquired sovereignty because we said so" – is not a legitimate means of acquiring sovereignty.

Conclusion. In conclusion, addressing the core issue of legitimacy should not be difficult from a legal, moral, ethical or good faith perspective. It only becomes difficult from a political perspective, as it exposes and threatens the Crown and its accomplices. The Tribunal must therefore be courageous, not only for Māori but for everyone in this country. We will never be able to realise our full potential as Māori or as a nation until the core issue of legitimacy is addressed. The disinformation of Crown sovereignty and denial of Māori tino rangatiratanga must stop.

Nā reira, kia kaha koutou, otirā kia kaha tātou katoa i roto i te tika me te pono me te aroha. Tēnā koutou, tēnā koutou, kia ora mai anō tātou. **So be strong. We must all be strong in terms of justice, truth and love. Thank you, thank you, thank you once again.**

(13:43) MARK SCOTT: (#B083)

Kia ora mai anō tātou. Mark Ngāhōia Scott, nō roto mai o ngā kāwai heke o Te Waiariki; Te Waiariki ki roto o ngā hapū o Whangārei. Katoa o Whangārei i ahu mai – te nuinga i ahu mai i Hokianga, nō reira, koia te paihere o te tai tamawahine ki te tai tamatāne. Tēnā tātou. **Thank you once again. Mark Ngāhōia Scott from the lines of descent of Te Waiariki amongst the hapū of Whangārei. All of Whangārei – most come from Hokianga, so that is the connection to the west coast and east coast, so thank you.**

The kaupapa of *Tomokia Ngā Tatau o Matangireia* is framed as an exploration of constitutional matters. I reiterate the words spoken before me that we assert that this inquiry must first and foremost address the single most critical issue undermining all Māori-Crown relations, that being the legitimacy of the Crown's

assertion of sovereignty. Every exercise of power, every piece of legislation, and every denial of tino rangatiratanga flows from this foundational claim.

We join the long chorus who contend that the Crown, including the government and its three branches of legislature, executive and judiciary, has never legitimately acquired sovereignty in these islands of Māui-tikitiki-a-Taranga by any recognised mode under international law, tikanga, or even the terms of its own agreement, Te Tiriti o Waitangi. Its exercise of power has always been ultra vires.

The hiranga ture, constitutional hierarchy, which I am speaking to. On the matter of constitutional hierarchy that flows from the foundational texts of He Whakaputanga o te Rangatiratanga o Niu Tireni **the Declaration of Independence** and Te Tiriti o Waitangi, it builds upon the critical evidence presented to this tribunal regarding the legitimacy of the Crown's acquisition of sovereignty. Given that the Crown has never legitimately acquired sovereignty through cession, conquest, occupation or prescription, I will examine implications of the constitutional structure over these islands of Māui-tikitiki-a-Taranga. The core issue is not merely one of historical breach, but of an ongoing and imposed constitutional hierarchy that is fundamentally false.

The hiranga ture i whakatūria e te Karauna, the hierarchy imposed by the Crown. The Crown exercises a constitutional model of its own invention, which it has imposed without consent. This model asserts a hierarchy where the Crown's assumed sovereignty sits at the apex with the tino rangatiratanga of hapū subordinated beneath it as a delegated or limited right subject to ultimate Crown authority. This hierarchy is the source of all subsequent Treaty breaches. It is the legal fiction used to justify the alienation of lands, the suppression of tikanga and the ongoing denial of hapū self-determination. It is, as we have heard, a hierarchy built on a foundation that is ultra vires, beyond any legitimate power the Crown ever acquired.

The hiranga ture i whakahuatia e ō tātou tūpuna, the hierarchy envisioned by our tūpuna. In stark contrast to the Crown's imposed model, the constitutional hierarchy articulated in He Whakaputanga and te Tiriti is clear, logical and legitimate. He Whakaputanga is the declaration of the supreme authority. In 1835, our tūpuna declared to the world that the highest constitutional authority, the rangatiratanga and kīngitanga, resided solely and exclusively in the collective of hapū, the Whakaminenga o ngā Hapū o Nu Tireni. This was the established sovereign state.

Te Tiriti, as the grant of a subordinate authority. It is well documented, and you have heard again from the speaker before me, that in 1840, our tūpuna did not cede their sovereignty. Instead, in article 1, they granted kāwanatanga, a delegated and limited authority, to the British Crown, to govern its own people within the country. This was a pragmatic creation of a subordinate government for a specific purpose.

Article 2 is the reaffirmation of the supreme authority. The guarantee of tino rangatiratanga in Article 2 was a deliberate and powerful reaffirmation of the pre-existing inherent sovereignty declared in He Whakaputanga. It was the retention of all that we are, and all that we have – or should I say "all that we had"?

Therefore, the only legitimate constitutional hierarchy is one where tino rangatiratanga is the supreme, enduring and inherent sovereignty of hapū. Kāwanatanga is a delegated, subordinate authority that is ultimately subject to the tino rangatiratanga from which it derives its limited legitimacy.

Te āhuatanga o te kāwana tika, the nature of an appropriate kāwanatanga. An appropriate kāwanatanga, therefore, would have understood and operated within its delegated limits as an authority to govern the Crown's own subjects and to administer the common good between communities, not an authority to govern Te Whakaminenga o ngā Hapū o Nu Tireni or to distinguish [*sic*] hapū tino rangatiratanga. The Crown's persistent failure to confine itself to this

appropriate sphere is, according to hapū, the primary cause of constitutional conflict.

We explicitly oppose interpretations that visually and conceptually misrepresent this relationship and model that suggests a large area of shared overlapping sovereignty which inherently diminishes the sphere of tino rangatiratanga and creates a conceptual space where Crown sovereignty can dominate. The Crown, in its historical submissions, often leaned on interpretations that resembled this model. They argued that the overlap was large and that in this shared space, the Crown's kāwanatanga, framed as sovereignty, could rightfully constrain hapū tino rangatiratanga for the public good. This was used to justify extensive Crown legislation over Māori lands and resources.

For claimants, this model was flawed, because one, it implied equality. It visually presented two circles of similar size, suggesting kāwanatanga and tino rangatiratanga were equal and parallel powers. Claimants argued that tino rangatiratanga was the pre-existing inherent sovereignty, while kāwanatanga was a delegated and subordinate authority. A hierarchical model, not an equal Venn diagram, would be more accurate.

Two, it created a back door for Crown supremacy. The shared space was viewed as a Trojan horse. However the overlap was defined, the Crown consistently used its power to unilaterally decide what fell into that space and to then impose its own will within it, effectively making its authority supreme.

Three, it contradicted He Whakaputanga. For the rangatira of Te Paparahi o te Raki, their sovereignty had already been declared in 1835 in He Whakaputanga. Te Tiriti in 1840 was not about creating a new shared sovereignty. It was about allowing a subordinate governor, kāwana, to control British subjects.

This model is a tool of colonial reconciliation that preserves the myth of Crown supremacy. It is incompatible with the clear hierarchical relationship of paramountcy and delegation established in our founding constitutional

documents. A delegated authority does not share power with the sovereign from which it is delegated. It exercises a specific mandate subject to that sovereign authority.

The implications. The conclusion is inescapable. If the Crown has no legitimate sovereignty, then the entire constitutional edifice it has built is illegitimate. The hierarchy must be inverted to reflect the true legal and constitutional relationship, the paramountcy of hapū tino rangatiratanga and the subordinate delegated nature of kāwanatanga. This is not a theoretical discussion for a future constitution. It is a statement of the constitutional reality that has been denied for generations. Recognising this true hierarchy is the essential prerequisite for any just and lasting relationship between Māori and the Crown.

In conclusion, the Crown's exercise of sovereignty is not merely a breach of the Tiriti, it is an act of constitutional fraud that depends on a false hierarchy – a false hierarchy. Our tūpuna established a clear order. Tino rangatiratanga is paramount and kāwanatanga is subordinate. The Tribunal must have the courage to affirm this truth.

Until the false hierarchy of Crown supremacy is dismantled and the legitimate hierarchy of tino rangatiratanga is restored to its proper place, no other inquiry, no settlement and no future constitutional arrangement can be considered just or founded in the rule of law.

Tēnā tātou. Thank you.

(13:53) NICKI WAKEFIELD: (#B083)

E tū ake au, he uri anō nō te rohe o Whangārei. Nicki Wakefield ahau. Tuatahi, he reo mihi i tēnei whenua, ko Te Tii, Waitangi. E te hunga mate, haere mai, haere ki te moenga roa. E tautoko ana i ngā mihi kua mihia e taku hoa i roto i tēnei rōpū o Matakīrea. Haere tonu, haere tonu. E te Taraipiunara, kei a koutou; e te Kaiwhakawā, nau mai, haere mai, hoki mai ki tēnei whenua, ki te nōta, ki te raki. E ngā mema o te Karauna, kei a koutou; he mihi atu. He mihi anō; kei a koe, hoki mai, Andrew Irwin. He mihi atu. **I stand; I am also a**

descendant of Whangārei. Nicky Wakefield. Firstly, I want to acknowledge this land, Te Tii, Waitangi. To the dead, farewell. To the long, endless sleep. And I endorse the acknowledgements that have been made previously by my friends of this panel, Matakīrea. Continuing. To the Tribunal, to you, your Honour, welcome, welcome back to this land, to the north, and to the Crown representatives, I want to acknowledge you, and also welcome back to you, Andrew Irwin.

E tū ake au, he uri o ngā tini hapū o te rohe o Whangārei. **I stand as a descendant of the many hapū of Whangārei.** My last name, Wakefield, is not from that Wakefield. I think our one was a convict sent to Tasmania, yes. Āe. Yes. Also, a convict.

I stand with confidence to tautoko our rōpū who come here today to really enhance, to continue to tautoko this paramount issue of legitimacy, and it is an issue that is not new, and many have fought for recognition of before, and so we are here to continue the legacy left by those many names who have come before us. And so, my role in our little panel here – because you know, we came here understanding a wānanga, nē **discussion, yes**? Wānanga is a beautiful thing, and this is, while unfamiliar to perhaps some modes of wānanga – we're here to explore the issues together, and so we have, you know, the points raised in front of us to put to the floor, and we're looking for the whare to kōrero as well to these issues. We're here listening for that, you know, affirmation or tautoko. What way should we be going on these positions? And so my job is just to try and, you know, help shape that up a little bit, but we're still sticking to the one key issue.

Our paramount issue is this legitimacy. We can't engage with the many other issues that are also important that have come forth as constitutional matters into this inquiry without having to repeat ourselves a lot about legitimacy.

And to help shape that, our rationale for this, as well, is that our whānau, our hapū, our tūpuna **ancestors**, have continued to participate in the Crown's kāwanatanga systems and processes for 185 years under extreme duress.

Everything in our lives is built on a foundation of duress and denial of tino rangatiratanga. This duress has been upon our tūpuna since the signing, 1840, and here in the north, it quickly became very violent, these forms of oppression, well before the northern wars mentioned earlier by our Aunty Ipu.

That violent duress upon tino rangatiratanga is not only a breach of te Tiriti, it is genocidal. These breaches of internationally recognised human rights continue today, and I mihi to the reports published just over a year ago outlining the ongoing torture of our mokopuna **grandchildren**.

And so, from 1840 'til today, those successive breaches and duress have put kāwanatanga in today's constitutional laws, the norms, our unwritten constitution of Aotearoa, in an illegitimate, and, we add, a repugnant place.

In our position, the electoral systems, citizenship, local government and powers delegated from kāwanatanga to not only local government but other companies like Kāinga Ora, te mea, te mea, te mea, **and other things,** and the legislations that establish these things, are on that foundation of duress that never had informed consent to be established. We really do look forward to the research, the evidence, the kōrero across that broad range of issues that stem from systems of kāwanatanga that are listed as themes in this inquiry, and eventually, the Tribunal making some findings on those things, too; electoral and so on.

But, however, we are really reluctant to bring focus to those constitutional breaches of today's kāwanatanga in a piecemeal approach. We wish to go to the core issue first and to understand the legitimacy of parliamentary sovereignty and today's constitutional system. We wish to understand if kāwanatanga has any authority to impose laws, and if so, upon what themes, and how was that power acquired. We are still asking that question, whānau mā, not just here in the north.

Each issue is important, but it sits secondary. So we are here in the hope that we will gain affirmation of our position. No Tribunal has formed findings on

legitimacy of the Crown's exercise of sovereignty to date. Despite us trying and it being an actual inquiry question in our Stage Two, the way we talk about it is that the can got kicked down the road to our panel here, to us in our time, today, to do that together.

But just so you know, on those issues, our rōpū, our positionality is going to be on that position of illegitimacy, of all of those take that are listed as issues in this inquiry.

And so, we elaborate, as well: there's a few other issues in this inquiry that have been put up, and we have questions for them as to whether they fit appropriately in this inquiry, and that's informed by our understanding that the Waitangi Tribunal is established to inquire into breaches of te Tiriti by the Crown.

And so why is tino rangatiratanga, mana motuhake and self-governance part of this inquiry? Going back to that point of duress, today's expressions and understandings of tino rangatiratanga are examples of today, and front of mind is that the diverse expressions of today are built on that foundation of duress and denial, so what evidence are we looking to bring, whānau mā, into that issue and that topic, when we still live in a world that will incarcerate our people when they are expressing their collective tino rangatiratanga?

We have hesitation on enabling this panel to make comment on validity of tino rangatiratanga, mana motuhake, and self-governance in todays or yesterday's context. Our Stage One finding stands and continues to affirm: sovereignty was not ceded at 1840 and has not been ceded since, is our position, and we will bring that evidence if we must in the substantive hearings, but we do not believe that it is the role of this inquiry to determine what the appropriate constitutional system for tino rangatiratanga space or sphere might look like. Rather, we ask the scope is entirely focused on kāwanatanga and the appropriate and honourable kāwanatanga, and the breaches of the Crown to that.

Also, our reluctance to engage on those issues should not be taken as a concession, so we will keep disclaiming that – on those other issues. Hopefully that's loud and clear.

So, our proposal to the room, to our Tribunal, is that a staged approach is taken in the substantive hearings for this inquiry, and we don't need to look far for the example of a staged approach.

I look around the room, and on the wall, and there's some of our mōrehu who were there in 2008 at the Ngāpuhi inquiry design group. I wasn't there, but I've heard about it. This is in the time before our inquiry proper of Wai 1040, and before, when Sir Patu Hohepa initiated the name of our inquiry as Te Paparahi o te Raki. It was then that this design group established the way in which we would inquire into the Crown's breaches here in the north, and it started with a Stage One entirely focused on the meaning and effect of He Whakaputanga me te Tiriti in 1840, and then Stage Two followed, with all the breaches since then.

And so, our aspirations for this inquiry are to progress those findings of Te Paparahi, entirely focused, and have a stage where we can sit together, inquire into together, and support our Tribunal, or direct our Tribunal, to come up with some findings on that legitimacy as a key Stage One issue.

And while our panel of 1040 said that it may be considered in this inquiry, we would like to also put to the floor that this panel must consider making a finding on how the Crown's sovereignty it exercises today was acquired and if that was legitimate.

So we welcome comment on that, whānau, as this wānanga proceeds, and I close off my comments on these issues and a proposal for a staged approach acknowledging that, I think, behind all of this is a key purpose in engaging in this inquiry, bringing all of our talent, using all of our whānau time to hui, hui, hui anō, **having meetings** to bring these things, and then into the substantive inquiries to come on constitutional matters, is because we want to build that

honourable kāwanatanga and remove the duress and denial of tino rangatiratanga.

Tihei-wā mauriora. **I sneeze, the breath of life.**

(14:06) JADE KAKE: (#B083)

Tēnā koutou katoa. Ko Jade Kake tōku ingoa. Pērā i te nuinga o koutou, nō Ngāpuhi au. Ko au tētahi atu o ngā uri Whangārei Terenga Parāoa. Ka taea e au te whakapapa ki te nuinga o ngā hapū ki reira, heoi, ko Ngāti Hau me Te Parawhau ētahi o ōku hapū, ā, nō te whānau Kake ahau. **Greetings, all. Jade Kake is my name. Like most of you, I am from Ngāpuhi, and I am one of the descendants of Whangārei Terenga Parāoa, and I have lineage to most of the hapū there. Te Parawhau, Ngāti Hau are some of my hapū, and I am from the Kake whānau.**

This might be a bit of a left field kōrero, so I hope you will stay with me. I think we've been really clear within our rōpū, and I would say as Ngāpuhi more generally, around the centrality of He Whakaputanga me Te Tiriti o Waitangi, in that we are really – really seeking an outcome from where Wai 1040 left off, and there are some really critical gaps that have already been outlined very clearly.

What I do find is, though, although everyone is following us up 'til now, and we'll hear very little disagreement around us never ceding our sovereignty, often I start – we start to lose people when you say, well, he aha te aha? What happens next? And I think that's something that has been under-explored, and we've spent so long defending our central position that we've actually never gotten to the point. Although we have some really incredible constitutional scholars who have contributed a lot to this space. But we've never really gotten to a point where we actually have a pathway forward around. Okay, well, we've agreed that this transformation is necessary, and we've agreed on the principles at its foundation.

Now, how do we move forward together? And although I don't expect that this constitutional inquiry will tackle all of these matters, I do think it's really important to say that there is a Hawaiki hou. There is a way forward after this, and if we get this landmark finding that we're seeking, that there's actually a way forward where we can genuinely transform the constitutional arrangement in this country in a way that aligns with the things that our tūpuna have said consistently since 1840 and before that and will keep saying until we have that transformation that we're seeking.

So, I'm going to cover four key points.

The first one is just a bit of context around the United Nations and their global push towards decolonisation, because I think a really important point that often gets missed is why we as Māori were left out of this global decolonisation agenda, and that will be a familiar kōrero to some, and it will be a new one to others.

The next thing I wanted to touch on was just a few examples internationally of how other settler – well, other colonial – nations have moved forward to decolonise, or the movements they are making through their new constitutional arrangements. And I'm providing two examples, because I think they provide a bit of variety and a bit more – I guess I really – this is some of the things we would like to see the research programme look into, because there are some really compelling examples from overseas, and although our context is not identical, there is a legal roadmap, and there is a social roadmap, and there is some precedent for some of the things that we are seeking to see happen here.

The final point, or the final – last two points, I wanted to touch on Matike Mai, which has been a very landmark contribution towards constitutional transformation. Really, what I'd like to say is the contributions that have been made there, but also, we need to pick that up and keep going, because that's only taken it so far. There is still so much more work to be done. And I hope by looking at these three things together, we might think, "High level, what are

some principles that might underpin moving towards a new constitutional arrangement?".

So, the first of those four points was just a bit of a recap around the United Nations' push towards decolonisation. 1945 UN charter was ratified, bunch of countries joined up, and that was the first piece that kind of started this thrust towards decolonisation. What is inherently problematic in that organisation is that settler colonies such as the United States, Australia, Canada and New Zealand were all really key players in that push.

And so, we come to 1952. Belgium is a bit resentful about having to give up its colonies and seeks to point out the inherent hypocrisy in the position of the United Nations to say, "Well, Belgium has to give up their colonies, but actually, the United States can continue existing, as can New Zealand, te mea, te mea". And so, in that pushback, they really sought to say to the United States, "Well, give the Indigenous people back their sovereignty, then, within your rohe". Of course, the United States wasn't willing to do that, and so what was formed at that time was the saltwater or the blue water thesis, and what that meant was if you had an internal colony, as in it was a settler colony, a government has been formed, it's a functional government, it's separated itself administratively from the original colonising nation, but they still have Indigenous people upholding their own sovereignty in various means internally, they don't have to give that sovereignty back, and they never will have to.

And so this really set a whole bunch of things in course for us. What also complicates things is that New Zealand had since also become a colonising power in its own right, so Niue – oh my god, what's the other one in the Pacific? There's three, so there's – yes, Sāmoa, and Cook Islands. And so Cook Islands and Niue have since become territories in free association. Sāmoa has gained independence. But New Zealand, much like the United States and Australia, became a colonising force in its own right. So we have a few complicating factors.

And I think it's worth noting that since this global move towards decolonisation, 80 different former colonies have ceased to be colonies and hence have transitioned to different arrangements, but that amazing global push, we were omitted from that, and that's really setting course, the trajectory where we have had no recourse for our – you know, for our continued denial of the sovereignty of the Crown and the continued assertion of our tino rangatiratanga. That essentially shut that off for us in a global way, and that also was at issue for the colonies in Latin America, and I'll touch on one of those shortly.

And so just moving on, two of the interesting international examples. So, one of them is Greenland. So, Greenland was a colony of Denmark from 1721, and this is one of the colonies that was declared to the United Nations, and so that set in place a process of – I think they called it "home rule" – from 1979, which was sort of a light form of self-governance, and then from 2009, they got their proper self-governance.

And one of the first things they did was they made Greenlandic language the only official language, and what has also happened since then is that they've been working towards their own constitution, and so that constitution, there was a draft put out in 2023, although it's not been kind of put into action yet, and one of the really important things was that it affirmed Inuit as Indigenous peoples of Greenland, and the collective rights were enshrined in their constitution, as were the inalienable principle of common ownership over all of their taonga, as in, their land, their sea and their natural resources, which sounds really familiar, actually.

And so one – some of the critiques, though, is that because they're so used to a Danish form of government, the form of government that is enshrined in this new constitution is pretty similar to the Danish form of government that they have now. But they do take out the monarchy, so they're not looking to have a monarchy. That's not part of their whakapapa or their traditions.

Another comment that's worth noting about the Greenland example is that 85-90% of the population speak their language, and also, the population is 89.7% Inuit, so they have the demographic majority by far.

The second example I wanted to touch on was Bolivia. So, Latin America is a different case. Basically, they were colonised in the 1500s, I think; 1524, and it was pretty much a done deal by 1533. 500 years of struggle, including violent struggle. In 1999 – and I know we're skipping 500 years, but there was a really important pivotal turning point where the government sought to pass an act, act number 2029, and that was basically seeking to privatise water resources within a specific municipal area, and I won't try to pronounce it, because I'm going to get the pronunciation wrong.

And so at that time, there was really, really vigorous response, and the government was forced to basically repeal that act, but what happened politically at that time was a political party arose around this movement, and they stood in the national election. They only got 2.7% of the national vote, but they got 70% of the vote in that municipal area that had that issue. They continued to grow and gain strength, and then they were elected to government in – I think it was 2005.

And I'm getting somewhere with this, which is that after they were elected to government, they set to work on a new constitution, and if anyone's familiar with Bolivia's constitution, it is revolutionary. There's a few important points, and I'll just touch on the highlights, because it's so much there.

So one of them is that Pachamama, which is kind of their equivalent to Papatūānuku, is enshrined or acknowledged in the preamble. Ecuador's done something even more revolutionary in that respect, where they've given legal personhood to Pachamama.

They also recognise all 36 of their native languages, alongside Spanish as the colonial language, and their Indigenous cultural values, mātauranga Māori, worldview and the right to making decisions around matters that affect

Indigenous populations and Indigenous communities. These are all enshrined within their constitution in a very detailed way. Also, things like the safeguards around traditional medicines, birthing practices, education; it's all in there. And I'm reminded of the Tohunga Suppression Act when I see the level of detail around what they're seeking to uphold, enshrine and protect.

And they also have a unique system of democracy which is worth looking at, where there are sort of three different modes of democracy in there, and one of them is basically around the rights for Indigenous peoples to collective governance and making decisions around their representation. So, it's not a one-size-fits-all model of democracy that's reliant on, you know, population quantum and one person, one vote, which is really interesting.

And I guess my final vote – note on that is that they also point at a vice-ministry of decolonisation and a minister of decolonisation.

And the population, the Indigenous people's estimated to be about 59%, and there's a number of major groups as well as more minor Indigenous ethnic groups, and the white/mestizos ethnic group is around 41%, which is interesting, because mestizo are really people of mixed ancestry who have become alienated from their community and their cultural background, so they've essentially become assimilated, so it's a slightly complicated context, but the Indigenous people do have the majority there in Bolivia.

Okay, so now you've heard those exciting examples, which are just but two, I just wanted to really quickly touch on Matike Mai.

And so, as we know, just a quick recap, there was a series of constitutional conversations between 2012 and 2015. Importantly, Matike Mai reaffirmed the constitutional foundations of He Whakaputanga, Te Tiriti o Waitangi, but also the United Nations Declaration on the Rights of Indigenous Peoples. It draws on international precedent, and it touches on Bolivia, and it considers Māori values underpinning any new constitutional arrangement, which I forgot to mention with Bolivia. They've got many groups, but they have got a number of

Indigenous cultural values in the languages of some of those major groups that are embedded within their constitution.

And there were six different models of the new constitutional arrangements, and their models do explore various power-sharing arrangements, but I think something that we have – many have correctly noted is it doesn't consider a model where tino rangatiratanga – well, that constitutional hierarchy between tino rangatiratanga and kāwanatanga as a subordinate authority, I think that's not well embedded in the models, but again, Matike Mai never claimed to be the beginning or the end, it's just a very important point in time in our – in these discussions.

And so it also stops short on, "What are the practical steps to implement these models?". It was a starter for ten, really important conversation, but it's incumbent upon us all to pick it up.

And so this is a very brief point, which is just to say: "With all that said, what are some potential principles for a new constitutional arrangement in future?".

Firstly, reaffirm and elevate the constitutional status of He Whakaputanga and Te Tiriti o Waitangi. Secondly, to constitutionally enshrine rights and responsibilities established through He Whakaputanga and Te Tiriti o Waitangi, through the enactment of laws. And then codifying decolonisation into law. I think that's an interesting one. I don't know if everyone will agree on that. But it's something that came up in the Bolivia example.

And then also considering these international precedents and some of the critiques that have followed, because there is a limited capacity for constitutional reform to address colonial legacies, and I think that needs to be front of mind when we're thinking about what transformation looks like, because even when you decolonise, often you still carry with you colonisation's problems. Decolonisation won't actually solve everything, and you actually need to really carefully think about that as you move forward, and I know it's a real tension, because these systems of governance and these ways of making

laws are not of our own making and do not derive from our own tikanga, so how do we reconcile that? It's not an easy question to answer.

And then, finally, just beyond Matike Mai, working towards practical next steps towards implementation of these new constitutional arrangements.

Kia ora koutou. **Thank you.**

HŪHANA LYNDON: (CONTINUES, #B083)

Nō reira, e te whānau, koia nei ētahi wāhi pitopito kōrero hei whakaarotanga mō te Taraipiuna, otirā mō tātou, mō tēnei wānanga, and acknowledging we have many kaikōrero to come within the week. **And so, whānau, these are some pieces of information for the Tribunal and for everyone to consider (inaudible 14:19:44) –**

Wanting to recap briefly across some of the key themes that we've shared, and in particular, around, "Well, how – how – how and when – well, when we think about the sovereignty that the Crown exercises in Aotearoa today, at what point did they acquire it and how did they acquire it, so what is the legitimacy of kāwanatanga that we feel as iwi Māori today?", and how we, through this Tribunal process, have the opportunity to really consider, and we're inviting the Tribunal to consider that it must be a part of the consideration, because in Stage One and Stage Two of Te Paparahi o te Raki, the Tribunal kicked it down the road to this Tribunal.

I want to also celebrate the way with which we had the Hawaiki hou conversation, because sometimes in the Tribunal space, we certainly spend a lot of time on the hara and the naws **grievances and (inaudible 14:20:45)**, but we don't get a chance to forecast out and really visualise, you know, and understand what is out there, and thank you, Jade, for bringing some of those examples forward.

I recently went to Tuvalu, which is ground zero climate change in the Pacific, and they have been going through a constitutional review there, another one

impacted by Westminster, but in their constitutional review, and what they affirm within their constitution, is language, culture and heritage is supreme, i te tuatahi **first and foremost**. It's so cool. And in going there as a part of this inter-parliamentary thing for the UN with some Australians, I just went, "Tihei mauri ora. I don't even need to say anything. Kei a koutou. You're affirming your ongoing tino rangatiratanga, that your language, culture, your heritage, those things are the most important, and you're taking a little bit from these colonial impositions and these colonial tools to support your mana whakahaere."

So, you know, just thinking about these things which have been shared today, inviting pātai, whakaaro **questions, ideas** from the Tribunal, but also any other whakaaro from our whānau today. We have a bit of time, so let's enjoy each other's company further. Kia ora.

(14:22) PROFESSOR DAVID WILLIAMS TO NGĀ MATAKĪREA O WHANGĀREI:

Q. Kia ora koutou. Ngā mihimihi ki a koutou i tēnei wā. **Thanks, greetings. Thanks to you at this time.** So I was just really interested in the last kōrero from Jade Kake there, and my panel members will tell me that I'm not supposed to introduce evidence, but Jade, what you were referring to without mentioning it was resolution 1514 of 1960 on decolonisation, which was about the decolonisation of colonial territories and peoples, and I suspect that what you've been talking about is that there was a decolonisation of colonial territories where the Indigenous people or the colonised people remained the majority, but there was never self-determination offered for colonised peoples within nations where they had become the minority in their own land. Could you **(inaudible 14:23:12)** any further comments on that? Because that seems to be one of the issues that you are asking us to think about.

A. [Hūhana Lyndon] Jade, e tū.

[Jade Kake] Yes. I'll just get out of the light, shall I? Yes, I mean absolutely that is what I was alluding to. I guess I'm interested in what some of the international scholarship might say because we're far from

the only settler colony grappling with this issue, and there's many Indigenous nations in other countries such as the United States and so on, so I agree with what you're saying. I don't know the answer to that, but it's something I would love this inquiry to look at, and I'm also really hopeful it'll be picked up in the research programme, because some of the answers might lie elsewhere.

DR GRANT PHILLIPSON:

Tēnā koutou. I just have a comment which is that we are proposing as part of our process to have a statement of relief which is where all the claimant groups get together and work out exactly what changes they want. That might help getting us towards exactly what is wanted to happen but I wonder whether it's going to be possible for us to actually identify exactly when and how the Crown acquired its sovereignty if we are focused on contemporary issues and we are looking at contemporary claims. So I'm not sure that we're going to be able to do what you are seeking there but we haven't actually discussed that. Having said that, I'll pass that to the Judge.

(14:23) CHIEF JUDGE FOX TO NGĀ MATAKĪREA O WHANGĀREI:

Q. I think it will be okay for us to look at background. Certainly, background is important for providing context for what we are being asked to do in our inquiry.

My question relates to the focus on legitimacy, because even if we did a historical review, what that would tell us is that there's no one point. People who are trained in the common law tradition of the British Empire, like myself, will tell you that, whether it is right or wrong, the time that sovereignty was declared, for all purposes, no one within the realm can question that sovereignty. So that is how lawyers are trained.

At a practical level, what we do know is the Treaty was entered into, there were certain protections given, sovereignty was not ceded, as the Wai 1040 Tribunal said. Then we have the declarations of sovereignty by the Crown in May over the South Island by discovery. So, we know that there are ingredients there that were not fulfilled in order to get

accurate and true title according to international law, but for the purposes of the common law, none of that matters.

So, at a practical level, sovereignty does not assert itself at all until after the wars, after the settlers become the dominant culture, after we get to the point where, when they are in the world wars and fighting for them. So, what would be the point, I guess my question is, for us to tell you what we already know, and you know because you've done the work and the research on it?

A. [Brandon Edwards] Tēnā koe. Well, I think it would be very valuable, not just to us but everybody in the country, to get some clarity around this legitimacy point. Are we saying that the scope and jurisdiction of the Tribunal is limited to common law? I see a shaking of the head there. That's good.

So of course, the common law is going to sort of ultimately give you an answer that's going to perpetuate, you know, the status quo, so I guess what we are asking for is not so much that, but a broader – a finding based on a broader scope which takes into account some of the things we have mentioned today. That list is probably not exhaustive.

You know, we're not judges. We are not experts in anything. So what we've put forward today is what we have, what we do know, what we have considered at some depth – in some depth, and we think relevant, but very much open to the Tribunal to, you know, add to that, consider it, accept or reject it, argue it as you see fit, but for us, and I think for a lot of our whānau, we are – we believe we deserve an answer to this question. As Hūhana mentioned, it's not a new question. There's been a lot of dancing around that question and a lot of kicking the can down the road on the question. I know it puts you in a tough position, but you know, if we are serious about addressing the issues that affect not just Māori but everybody in this country, then I think we need to start standing up, we need to start being courageous, and we need to start pushing some of these boundaries.

Tēnā koe.

[Nicki Wakefield] Yay, now we're getting a little wānanga. Tautoko mārika **I completely** support. I would start with, there's a light answer, a

light – you know, heartwarming, I suppose, answer to that question, and it's looking at Aotearoa katoa **all of Aotearoa**.

In 2010, in 2011, when our claimants here of *Te Paparahi* Stage One were putting up that kōrero of non-cession, there wasn't social acceptance of that positionality at all. Across the motu, you would barely see a kara flying, out of the north. And in a short – from our report of 2014 on through to today, it's a short 11 years, we've seen huge cultural shifts within Aotearoa and common discourse around things like He Whakaputanga, where it became talked about in homes and people – in schools and so on.

That's not only because of the finding, it's part of the shift, and we need that shift to land all the way into whare Pāremata and all those other places. We need to see those understandings shift, and I think that's one of the big reasons why – only one of the big reasons why we would pursue this finding, and that would be one of the points of it.

But then, also, it's the constitutional inquiry. How are we going to measure the breaches if we don't understand the starting point? And if the starting point is not legitimate, acquisition of sovereignty, then let that be it. Ka pai.

[Jade Kake] Yes, I just wanted to back up Nicki's point, which is really that, you know, I think we know that this Tribunal, although it's a non-binding, you know, commission of inquiry, what the Tribunal has to say is very powerful, and so it – although there's, you know, such a thing as kind of enacting laws and putting in place policies, there's also the changing hearts and minds stuff, and these pivotal moments are really important towards changing our collective consciousness and understanding, and some of the things that we think of as self-evident truths now would have been very radical fringe positions ten years, twenty years, fifty years, and so I guess we see this as being a critical point, much like our Wai 1040 finding, and so it's one that we're eager to see occur.

[Hūhana Lyndon] Just to wrap up and supporting what's been shared by the team is it's like Brandon said, kua tae ki te wā, kua eke te wā **we have reached the time, the time has come**. It is absolutely worth it, us to have these serious conversations and genuine for the – as the nation

matures on these issues, and while we know it in our hearts, it would be good to see in writing. It would be good to see, like our Tribunal, because the Tribunal's reports have been used as a tool for us as a patu against the continued oppression this government – these governments – the kāwanatanga has on our people. So, it fundamentally will help build and strengthen what we have achieved thus far, and also the motivation for what is our Hawaiki hou, what is our tomorrow, and how do we reconfigure ourselves?

'Cos we can stay within common law and what the Crown sets as the terms, but at what point do we bust out of that and do we say, "Well, actually, in an ideal world, if we genuinely had a Crown that upheld our tino rangatiratanga and we were meeting and had that meeting of minds, what would it look like?"

And so, this, I guess, is we're sharing, is the opportunity for us to own it, but also to advance the conversation, because New Zealand is doing a power of work right now. We can't ignore the shifts that are being made. Our mokopuna are teaching us every day. And with that culture change that we've experienced and our mokopuna are feeling now, it's a grand opportunity to have that genuine constitutional conversation of what is our tomorrow.

He whakaaro ā te whare? **Does the house have any thoughts?** Because we've got a bit of time. Any whakaaro or any pā – Uncle Bryce. Yes, I know uncle, I'm going to – we're going to have a roving mic and we're going to Whangaroa.

(14:34) BRYCE ALDRIDGE:

Pupuke. Tū pai tō whakaaro nui i te ahiahi nei. Sorry? Oh, taku ingoa ko Bryce Aldridge. Nō Whangaroa. **I want to acknowledge your (inaudible 14:35:01) – my name is Bryce Aldridge, from Whangaroa.**

I have a comment, Hūhana, and we were through that same process and it's in share of view. If we use the word sovereignty, we find the kupu, te kīngitanga, and what we heard from our elders was te kīngitanga was a new kupu to meet the āhua of sovereignty. Meaning, it didn't belong to us, but we put it in there,

and I understand that during the Whakatāne and negotiations, the Doug Graham days. Eddie Durie was counsel at the time, and he took a case to the High Court where he didn't like the powers at the time attempting to convince his people that sovereignty meant rangatiratanga. We remember that.

So, I guess my point that I'm trying to – through further wānanga and discussion, maybe we're selling ourselves short, wanting a status that doesn't belong to our culture, and maybe we go for the rangatiratanga one. I'm just making that as a suggestion to throw here, Mark. That's what I heard through the Stage One, through the initial – te kīngitanga; ko te kīngitanga ko te mana ki te whenua **kīngitanga is mana over land**. Sovereignty isn't part of our culture, but I'm aware what rangatiratanga meant, and if we go to that High Court discussion, Eddie Durie, along the lines of, so, what is the closest explanation of rangatiratanga? And he came back with the word, divine right, an allocator of sovereignty, and I like that position better. So, you know, our kaikaranga, that's how it was explained to us, our kaikaranga allocated sovereignty to manuhiri to give them the ability like I am today to stand in their whare and be one of them as long as I'm here. That was the explanation of the allocation of sovereignty in our taha Māori world.

But I just wanted to talk about, when you were talking, I was thinking about the India situation, where they were chopped in half in their attempt to – there were a couple of – Jamaica, they, you know – and I know Belgium don't even know who they are any more, because they were colonised so many times.

I'm just wondering about the tribes that have settled in Aotearoa, because they had threads of tikanga from their tribal area, maybe looking inwards first.

I'm not – I'm not opposing the suggestion that we don't look at – the Tribunal on kicking the can, but me, as an individual person, Hūhana, the – the Craig Coxhead Tribunal that said the legitimacy of the Crown today is unclear was a win for us, okay? And I wouldn't like you to get a hold of that can, 'cos it might stuff it up for us. Kia ora tātou.

QUESTIONS FROM THE TRIBUNAL – NIL

(14:38) OWEN LLOYD:

Would you agree with me that there is the misconception, the confusion is set around two languages? Interpretation and understanding. What I'm saying is, we've been so long schooled in the way of the Pākehā. I thought it was a good thing when I was a little boy.

Now I'm an old boy, now. Well, what it is, the discrepancy and the angst placed on us, and we do what the Pākehā is telling us to do, that's not confusion. Would you agree that it's wrong? That we should actually go back to reality. I hear a lot of confusion about sovereignty, tino rangatiratanga. For me, I tautoko, I always – when I was a little boy, mana motuhake, see, the mana, the intrinsic connection, motu, to ngā islands, take, mō ake, and it seems to me, whether the tino rangatira has got in the brain of our people and we've accepted, I'm for sure, I'll let you know, I haven't. Because I've got to do what my tūpuna want me to do, not what I want to do or what anyone wants me to do. And it's taken a long, long time.

But I, I appreciate how you fellows are talking, and it's like Ngāti Hine said, mana motuhake, that's better than the tino rangatiratanga. See how when we talk in reo Māori, Pākehā interpret, whakapākehātia i ngā kupu Māori, **(inaudible 14:40:14)** te hē, mai rā anō **translate Māori terms, and that's what's wrong and has always been so**. Kia ora tātou mā, kia ora. **Thank you, thank you.** Kua tae te wā, e tātou mā, ko te hokinga mai o ngā kōrero a ngā tūpuna ki raro o ngā korowai o ngā tūturutanga. Nō reira, tēnā koutou. **It is time, the time has come for us to bring back the kōrero of our ancestors, genuine, authentic, so thank you.**

QUESTIONS FROM THE TRIBUNAL – NIL

HOUSEKEEPING – TIMETABLING (14:40:37)

TECHNICAL DIFFICULTIES (14:42:17 – 14:42:31)

(14:42) WI MUTU TE WHIU:

(Audio begins at 14:42:31)…ko Wi Mutu Te Whiu taku ingoa. Taku kāinga noho ki roto o Waitangi, engari i whānau mai au i roto o Hokianga. I hono atu au i roto i Te Tii, tae atu ki Whangaroa, **(inaudible 14:42:44)** roto o Ngāti Hine. waku tūpuna katoa nā, tiro kau ana ki a koutou katoa. **Wi Mutu Te Whiu is my name, and I reside in Waitangi, but I was born in the Hokianga, and I am linked to Te Tii, to Whangaroa and throughout Ngāti Hine, all of my ancestors.**

Māmā noa iho taku pātai. Ko au tētahi dumb dumb e pā ana ki te pānui ki ngā reo, ki ngā kupu Pākehā. He aha kē te kupu Māori mō te colonialisation? He aha? **I only have a question. I am one of the dumb-dumbs that… read the Pākehā information. So, what is the Māori term for colonialisation?**

UNIDENTIFIED FEMALE SPEAKER:

Tē mōhio. Kāore au e mōhio ana ki tērā kupu. Kua rongo au i te "tāmitanga" me te "colonisation", heoi, he aha te whakakāhore o tērā? Tērā pea, pātai atu ki a **(inaudible 14:43:17) We don't know that term. We know about the suppression through colonisation, so what is the [inaudible].**

WI MUTU TE WHIU:

Kotahi pea taku māramatanga mō tēnā colonialisation. Mēnā e kuhu koe i raro i te blanket o te Pākehā, ka moe tahi, nā, ka puta mai koe, nē? **(inaudible 14:43:32)** tahi atu kupu ko te constitution. He aha kē te Māori, te kupu Māori mō te constitution? **I only have one understanding of colonisation. If you go underneath the blanket of the Pākehā and you sleep together, then you come out. And another word is constitution. What is the Māori term for constitution?**

BRANDON EDWARDS:

Ture kāwana.

WI MUTU TE WHIU:

He aha? **What?**

BRANDON EDWARDS:

Ture kāwana.

WI MUTU TE WHIU:

Ture kāwana, nē? Āe mārika. Tēnā pea. Engari waiho atu mā Tīmoti wana kōrero, nē? Me Pou Temara, nē? Engari e rapu ana i ngā kupu a Ngāpuhi kia ora ai tā tātou nā taumata i roto o Ngāpuhi. Kia ora tātou. **Yes, indeed. Perhaps. But I will leave Tīmoti to – but I am trying to find the terms of Ngāpuhi, so that – for the benefit of our taumata, Ngāpuhi.**

HOUSEKEEPING (14:43:59)

BRYCE ALDRIDGE:

Hey, kia ora tātou. E tika ana ngā kōrero mō te taupatupatu o ngā reo e rua. Ko te tūtakitanga o ngā ao e rua. Pēnei i te kupu "kiore". Rangona tērā kupu, ka pōhēhē mō te kiore o Ingarangi, engari ko te kiore e tino mōhiotia ana e tātou, te Māori, he mea kūiti, he mea papai, he tohu o te taiao. Koia he tauira o te ngarohanga mai o tōna pūtake mai, nē. E tautoko ana ēnei kōrero. **(inaudible 14:44:15) right about the conflict between the two languages, and that is the confluence of the two worlds. Like the word "kiore". When you hear that word, you are talking about the rat from England, but the kiore that we know as Māori, it's a small – it's a sign of the environment, and that signifies the loss of its base, of its foundation, and so I endorse this dialogue.**

Engari mō te tino rangatiratanga, kei te kōrero mō te tumu o te mana, ahakoa te reo. Ko tā tātou e kōrero ana mō te tumu e noho nei ko te mana. Ko tērā tumu i pūtake mai i ō tātou tūpuna. Koia i wānangatia i konei, koia i whakaaengia, koia i waimokotia, nā te mea koia i mōhio ai e rātou ko tā rātou i hoatu. He mea kūiti. He mana kūiti. And koia te take kāhore te mana – te kupu mana i whakaurua atu, nā te mea e tino mōhio tātou mēnā ka tuku i te mana, i mōhio rātou he aha tērā e tukuna ana. **But when we are talking about tino rangatiratanga, that is the anchor of mana, no matter which language it is. We are referring to the mana, and that anchor, tumu, was derived from our**

ancestors, and it was discussed here and also agreed to here, and it was signed because they knew it was that they passed over, it is… mana, and that's why mana wasn't included in those documents, because we knew, because if they ceded mana, they knew that that's what would be passed over.

Nā reira, kei te mārama ana ki ngā taupatupatu o te reo, engari ko te whakatōpū o ngā whakaaro ki konei, kei te kōrero mō te tumu o te mana. Ka pai rā? Āe. Tēnā tātou. **And so I understand the conflicts between the languages, but the confluence of the views, we're talking about the…mana. Is that okay? Thank you.**

BRANDON EDWARDS:

Kia ora koutou. I just want to make a comment to Bryce. Your first point – yes, tautoko all your kōrero, bro, so this is not a contradiction of your comments at all. Just a clarification around the sovereignty versus tino rangatiratanga point. For us, apologies if it didn't come through clearly in our kōrero. Our end destination is tino rangatiratanga, because that's what our tūpuna signed, so that's the agreement they signed up to.

Sovereignty, the issue with that is practically sovereignty is the barrier preventing us to get to our end destination, so we need to remove that barrier so we can live freely and full exercise our tino rangatiratanga without limit and without constraint. That's the – that's our whakaaro on those two kupu. Tēnā koe.

QUESTIONS FROM THE TRIBUNAL – NIL

MŌTEATEA

(14:51) GEORGINA KERR: (#B055)

Tēnā koutou, tēnā koutou, tēnā tātou katoa. Ko Hikurangi te maunga, Waiapu te awa, Horouta te waka, ko Ngāti Porou te iwi. Ko Hinerupe ki Waiapu te hapū. Ko Rāhui te marae. Rongomaiāniwaniwa te wharenui. Ko Tāwhiwhirangi te

wharekai. Ko Porourangi te tupuna. Ko Georgina Kerr tōku ingoa. **Greetings, greetings, greetings one and all. Hikurangi is the mountain, Waiapu is the river – sorry? Horouta is the waka, Ngāti Porou the iwi. Hinerupe ki Waiapu is the hapū. Rongomaiāniwaniwa is the ancestral meeting house and Tāwhiwhirangi is the dining hall, and Porourangi is the ancestor. My name is Georgina Kerr.**

WITNESS REFERS TO STATEMENT OF POSITION, #B055

Ko au te kuia nei o **I am the elder of** Te Pūkenga Here Tikanga Mahi , which is the Public Service Association, so my kōrero is going to be a little bit different to the others that have just gone before me, so I'm primarily here to speak to you on behalf of the Public Service Association, which is a union which has approximately 97,000 members, and 12,000 of those members are kaimahi Māori **Māori staff**.

In regard to my position within the PSA, I have held the kuia position for 18 years. Prior to my retirement, I worked for 30 years as a senior public servant in the Education Review Office, and prior to that, I was 20 years in the teaching and education sector.

So, as you can see, I have worked and lived through many, many governments. Every three years, there's often a change, and as a result of that, there are changes that our kaimahi Māori have to adjust to, every three to five or six years. So, our statement of position to the Tribunal is to speak specifically about the impact of changes, the constitutional changes, and those – and how that impacts on our workers in the workforce.

Our people apply for jobs across the public sector, and in the PSA, we have members that work in the health sector, we have members that work in local government, the social services sector, the public service sector and our Crown entities. So, 97,000 members work right across a range of workplaces. So just to get that all in context for you, so these are the people that I'm sharing information with you about.

So, the claimants, my esteemed friend Janice Panoho is – was – is a claimant with me, but she has since left the PSA, so I am speaking on her behalf as well. The claimants assert that the Crown's relationship with kaimahi Māori within the public service sector is a special relationship in that it underpins New Zealand's constitutional framework, the Treaty of Waitangi and the treaty partnership.

In my time as a public servant, we've been through many journeys in regard to the Treaty. Kaimahi Māori within the public service do play a really important role in supporting the Crown to meet its constitutional Treaty obligations towards Māori. Our people apply for jobs across the public sector, and they apply for those jobs in good faith. We have surveyed many of our Māori members and they believe that they look forward to working across the public sector, but of course, in their relationships within the sectors, they often have issues that arise from time to time, simply because they are Māori and they are working very, very hard on behalf of our people.

At the moment, as Crown policy toward te Tiriti oscillates, kaimahi Māori are suffering unique hardships, putting them in compounding positions of vulnerability over and above those which exist in a general employer-employee relationship. For example, kaimahi Māori public servants – a lot of you would have nieces and nephews and whānau that work in these sectors. They are often required to act as both advocates and educators for the Crown with respect to its constitutional Treaty obligations, sometimes in the face of employer adversity. I mean, I've survived the fiscal envelope. I've survived the Employment Contracts Act. I'm still standing up. So our people go through many, many journeys, simply because they work for the public service.

Kaimahi Māori public servants are also often required to act in ways that conflict with their personal values or to otherwise acquiesce to Crown policies, practices, acts and omissions in the workplace, which often subjugate the status of tikanga Māori, if not breach tikanga altogether. For example, the current coalition government's policy requiring public servants to prioritise the use of English in the public sector has had a major impact on some of our people, so they whisper a little bit quietly. I mean, to change a name just

overnight simply because there's been a change of government has been one of the most difficult things for a lot of our people to cope with and to manage. For what I'm saying is, whatever those changes are, it does impact on our people every day.

I can remember the certain person you may all know when she answered the phone and said, "Kia ora", many, many, many years ago, you know, and we still talk about that situation. Well, it's no different today, actually, for a lot of our kaimahi, and unfortunately, kaimahi Māori at the moment are also facing inequitable levels of job insecurity as governing parties continue to spotlight te Tiriti in an ongoing political football. When policies of the Crown with respect to the treaty partnerships change, kaimahi Māori of ngā tari Karauna are the first to feel the direct detrimental impacts.

I just want to share some actual facts with you. They're a few months late, because it's actually got worse. Since the government assumed office on 24th of November 2023 to 30th of June – I know these numbers have increased even today, 2025, 2,341 public servants, employees within the union, have been made redundant. 373 of these redundant employees were Māori. So just think of the whānau, the families, the mortgages, and for a lot of our whānau, it just happens with a week, sometimes two weeks' notice.

Unfortunately, also, 266 of those 373 – of these employees were wāhine Māori **Māori women**. We are also claimants for the Mana Wahine Claim, the PSA, and there are some direct links between that claim and the issues that have arisen as a result of this claim, and when I talk about that, I just talk about the similar issues that are occurring in both, particularly for our Māori women.

The following coalition government commitments and subsequent policy steps have had an inequitable detrimental impact on kaimahi Māori, as the implications of these policies affect their job security, the nature of their roles and the ability to give effect to tikanga Māori in the workplace. It's quite sad to hear some of the stories and the changes. If things can actually – it's almost – the changes have almost given people licence to misbehave in the workplace

towards our kaimahi. There are lots of examples that have been shared through conversations and surveys and interviews where our people have being treated – where the behaviours and attitudes towards them have virtually changed overnight. So, policy changes, I have to say, do have an impact.

The Cabinet office circular – there was one was actually distributed earlier in the coalition – when they first started, within that first hundred days. One of the major, major messages to our employers in the public service, that public services should now be prioritised on the basis of need and not race. Can you imagine what that does for a kaimahi that's Māori who's in there, thinking of their whānau and their family, and suddenly the priority's changed? Removing co-governance from the delivery of public services. Ensuring government contracts are now ordered based on value without racial discrimination. And disestablishing Te Aka Whai Ora **Māori Health Authority** has had a huge impact on our health sector, and particularly in the area of mental health.

Introducing – just introducing – the Treaty Principles Bill based on existing Act policy has had a huge impact on our people. While that Bill didn't continue and proceed through Parliament, it still has had a huge impact, and it's still impacting now.

And the government also legislated a comprehensive review related to substantive – to existing full and final Treaty settlements that indicate the principles of the Treaty of Waitangi and replace all such references with specific words relating to the relevance and application of the Treaty. And they've made it quite clear that now things will change, because the government now needs to ensure that all New Zealanders, regardless of ethnicity or personal identity, have access to public services that are appropriate and effective for them and that services will now no longer be allocated on the basis of ethnicity or any aspect of identity.

So – and as I said just before, the disestablishment of Te Aka Whai Ora has had a huge impact. Some of you may know that, I mean, we've just been

through a huge strike last week, and that has been ongoing, the issues that are now starting to emerge in the health sector.

There's the Treaty clause review. The review initially targeted 28 laws dating back to 1986, with the aim of either replacing Treaty references with more specific language or removing them entirely. Now, the reason why I'm mentioning this – I'll just mention a couple of these Acts – is because our people work in these places, and the directives change every time there is a policy change. The Land Transport Management Act, for example, in the Ministry of Transport. We have a fairly high number, density of population of kaimahi Māori. Certainly, in Pae Ora, the Healthy Futures Act in the Ministry of Health. Oranga Tamariki Act is now – you've heard already at this wānanga how that's impacted on our tamariki Māori **Māori children**. We have kaimahi Māori that work in those places that have to make those adjustments and changes. Energy Efficiency and Conservation Act, that for the Ministry of Business, Innovation and Employment. I'm just mentioning some of these as a matter of course, because our people work there.

Legislation that refers to the Treaty, as opposed to Treaty principles, have generally been excluded from the review. The exception is section 127 of the Education and Training Act, whose Treaty provisions were being separately reviewed and have been included in resulting legislation. The Conservation Act, the Resource Management Act, the Public Finance Act. And that's also impacting on our workers in those places, where those Acts actually impact.

So, the culmination of Crown acts and legislative changes have resulted in inequitable levels of job insecurity as a result of oscillating Crown policy towards te Tiriti, and they're completely at odds with the significant role that kaimahi Māori play in supporting the Crown to meet its Treaty obligations.

What is so sad is it's really important for you to know that kaimahi Māori are really integral to supporting the Crown to uphold te Tiriti, and that breach of te Tiriti by the Crown invariably results in a breach of Treaty obligations owed

towards kaimahi Māori, namely, a breach of the principle of partnership, the principle of active protection, and the principles of equality and equity.

Similarly, negative impacts of Crown policy towards kaimahi Māori are also tangible measures of a downright – downwards shift in the capability and capacity of the Crown's ability to meet its Treaty of Waitangi obligations towards Māori generally.

Recent surveys of our people in the workplace indicates their vulnerability and the changes that have occurred for them within the workplace. Our people – a lot of our people in the workplace are not feeling safe, and they're not feeling protected, so you can imagine the PSA as a union is very, very busy advocating and looking after our people.

Yes, certainly. Aroha mai.

(15:08) CHIEF JUDGE FOX TO GEORGINA KERR:

Q. Kia ora ki a koe, e te whanaunga. **Greetings to you, relation.**

A. Yes, kia ora, Caren.

Q. Kāore au i te mōhio, kei – tata – whanaunga koe ki a au. Nei rā te mihi – **I didn't know that we – closely related –**

A. Nō te whānau o ngā Mackroys me ngā Babbingtons. **I belong to the Babbington and Mackroy whānau.**

Q. Well, he Kaa ahau. **I'm a Kaa.**

A. Āe. Mōhio au i tērā. **I know.**

Q. Nō Te Rāhui. **From Te Rāhui.** This is a difficult question to ask you, but it is an important one, because our jurisdiction is one that looks at Crown actions, and many Māori who work for the Crown are helping the Crown implement its policies which this Tribunal has found to be in breach of the Treaty.

A. **(inaudible 15:08:55)**

Q. So, without leaving you with no protection at all, why have you come here and not the Employment Court?

A. Well, we felt it was important to share the story with you, and mainly because there are links with the *Mana Wahine* Claim. Does that make sense, Caren? There are similarities. Our surveys, the research that we have done, have clearly indicated similarities with our – particularly with our kaimahi Māori.

Q. Thank you, and I am sorry we have had to rush you today, but you were due to come on tomorrow afternoon –

A. Yes, I know.

Q. – as the last speaker, so we have got people waiting to be heard, and the wharekai is waiting, because –

A. Aroha mai.

Q. – wharekai was – afternoon tea was scheduled for –

A. Sorry.

Q. – 3 o'clock, but – don't be sorry, I'm just explaining why we have had to rush you through.

A. Yes.

Q. Thank you for that answer. So, the constitutional position is that those who work for the Crown as part of the Crown and the executive, they are constitutionally and formally –

A. Required, they are required.

Q. – joined, united.

A. Yes.

Q. So, this is a claim that looks at constitutional issues. This is an inquiry that looks at constitutional issues, so help me understand what the constitutional issue is here for you.

A. Can I get Tania to respond to that?

Q. Tania will have her go when she does legal submissions.

A. Okay.

Q. I just need to talk to you today.

A. Yes. The constitutional issue is really for our people having to make the adjustments in what we – and what they are – it's the huge difficulties they have trying to adjust and make those changes in how they do their mahi. I mean, these are real people who need to stay in work and employment. They will make the adjustments. The constitutional

change, I've been through it myself as a public servant. So, I'm just trying to word a response to that that makes sense.

The kaupapa is, it is complex in many, many ways, because our capability and capacity is actually a very important factor, when you are working in the public service. Our people, they're very good at adjusting, and they're very, very good, and if they don't, they know they've got to move on. But they do expect changes, Caren. Every time there is a new government they do expect to make decisions for themselves. So, any constitutional change will in the end require people personally to make decisions about whether they want to stay or not and work under that government, whoever the government is.

But in regard to your question, I'm still trying to work through it. So, for somebody like me, as an example, I work my way through and as a union, we work very hard to advocate and to keep them in their workplace in a safe –

Q. You might want to put that in writing, your whakaaro.

A. I'm quite happy to put it in writing, yes.

Q. Just to give you time to answer.

A. Yes.

Q. Because it is quite important.

A. Yes. It is, yes. I can do that.

Q. Thank you.

GEORGINA KERR: (CONTINUES, #B055)

So, I do have some sharing, some information that has been shared from the claimants, and basically, it's a very, very important role that they play. Particularly when it comes to settlements and claims, and how they have to work very hard with their managers to actually make sure that they are there to support people after the claims have been settled. I can just give you our position? That's all. It's four sentences, okay? Before we go.

The claimant position is, against this backdrop, the claimants assert that the obligation owed by the Crown towards kaimahi Māori in accordance with the principles of the Treaty of Waitangi are underpinned by New Zealand's

constitutional framework, bringing an added value of obligation to the employer-employee relationship in that the Crown has been, and continues to be, in breach of that obligation, so there lie the difficulties.

The claim relies on s 73 of the Public Service Act 2020, tikanga and the principles of the Treaty of Waitangi.

The claim – as claimants, we seek for the Waitangi Tribunal to inquire into and make recommendations on breaches of the principles of te Tiriti effected by the Crown against kaimahi Māori, who, themselves, are integral to the Crown's ability to uphold the treaty partnership.

The last one is: As such, kaimahi Māori play a significant role in the ability of the Crown to meet its Treaty obligations in accordance with New Zealand's constitutional framework. So that is our position, and that's what we are asking you. Okay? So, I'll leave you with that so we can all go and have morning tea.

Kia kaha koutou. Ka nui te mihi ki a koutou. **Be strong. Thank you very much.**

(15:15) DR GRANT PHILLIPSON TO GEORGINA KERR:

Q. Tēnā koe. I guess my question is, what would it do to the Treaty partnership if all the kaimahi left and the Crown has no one that can talk to Māori? It's clearly a very important issue.

A. It's a huge issue. What will happen? Well, our people, you know, they do make – they are making those decisions now, as we speak, you know, and those decisions, for some of them, are being made for them. Particularly those people that have particularly Māori-centric positions, and you all know that our kaihautū Māori, our managers Māori. But often, our people will follow them, because they're part of a network, so –

Q. Thank you.

A. – meeting that partnership responsibility –

Q. Yes. Very important. Yes.

A. – is very important.

Q. Okay. Thank you.

WAIATA TAUTOKO (KA WAIATA KI A MARIA)

HEARING ADJOURNS: 3.17 PM

HEARING RESUMES: 3.43 PM

(15:43) CLAIRE MORGAN: (#B071)

Kia ora tātou. Ko Whakatere te maunga, ko Waima te awa, whakawhiti atu ki te Hokianga-nui-a-Kupe. Ko Claire Morgan tōku ingoa. Nō reira, ki te Taraipiunara, tēnā koutou. Ki a tātou te haukāinga, ngā manuhiri katoa, nau mai haere mai, tēnā koutou katoa. **Greetings. Whakatere is the mountain, Waima is the river, crossing over to Te Hokianga. Claire Morgan is my name. And so to the Tribunal, greetings. To the local people and all of the visitors, welcome. Greetings all.**

We're definitely the rule breakers. No, no, we're not. Kia ora tātou. My name is Claire, Claire Morgan. I am of Ngāpuhi descendant, affiliate to a number of hapū in the Hokianga. Our claim Wai 2710 actually was a collectively of ngā hapū o Hokianga and there's – part of us are all here. I also whakapapa to Ngāti Rarua, which comes out of Kāwhia and is at the tauihu o Te Waka-a-Maui, Motueka Wairau.

I describe myself in various ways in other Waitangi Tribunal inquiries. But what is most important to me at present is that I am a mother, I am grandmother of 20 mokopuna, 26 descendants today. So, I am here for them and our many future generations that will follow. I don't consider myself a historian or an expert in anything , but I do have my more recent links to the past through the stories of kaumātua, kuia, and I tend to benchmark my thinking about those teachings and experience. I think **(inaudible 15:45:03)**, Waihoroi referred to the papa pounamu tēnei rā. And I just mihi also to all those who have mihi to rātou mā kua wheturangitia, because we carry them. When we come into this

whare, we always look to the left and the right, we always see who we are sitting by, and it gives us strength. Yes, kia ora.

My Waima, Hokianga grandmother Vera Kirihau Warmington Morgan was born in 1917. She lived over 100 years, an amazing woman who survived the old world and the new. She always stressed the importance of supporting whānau and community, and I have done that as best as I can.

My nana left the safety of her kāinga, for Wellington city in 1936 and it would be fair to say that her initial experience was a massive culture shock, opposite to the nurturing and holistic culture of her home where she lived with her mother and her grandmother which really puts her right back to almost where we are. She can certainly be congratulated for navigating Wellington life, which was initially isolating and challenging, often full of rejection and racism. Her early experiences made her strive for acceptance in the Pākehā world, which unfortunately had negative impacts on her whānau and her own children, who never learnt Te Reo Māori. It wouldn't be until much later in their lives, that her children would come to appreciate Māori culture and gain a greater depth of understanding of tikanga. Their taha Māori was never a priority growing up. Tangata whenua should never have to experience that loss of culture in their own country. And it’s not to say that they weren’t Māori in themselves, they did do things, but they were born out of the time where those things aren’t going to get you anywhere. So, my grandparents pushed education and all those other things. Nothing wrong with that, it’s just that they lost the other things.

I also had the privilege of working closely with a rangatira of our hapū whānau whānui, Dr Patu – What is he now? Tā Patu Hohepa for over twenty years. My matua loved it that at the age of 80, my nana would call him her boy, but again this is the enduring nature – he used to laugh about it – the enduring nature of our culture and tikanga.

Matua Patu would also say 'think global, act local' which to me means you have a home complete with dreams and aspirations, you are a descendant of navigators and chiefs, so step out in the world with tino rangatiratanga when

looking for answers to all things. Matua embedded into me the Whakatauki, 'Tū Te Ao, Tū Te Po' – which I came to understand encapsulates the enduring nature of our ancestors living in each and every one of us, ka whawhai tonu mātou mō ake ake ake. **We will continue to fight forever.**

And there are many, many, many, many such people that I have felt the privilege to have in my lift, both people that I knew as I grew up in Wellington in my very early years, and also, of course, since I have arrived at the kāinga.

Mana Motuhake, tino rangatiratanga, autonomy and self-government, tikanga.

Ki oku whakaaro, Mana Motuhake in a constitutional context means enduring mana, credible status, and intrinsic well-being, including the total acknowledgement of Māori as equals. Rangatiratanga on the other hand includes ultimate authority. There must be a genuine effort to engage with Māori on the part of the Crown, and we are dealing with the negative impacts of colonisation, assimilation and so on. The starting point is that history must be honest. I think other people have talked about that. Legitimacy.

Tikanga is the first law of Aotearoa and is therefore significant to our current constitution. Tikanga requires greater constitutional recognition - tikanga operated mai rānō at the signing of Te Tiriti, and after the signing and continues for us as Māori to the present day. Tikanga covered Māori and to some extent also non-Māori who arrived here as they required protection to survive. Tikanga dictates our practices and protocols relating to territorial authority and provides a way of living. In a literal sense means how people and parties are identified and acknowledged, how communication takes place, and how authority is shared and managed.

He Whakaputanga is relevant to any discussion surrounding our constitutional arrangements and any reforms. He Whakaputanga provides a basic framework for how to operate, how to make local and district wide decisions, including the national forum. We do struggle to see however, with how much damage has been done by the Crown to undermine our people, what that would look like in

practice today. Well, speaking for myself, that's how I see it. And that's the – somebody said something before, but in our rōpū we say, 'Are you ready?' and that's because of that question.

The Westminster legal system should be less punitive, discriminatory, and prejudicial towards Māori. The District Courts should focus on solutions rather than punishment; the Family Courts should focus on communication rather than circulating and supporting false information and lies.

The Westminster legal system has caused so much destruction and destabilised our whānau hapū that it is hard at this stage for us to see a path forward, as we must undo so much. I quite like that idea of a minister of decolonisation. Our whānau and hapū members who do commit crimes, are so conditioned to being racially abused and discriminated against from a young age, that they do not seem to have any faith in the system and have no hope for any other future. They are not supported or encouraged to stand up for themselves in that system.

We query the Crowns purported and assumed sovereignty or the legitimacy of it, and we ask the Crown to explain to us and justify their position. Tautoko ana te kōrero o Whangārei **I support what Whangārei said.** When did Māori cede sovereignty? When did the Crown assume authority? We fundamentally reject the assumption that Māori ceded sovereignty. The Crown set about to create a takeover, their agents lied to us, and that was a dishonest and illegitimate act. And in our rōpū we also call that treason.

The limitations associated with the Crown delegating its responsibilities under Te Tiriti to local government bodies is that once again, the purported authority holder is the Crown alone. Local government agencies are supported by the belief that the Crown and the government are the ultimate authority and there is still no real recognition of the contribution of Māori. The authority should be with Māori and that is our expectation.

The entire local government system is based on a takeover of sorts, not war as we know it, but the result is the same. We ask the Crown to justify to us why it delegates its responsibilities under Te Tiriti to local government bodies, and my question is - responsibility for who? Not us

In relation to Māori representation in local government and the electoral process, we believe the issue is that all positions are contestable, and anyone can contribute to the decision-making process in relation to the appointment of representatives. Somebody mentioned, I think Waihoroi also mentioned about – isn't it lovely getting a choice, Māori wards or not, but the point is it's not a choice. It shouldn't be a choice.

In the past twenty years or so, there have been focus groups and committees, but most people see them as tokenism. In our view, and sometimes even the people in them, and it's not to say they don't do good work but, yeah, it's like tick the Māori box. In our view, whānau and hapū are not involved or included in the way those appointments are made. The electoral process does not give any authority or recognition to hapū rangatiratanga and that is concerning for us.

The principles of the treaty have been helpful to define and guide the work of the government and the Waitangi Tribunal for many years. However, the concern for us is that Te Tiriti should have the ability to stand alone and should be justiciable in the Courts in its entirety. In our view, having the principles referred to in some legal instruments, subject to review and amendment by successive governments is not sufficient. The principles are not a replacement for Te Tiriti itself and any suggestion that the principles alone are sufficient in terms of our constitutional arrangements, is rejected.

It is disappointing to see that everything we have fought hard for and achieved over the years for the betterment of our whānau and hapū and all Māori appears to have had little influence on our current constitutional arrangements. Probably speaking specifically, but the fact that we can just have a new

government and the last speaker, I think, mentioned that and just like that, things change.

To note some of the important wins for us, the kohanga reo movements where we are seeing some of the benefits in the next generations, development of radio stations in our rohe that allowed us to retain and revitalise our language and then the creation of Māori television, all those initiatives meant everything to us.

One thing that really stands out for me because it's actually a little thing but at the time it was a big thing, was the three minutes – we got three minutes of Māori news. How we would just celebrated that so much, it was a big deal, and it doesn't seem a big deal. There's a whole lot of people who don't know anything, don't know the time when that didn't – when we didn't have reo Māori tv. But that three minutes was everything at the time and now we can't even get funding.

This inquiry has exposed the limitations of our current system in Aotearoa, and how fragile our nation really is. While it is true that we have seen some gains over the years for our whanau and hapu, in terms of our people achieving higher educational outcomes, we still struggle in all socio-economic indicators, when compared to non-Māori who are the majority population in Aotearoa.

The Treaty of Waitangi, Te Tiriti is still not given the legal and constitutional recognition it deserves. In our view, Te Tiriti represented an agreement between two nations – and this has been said by this before me – that being rangatira who signed on behalf of whānau hapū and all Māori, and the Crown.

Te Tiriti was enduring and the Crown's position that Te Tiriti was a 'developing social contract', is rejected. Te Tiriti may have been a 'developing social contract' for the Crown but not for us. We believe that the Treaty did not establish a relationship between the Crown and Māori - in our view there was already an established and ongoing relationship between the Crown and Māori, and that relationship was formalised in, He Whakaputanga.

Kia ora.

(15:58) CHIEF JUDGE FOX TO CLAIRE MORGAN:

Q. Tēnā koe Claire.

A. Kia ora.

Q. He roa te wā. **Been a long time.**

A. Āe.

Q. I just realised who you were when you said your name. Ngā mihi ki a koe. So, forgive me if I didn't acknowledge you earlier.

A. Ka pai.

Q. We were all at university at the same time watching the three minute news.

A. Yes.

Q. Just in terms of your paragraph 16. How would you like to see the Treaty, Te Tiriti incorporated into the system, such that it becomes justiciable? As a standalone instrument or in legislation?

A. I don't think it should be in legislation where it can be changed. I mean, I think – I mean – my latest random idea is that every Māori that's currently in Parliament should step out into their independence under the hapū rangatiratanga or iwi rangatiratanga and become the independent Māori parliament in the parliament, that's just one of my random ideas. So, that would be i raro i Te Tiriti because they could be. Then we would have, to me, we would have the Māori that are in Parliament that want to represent their people and themselves there, they're already there, just step out. They don't fight about it, just do it. But it's so that it can't be changed and tampered. Yeah, I think that's right. Any comments? Got the right answer? Sorry, for my random ideas. Sorry, not sorry.

(16:00) PROFESSOR DAVID WILLIAMS TO CLAIRE MORGAN:

Q. Tēnā koe. I just want to thank you for the names of the mentors whom you have included. So, Whaea Vera was sitting in the front row of every **(inaudible 16:00:36)** hui in the early 1990s, Whatarangi Winiata always made sure she was right at the front, and she could keep an eye on us.

So, she was an amazing, an amazing whaea who, as you say, lived to I think a little more than 100.

A. Yes, more than 100.

Q. Yes. And then Tā Patu Hohepa, you carrying on that work is just fantastic. So, kia kaha. **Be Strong.**

A. Kia ora. **Thank you.**

(16:01) FIONA REIHANA RUKA: (#B072)

Aroha mai, I'm a bit nervous. I've not done this before. E mihi ana, he mihi mahana ki a koutou mō te kaupapa i tēnei rā ki tēnei marae, mihi mai, mihi mai, mihi mai. E mihi mahana ki ngā rangatira o te Taraipiunara – I can't say that word – Taraipiunara, aroha mai, mihi mai, mihi mai, mihi mai. **Warm greetings to you all. In terms of the kaupapa today on this marae, thank you, thank you, thank you. Warm greetings also to the leaders of the Tribunal. Tribunal, Sorry. Thank you, thank you, thank you.**

Ko Puhanga Tohora te maunga, ko Taheke, ko Punakitere ngā awa, ko Mahuri, ko Tāheke ngā marae, ko Ngāti Pakau te hapū, ko Hokianga Whakapau Karakia, tēnā koutou. I te taha o tōku pāpā, ko Mahuri te tupuna whaea, ko Reihana Ruka rāua ko Mere Reupena Tuoro oku mātua tupuna o Ngāti Pakau, ka puta mai ko Kauere Reihana Ruka oku pāpā. I te taha o tōku māmā, ko Pehira Te Keepa, ko Pairama Te Keepa oku tupuna o Ngāti Maniapoto te iwi, Ngāti Waiora te hapū, ka puta mai ko Te Ahehurahura i a mārena a Francis Kearns o Ireland, oku matua tupuna, ka puta mai ko Mabel Atarangi Allen nee Kearns oku māmā. Ko Fiona Reihana Ruka tōku ingoa. E haere ana ahau ki tēnei kaupapa mō ngā hapū whānau o Ngāti Pakau Hokianga. **Puhanga Tohora is the mountain, Taheke, Punakitere are the rivers. Mahuri and Taheke are the marae. Ngāti Pakau is the hapū. And I am from Hokianga Whakapau Karakia. On my father's side, Mahuri is the ancestress, Reihana-Ruka and MereReupena Tuoro are my ancestors from Ngāti Pakau. They had Kauere Reihana-Ruka, my father. On my mother's side, Pehira Te Keepa, Pairama Te Keepa are my grandparents of Ngāti Maniapoto which is the iwi. Ngāti Waiora is the hapū, and they had Te Ahehurahura who married Francis Kearns of**

Ireland, my grandparents, and they had Mabel Atarangi Allen nee Kearns which is my mother. And my name is Fiona Reihana Ruka. Came to this event for the hapū and whānau of Ngāti Pakau of Hokianga.

WITNESS REFERS TO STATEMENT OF POSITION, #B072

My name is Fiona Reihana Ruka, and I am of Ngāpuhi descent and affiliate to Ngāti Pakau, in addition to other hapū in the Tai Tokerau region.

We provide this Statement of Position for the constitutional inquiry in support of whānau and hapū, Hokianga. We also take this opportunity to express some of the concerns we have for the future of whānau hapū and generations to come. At present, it is difficult to see a bright future for us under the current constitutional regime, where we will be thriving like we always did on our whenua tuturu before the impact of successive governments and their constitutional arrangements affected Māori. We provide our statement of position in support of our claim, in the hope that change, recognition and acknowledgement of our two founding documents, He Whakaputanga and Te Tiriti will be forthcoming, for the betterment of our whanau hapu and communities by entrenchment – I'm not sure if that's the right kupu – but entrenchment in law and never to be changed.

Kia whakatōmuri te haere whakamua - we walk backwards into the future.

This whakatauki is relevant to our statement of position because it reminds us that to forge a path forward for our whānau and hapū and future generations, we must never forget our past and those who lived and fought for us to be where we are today. We also consider this whakatauki is relevant to Te Tiriti in that we must always acknowledge the sacrifices that our tupuna made and do our best to honour their intentions and expectations of us as their descendants.

Mana Motuhake, tino rangatiratanga, autonomy, self-government and tikanga

Mana Motuhake in a constitutional context to us means sovereign independence under tikanga Māori. Rangatiratanga refers to self-determination

and the operation of independence. Autonomy in a constitutional context for us represents an independent Māori governance structure or independent government.

In our view, hapū entities and structures already operate in a way where they manage their own policies. In support of this statement, many hapū groups manage themselves and their people within their own boundaries and are doing so successfully. While it is not perfect, there is a good collaborative and collective approach, with minimal intervention/interference from others. However, resourcing remains an issue and an important consideration. Moving forward into the future, using the foundations already laid by hapū and whānau, a Māori representative governance structure would enable us to secure a better future for ourselves and generations to come. We as hapū, whānau, already live according to our values of mana motuhake and tino rangatiratanga, and that is our resilience and strength in that we continue to strive to and overcome all the challenges we face.

The expression of tikanga in a constitutional context to us means rights and responsibilities and requires parties and people to operate in a way that is 'tika' or 'right' in terms of any process including the development or reform of any constitutional arrangements.

Response to the Crown Statement of Position

According to the Crown's Statement of Position, Te Tiriti established a relationship based on reciprocity and mutuality. We ask the Crown to justify and explain what reciprocity means to them.

From our perspective there has been no reciprocity in Te Tiriti for our whānau hapū, we refer to the mental unwellness of our people due to addiction and other trauma as a result of colonisation, the poor health outcomes and high mortality rates, and the impact of the loss of Te Reo. In my view, the Crown did the deal, took our lands, in exchange for blankets, tobacco, alcohol, and sugar to name a few but they also brought disease, took our resources and thrive as the now majority population with dominance in Parliament and over this country.

In support of our position, we refer to international trade deals currently undertaken by the Crown exploiting our natural resources. We express our concerns and ask the Crown to explain and justify why we are not involved in any of those negotiations. From our perspective, we have a vested interest in the natural resources of Aotearoa as the first nation peoples of Aotearoa. It would be helpful for us, if we were involved in discussions and decisions concerning our natural environment and resources, particularly concerning overseas investment and/or use of those resources.

Providing this statement of position in support of our whānau and hapū, is a reminder of the grievances that we still have and continue to have today with the Crown due to their lack of recognition in a meaningful way of Te Tiriti. It is disheartening that we continue to seek formal recognition and legal standing including constitutional recognition of Te Tiriti when the language used in the document from Rangatira as to their expectations for future generations was clear and unambiguous. Our participation in this process, is already limited by the fact that the constitution is a concept of the Westminster legal system, and we are already having to conform. While we encounter many challenges, we continue to assert ourselves and our rangatiratanga as best we can and will do for generations to come, despite being significantly disadvantaged by the Crowns actions and omissions.

In response to the Crown's statement that the Treaty established a relationship between the Crown and Māori, we disagree. The relationship between the Crown and Māori existed prior to the signing of Te Tiriti, the relationship had already been formally recognised and acknowledged in, He Whakaputanga. It is a misrepresentation to state that Te Tiriti established the relationship between Māori and the Crown.

The statement that Te Tiriti was not a finite contract and instead an enduring social contract is rejected. There was no end to Te Tiriti in our view and any implication that our tupuna had perceived anything other than that when entering Te Tiriti negotiations is a fallacy. Te Tiriti was in Te Reo Māori, it

identified the rangatiratanga of our whānau hapū as far as our understanding is concerned and therefore was not at all limited to a certain period or any social terms. Our position is as follows:

- Te Tiriti was an enduring agreement between the Crown and Māori;
- Te Tiriti was not a social contract;
- Any mutuality between the parties would have been in relation to the ability of Rangatira to enter negotiations on our behalf with the Crown;
- Any relationship between Māori and the Crown, was established prior to Te Tiriti negotiations and this relationship was formalised in writing however, what needs to be made clear is that He Whakaputanga was not replaced by Te Tiriti;
- Te Tiriti requires formal entrenchment.
- He Whakaputanga must be acknowledged.

We ask that the Crown justify and explain why Te Tiriti is not binding as a legal document and is therefore not justiciable in the Courts in its entirety. Te Tiriti should be afforded the same status as any other piece of legislation and having the treaty principles referred to in some legal instruments, subject to review and amendment by successive governments is not sufficient. I query why Te Tiriti is not in all legal instruments. One of the concerns, is that interpretation of the principles is not always correct and will change dependant on who is doing the interpreting. In our view, inclusion of the treaty principles in legislation, while important, is a compromise and the Te Tiriti represents more than that.

In our view, the terms of Te Tiriti require inclusion in a written constitution, acknowledging the mana of our tupuna who signed. A written constitution would be more beneficial, as we feel we have not seen any benefits for our whānau hapū. Without a written constitution, we do not have full visibility of the current constitutional arrangements, and that is of fundamental concern for us.

In our view, the social habits of the Crown and their peoples, were problematic for us, therefore Te Tiriti was one way to ensure that the Crown had some control over unsocial behaviours of its peoples.

Te Tiriti is currently utilised as a tool to engage with other nation states internationally, by virtue of its legal status in international law as a treaty of cession. We challenge the legitimacy of the cession of sovereignty and ask that the Crown prove to us when this event took place. In response to the Crowns position in relation to fundamental human rights, it would help if international conventions giving rights and protections to Indigenous peoples and establishing obligations on nations states, were recognised. Aotearoa remains a non-signatory to some of these important international agreements, such as the United Nations Declaration on the Rights of Indigenous Peoples. I ask Why?

In our view, we question the basis for refusing to support such important international conventions, without any justification we are lead to believe that the basis for this omission is that the conventions challenge the Crowns authority, put important limits of public power, and support Māori.

At this point, we believe establishing ourselves independent of the Crown may be the best path forward for our hapū whānau as a rightful Indigenous Tiriti partner under Mana Motuhake.

Nō reira, tēnā koutou katoa.

(16:18) PRUE KAPUA TO FIONA REIHANA RUKA:

Q. Kia ora. I just wanted to clarify something you said in paragraph 15, just in relation to the non-signatory of Aotearoa New Zealand to the United Nations Declaration on the Rights of Indigenous People. Were you meaning more about our form of ratification, rather than a sign up?

A. So, you are asking me why?

Q. So, you use the term non-signatory, and my understanding is that we have signed, we haven't done – we have affirmed it, but we haven't done anything beyond that. Is that what you are referring to?

A. No. so, the countries that were referred as the prior speaker had also mentioned in regard to acknowledge the United Nations Declaration on the Rights of Indigenous People, New Zealand is one of the countries that have not signed.

Q. I think we didn't originally, but I think in 2010 we affirmed it when Tā Pita Sharples, I think, went over. But I just really wanted to understand whether your issue was about – we haven't taken steps beyond what happened in 2010 or –

A. Yes.

Q. Is that what you are really referring to?

A. Yes, yes.

Q. Ka pai.

A. There's no movement from our New Zealand on that kaupapa apart from what you've just said, affirmed it back in 2010.

Q. Kia ora, thank you.

CHIEF JUDGE FOX:

Kia ora. My question was going to be similar, so I am not going to ask it, it's been clarified. Thank you.

(16:20) DR GRANT PHILLIPSON TO CLAIRE MORGAN, FIONA REIHANA RUKA:

Q. Tēnā kōrua. Actually, this question is for you Claire. I probably should have asked it the first time, but I am really interested in your idea that whoever the Māori members happen to in the Parliament, they become the Māori Parliament. Had you given any thought to how that might work or was it just a passing idea because I think it's a really interesting one?

A. [Claire Morgan] It's a recent thought of mine and especially in the light of everything that's going on, I just think – I used to think, every Māori should get up out of whatever party they're in and go into the Māori party. But now I just think, every Māori should think about who – I believe most of them think they're represent ourselves, except that they are still under whatever it is, like our hoa Rudy Taylor over there with his red badge on. So, my thought was, they should have a hui with their people, whoever

their people are, their own whakapapa people, their papa pounamu people and talk about, should we step out and just be here to represent – because you can be independent. I don't know the rules of Parliament though, of course, so I don't know what that means, does it mean that I have no money or anything like that, but imagine if they did that then we would have all these Māori representatives who have stepped out and they represent their whakapapa, not all these other things and I just had this vision of the two spheres, suddenly, they are all there together – I don't think anyone can kick them out, I'm not quite sure of the rules, but if they did – yeah, that's what I thought, you just have a hui with your people, whoever your people are, Hūhana can have a hui with Whangārei or Tai Tokerau for example, and they say, 'No, step out. Stand there in your mana motuhake.' And if the people say that then they live their party and they are there as an independent. Well, that's me as a naïve person having random ideas. But imagine if there was a whole lot? There is a whole lot. Not everyone is going to want to leave their party. Some of them like being in charge of things differently in a different way. So, that was my thought, and I just had this thought that you would have two Parliament. You would have the Māori representing the Māori. You might have Māori representing the wider Aotearoa still, left over there, but you would you have – and I am talking about, imagining a lot of people, not just six or seven or whatever it is, yeah that was my thought.

Q. Thank you, thank you very much. Yes, I found that idea really interesting and I sort of thought, well, they might not get re-elected if they leave their parties, but you know, maybe they can stay within their parties but still that maybe. Anyway, it's in interesting idea. Thank you very much.

A. [Fiona Reihana Ruka] I would like to attempt to answer that question as well, if you don't mind. So, as I said at the end, I believed that our hapū whānau believe that it would be in our best interests as we always have been anyway, to remain independent under mana motuhake, and to look at our model for Māori governance. I called it Te Kāwanatanga Māori. You know, so we have – and we govern – have our own governance for our own people, our own resources, all of it and then we may be looked upon by the Crown as a proper Te Tiriti partner because there seems to

be a – somewhere, there's a gap somewhere. So, the thinking of our people at the moment at home is where going to look at developing a model that has already been prepared for us back in the 1840s by our tupuna and with the Crown involved when they started to try and put together constitution for New Zealand. That first one was in 1846 but then it evolved to 1852. In those legislations, those laws, they had provisions for Māori districts, the Māori development tact, things like that. But there were mechanism that were intended way back in history for ourselves to look after ourselves and govern ourselves which was always our understanding as of Te Tiriti. So, that's where, I think, we are going to start looking at, we go back as whakatauki explained, we go back, and we come forward, but we are going back into the future.

Q. Yes.

A. So, those things were intended for our future by our rangatira, and I think that's a – the Whakaputanga movement is very important aspect and component of this.

Q. Yes, thank you, and I was thinking as you said that, perhaps the 1890s Kotahitanga Parliament might also be another model that you could look back to when you go forward but thank you very much.

A. Your welcome.

Q. Thank you both.

A. Thank you.

WAIATA TAUTOKO (NGĀ PUAWAI O NGĀPUHI)

TECHNICAL ISSUE – SPEAKER TOO FAR FROM MIC (16:30:04 – 16:31:00)

RIHARI DARGAVILLE (MIHI)

(16:30) RIHARI DARGAVIILLE: (#B069)

Kia ora tātou. I was just reflecting what I heard today, reflecting on some of the tikanga, ngā kōrero o rātou mā. **The oral history of ancestors.** I was never schooled in tikanga growing up, **(inaudible 16:31:19)** was the name of the game, get out there and get a life, work hard and make sure at the end of the

day you can maintain and sustain a house and your family. My background is military, I learnt about that.

Tikanga to me was a natural environment that I lived in. Tikanga to me, we didn't have to be taught because it was a practice that happened in my time. Those of us, prior to the ending of the war, were fortunate enough to live along with our parents who were living that life. Today, unfortunately, we have to try and find and dig deep to try and go back to some of those very principles that sustained us i roto i tō tātou mahi **within everything that we did.**

So, I want to congratulate all those this morning and some of us probably went to the wrong floor, it doesn't matter, there's never a wrong flood. Ko tēnei te wāhi me haere mai. Hei te mea, - where we believed the Tribunal will hear us. Can I just detract from what I want to say to the judge, tēnā koe. It was your moemoeā at Hopu that grabbing us – that this is an opportunity, the ringa you must not miss. This is a creation of our own. I will not bring any kāwanatanga into this, if they're legitimate, good luck to them, if they're not, then good luck to them again. But to me, there's nothing legitimate about any Crown.

I will come into this with an open mind about ko wai koutou, ko wai mātou. Te rangatiratanga kei roto i a ahau, **Who you are and who we are. The rangatira within.** What I sort of see, is us determining what's right for us moving forward, in our Māori world, in our Māori wairua, and the way we have perception about what tikanga is. So for me, I'm here because I want to be engaged in it, creating for us a future of what I can consider to be document, a constitution, call it what you want that we are creating, and I am pleased to hear that you have had six hui already. I just can't wait for the outcome because I am sure that some of that kōrero is constant with what you hear here these next few days. I want to go back to the paper because I am one that never can stick to it.

WITNESS REFERS TO STATEMENT OF POSITION #B069

I am a member of Te Kaunihera Māori o Te Tai Tokerau. I've been there since the 80s, since, in fact, I came out of our military with Sir Graham, and I am still there today.

I am also he kaumātua ahau o Ngāpuhi. **Elder of Ngāpuhi.** I've grown and by default I'm still alive, so I am a kaumātua of Ngāpuhi. I have a role, it's an important role. My role is to tautoko and support those who want to pursue justice, tikanga me te pono. My kaumātua perspective is about this, what is it that I can bring to the generation, the AI Māori that's going all over the place at the moment and I am lost. So, you come back to first principles. If I don't have a principle then I have got nothing to hold on to.

My tupuna, Hemi Tupu, first signatory to the 1835, He Whakaputanga. We follow on from there, te whiti ki Te Tiriti, my tupuna said, don't go and sign that one, that's false. You're going to get all sorts of trouble, and he was right, so we stuck with it. But we have moved on, Te Tiriti, Toitū Te Tiriti is where we are today, Toitū Te Tiriti is where we must pursue anything resource has an injustice and what we believe what is that forum by which we can address these matters.

For me, and I heard this this morning from the first speaker, Waihoroi, Mana motuhake is a self-determining right. I use that word seriously, is not through what you read, what you've learned at wananga, it's self-determining. It's within your family, in your mauri, in your wairua.

The right of hapū has always been in their rohe. One of the things I believe in is that rohe, you don't go anywhere else, that's where your rangatiratanga and your mana motuhake is there.

My kuia, Whina Cooper says, "Kaua koe haere ki wētahi atu, me noho mai koe i kōnei." **"Don't go elsewhere, stay here."** You stay home and you practice what you believe. Tana kōrero e pēnei ake ana **she'd say,** "Do you fellas tell me, moumou tō koutou tāima. **Waste of time.**

The source of mana motuhake is, is the whakapapa and continuous occupation of Rohe Pōtae. It is not something that can be created, or claimed, by someone without ancestral connection, herenga ki te tupuna **Links to the ancestors.**

While any groups use areas periodically, such as the moana for fishing, it must be done through the kaitiaki hapū, otherwise there will be conflict. And it is this, and I will use Hokianga because ko ahau, born Hokianga. Panguru Whakapau Karakia. Panguru Ngāti Manawa Kai Tūtae. Very important because it was that tūtae that gave my tupuna the mana that Hongi Hika say, 'got to go and get those people, their great warriors.'

I raise this because it's so important that you grow up with that. And that mana motuhake never got into conflict because that mana motuhake driven on that tikanga and that ture of what was practiced. Kei te hē koe, if you went wrong with the ture, my goodness me, you would be treated something terribly by your elders.

We see this issue around in what happens here in Waitangi. One side of my mother is from Whangaroa, Te Ururoa, Hongi Hika. These chiefs have lineage, and I have lineage to them. We also know that there are those hapū of ours that live inland, here particularly. At this time of the year, they all came from the inland, why? Because this was time from the inland to do all your kaimoana gathering. This was the time they stay for three months. Some of them say, 'Jinkers, when are these people going to go home.' But that was the kawa. Taia mai, haere mai, tāia mai, tai ka noho, e hoa mā, he hekenga ki ngā wini hoki. **Come, tāia mai.** But that was the tikanga and you can go up to that place right now and you can see the trees that they grew, everything was there. They lived that life and there was no arguing with these people because they knew that they would go home. They will fill themselves with what they needed to do and head back inland.

What was the principle behind that? Ko koutou ngā hapū, Ngāti Rahiri, Ngāti Rehia, Ngāti Kawa. Tiakina te moana. **The hapū, Ngāti Rahiri, Ngāti Rehia, Ngati Kawa.** It's your job to look after the moana, mō mātou, mō tātou katoa. **Protect the sea for all of us.** There was never about me, you, whatever. It was you looking after the principle, after the tuku-iho-tanga o ō taonga that belong to all. But one of the key understanding are, the tikanga

was that the rangatiratanga and decision-makers finally lay with those who had an immediate, direct whakapapa to that area.

And like we've heard today, rangatiratanga is about our collective authority. I can never ever recall that anyone particularly had total authority. They might have assumed that, but kāore, it all came through the collective collaboration kōrero.

One of my roles over the years, and I just see some of my whānau from down the north, or the top of the south they call them, and it's this, I believe in mediation, I believe in negotiation. I am pragmatist but I've got principles if you don't cross that line because if you don't do any of this stuff you will go nowhere because you are fixated on what you believe in.

We are moving into a world now that allows us to actually be flexible enough and yet not moved to do fundamental principle of session of our rangatiratanga. I know that Ngāpuhi - you can't one Ngāpuhi at all, out of a 144,000 I would say, or thereabouts close to, would say that we did cede our rangatiratanga. Having understood that, the issue is this, how do we determine what you understand about rangatiratanga and what that hapū understands about that. And herein lies, I think, I very fundamental right, the fundamental inheritance of those hapū to be different to you because there tikanga is their business. Their tikanga can only lie with them.

And yet, in saying that, we can all whakapapa to a tupuna that in Ngāpuhi, if you didn't have that whakapapa to Rahiri, e hoa mā, he arewhana kē koe, you might be a horse **(inaudible 16:41:03)** and yet, we can come together and sort of say, yes, that's the **(inaudible 16:41:08)** side, koirā te tupuna, but you come down to the different hapū, things have changed and what they consider is rangatiratanga o te hapū. I have concerns sometimes when I hear that how we are treating one another, inland hapū, **(inaudible 16:41:28)** the rangatiratanga of those who have kaitiakitanga rights.

Hone Heke over here is an ancestor for many of us and we all can whakapapa to, even though he was from the hapū who held kaitiakitanga and historian, we still can whakapapa even though tēnā rangatira, nō tātou **chief, belongs to us.** But his immediate whakapapa is here.

I don't want to move away from what the paper is, I want to keep on line with the Tiati right now.

We held rangatiratanga collectively, it is never held independently. It's held by the collective interests of hapū based on tupuna whakapapa. I got my oldest whanaunga down here, Luisa Collier, Rihari, whakapapa, whakapapa, that's your ticket going forward. Be strong with it, hold fast to it and don't, in anyway, want to trade it off.

The constitutional right comes from the ability to engage fully in the tikanga, mana motuhake, and rangatiratanga of a given rohe, whether within my own rohe tribal area or across the different tribal boundaries.

I want to say and thank all those that are still alive today, that during the Māori fisheries debate, 157 iwi, that was a biggest **(inaudible 16:43:02)** of my life, and my goodness me, was there a war on at that time. Those of us who are populist, versus those of us that say, we've got the mana moana, who's right, who's correct? and over time - and yet look at this – over time, by consistently pursuing their principles, we move forward, and we decided at the end of the day, both of them have values, not one, kicking the other one out and the other one saying, 'we've got the rangatiratanga, you don't have.' So, what do those values do? They enable us to come closer to look at a resolution.

I was responsible in the beginning for the permits in this rohe here. The permits were based on tiki kaimoana mō tō marae, mō tō hapū mō ngā mahi nei koutou i roto i o koutou marae **to get seafood for your marae and hapū for all the things you do for your marae.** The permit was culturally driven, it was sustainable, and we believed that the right people to issue those permits is got to be the people who live there because they were responsible for the resource.

And when there were disputes and there were dispute, it wasn't too difficult, ko wai rātou? Haere mai. Ka noho tahi. **Who are they? Come. And they would sit together.** It's when you don't do that then that becomes a problem. And when we use this common problem, 'See you in Court.' Well, we know who wins then, nobody. And that's rangatiratanga to me, that's sort of rangatira sort of asserting yourselves saying, 'E hoa, he rerekē koe ki ahau engari me noho tahi tāua.' **'You are different to me, my friend, but we need to sit together.'** We need to sit down and find a way forward, and in my growing up, I've seen it happen, I witnessed it happening and I think if we can go back to those very principles, and I think we are moving forward in the manner that we have inherited, ensuring that our rangatiratanga, our mana motuhake is resolute and continues to be what it is.

Tikanga i roto i a au tupunga, when I was growing up, is an understanding of living in a rhythm with the natural world. I never saw a calendar when I was growing up. Ko ngā kui, 'kua tae kē te wā.' Maramataka, we all knew that but what we knew was the right time to do the right thing. It was the right time not to do the things that we would do today. So, we all were in harmony with the natural environment.

What I am trying to bring to this point is here, that I think that our – tō tātou tupuna mātāpono, **our ancestors**, got to be focused around that. We start becoming clever, start creating all things, it won't happen because – nāu anahe tērā kōrero, ehara mātou. Rapua, me kī rā tētahi huarahi i roto i a tātou, i roto i te ao Māori **that's what you said, not ours. Find a pathway forward.** For me it is the Māori world. The source of tikanga, the source of unity, the source of collective decision-making will come from that very – those principles.

One of the consequences of the Crown, I never call this Crown anymore, the Crown is where we made our agreement with. I won't call them the Crown any more, they don't deserve that word anymore. He Kāwanatanga kē rātou, they're just government, so be careful when you pick them, because every time, and they will hear in this very, very place every year they sit and we put together

our documents that we should forward to the Crown. And when we thought the Crown, kua tata whawhai mātou anei, **we almost have a fight** put it away because that Crown is not what we're talking about. There are several engagements here, we've sent these off and we have our people do this mahi to King Charles, but we know quite well it's not going to happen, doesn't matter. Our consistence and persistence to keep that dialogue happening between the Crown our people is the constant and must continue to be like that.

I want to come to the question of rāhui. To me, rāhui was important. Growing up with rāhui was tapu. Growing up with rāhui meant that you must not tramp on the mana and the rangatiratanga o te hapū. That has derailed into quite a joke because right now the Crown has also issued fishing permits and if I went into an area and Matiu has just gone, that they've put rāhui on. But I got a permit, you can't do nothing because legally I am entitled to be there. It's all these kind of things I like to see that – rāhui has got mana, not only has it got tikanga but mana and law for us to make decisions that we need to make for the better environment we live in, and for sustainability of ensuring our kaitiakitanga, we are doing proper.

And as I sort of look at that, unfortunately today when I hear rāhui is a bit of a laugh, is a joke because the people who actually abuse it are not only our own because they are licenced to do so, it's ever got to look at - **(inaudible 16:48:29)** e te Tiati. He aha kē te kaupapa mō te rāhui. **What is behind the rāhui?** Kei te mea tētahi tangata – some hapū are saying rāhui is important to us, but we want law to underpin that as well, to control, or so we can take control of the activity within that given area.

The constitutional legitimacy of sovereignty. The constitutional legitimacy of sovereignty is found in what we call ngā ture o te tikanga. The ture of the tikanga. These are the laws and rules that guide how we engage through tikanga, they are there. These are our constitutional foundations, the principles that determine how things are done. A strong example of this can be seen at Whirinaki on the west coast, where tikanga is actively upheld. Example.

We, from the northern side, Hokianga Whakapau Karakia to – we, from the northern side say, 'Whirinaki, **(inaudible 16:49:38)**. You fullas look after that area. If you are not looking after it well enough, then you people are irresponsible.' *Visa versa*, they say the same thing as us but we never ever, in any way, went and determined they were wrong, they were right. You know the tikanga, mahia ngā mahi e pai ana mō te katoa **do the work for the benefit of all.**

And how did this process happen? It happened through a process of kanohi-ki-te-kanohi. There's no doubt about my experience at the end of the day, irrespective of whatever methodology you use, for the Māori world, it's kanohi-ki-te-kanohi, me kōrero tāua, me kōrero tātou, ahakoa te kore pai ki a ahau, ehara kē au te kaupapa, ko te kaupapa me kōrero tātou ki kona **Face-to-face, let's have a dialogue. We must speak with each other even though you might not like me, I am not the purpose.**

We're being **(inaudible 16:50:27)** sometimes, we're cocooned into thinking that I don't like that for harihari and now I'm not very well liked anyway. So, you're not going to come and talk to me. The kōrero is not about that, it's about the kaupapa. We must go and talk about the kaupapa. The personality is not the kaupapa, it is the kaupapa that we both have a right and responsibility to talk about.

You know, Wini Mātāpono have existence. I want to give you an example of my redneck mate here, his name was John Banks. I was Nāhinara and he said, 'Get rid of that, that tree is going, out you go, out the door.' He would get up before the meeting and contend as he saw it, belittle our Tiriti.

Ko te mea i roto te Māori, we were consistent and constant and over time just keep on dialling with this kaki whero. He became and became the best advocate because he believed that the principles that we stood for are sustainable and he also believed that the principles in Te Tiriti, so it was quite good for me because when I go to the Nāhinara, ngā kaki whero katoa, John Banks would get up, convert them, because we're good at doing that.

There is success in converting us i roto i te Karaitiana, let's do the *vice versa*. It's these kinds of things to me that are important and then we've got, what I consider to be great support for those very issues that, to you and I, are so sacred.

These principles we're talking about they existed from time in memorial. They move with us through time and continue to evolve. Ko tētahi kōrero, there's a statement made by Sir James when I was at a wānanga, and he said: "Tikanga won't change but the kawa to apply tikanga will." The application of tikanga will be a modern concept but tikanga is the pou, the pou will never change. Rapu koutou te tikanga, to make it work and you know he's right because for me today a lot of those very, very – the kawa, principles of operations back then are not at all fit for purpose today because we're a modern nation of hapū and Māori.

So, to me those principles still exist. So, I would say to the panel and to you, te Tiati, kia kaha tātou ki te pupuri, toitū te Tiriti. **We must strive to uphold, honour the Tiriti.** We witnessed that, we witnessed 145,000 Māoris turn up in Parliament, the power of people is what this is all about. Sovereignty again is about our collective assertion of the right to govern ourselves, to take responsibility for what happens within our communities.

This morning, we heard Article 2, that's being treated badly, but let's get down and do something better, what are we going to do about it? Find a way because that is an important part that we are as taonga, that's the economic side that underpins our social historical tikanga.

Mā roto i tērā, me kī rā, ana, kua ora tātou. I don't wish to carry on any longer and thank goodness this paper has run out. To say this, I think as a kaumātua you witness, and you see a lot of things. But what I do see is, fundamentally, all the people from here, Anaru, tēnā koe. I felt sorry for you because I felt you are on our side rather than the opposition. Simon, you never said nothing, but tēnā koe anake. You had a job to do, and you did it. One of the things about you I know is what was taught to me. Kia tau te Rangimarie. Whatever you do, but humble about it. Be assertive and you would be humble about how you

give service and make sure and ensure that when you are taking this whawhai, taking the issues, you are authorised to do so. I'm finding here now all sorts of people are saying authorised to do this, authorised to do that, and at the end of the day you are authorised to do nothing.

So, I see Hokianga there this morning, tēnā koutou Hokianga, because I know you are strong. When I see Whangaroa, I know we do the same thing. We have a responsibility to talk with one another, to collaborate and to make sure can we come together to do a job irrespective of our differences because as the rangatiratanga. So, e koutou, e tiro ana ki a koutou ki a mahi ēnei mahi taumaha. **Looking at you to accomplish this.** I don't think that they are very difficult if we are just quite simple about what it means to us. What I find is when I get complicated, I am so complicated I go home and say, 'Jinkers, I don't know where to start from.' But what I am raising here today is what I was brought up with, what was a practice for today others practices is still available today, yes they are, but the kawa will change because this is a modern contemporary world.

Nō reira, e tātou mā i roto i tēnei, mōku mō tēnei rā, **To everyone here, on my behalf** all those before me that have spoken I want to support them and to say, let's be strong, let's be resilient, but by the same too, let's do it together. This is not just for Ngāpuhi, this is for the nation. This is for the nation. This is for ngā iwi katoa, ngā hapū katoa o Aotearoa. Kaua tātou e matapiko. **For all of the people and the hapū, all hapū, we must not be selfish.** What we might think is right and theirs not wrong, no we're all right. Heoi anō, me rapu tātou te huarahi **We must try find the pathway forward** together and I know that the mission that's before the Tribunal now has been exhausted. They've gone and have spoken, and I can only conclude that at the end of it, there will be something solid, something sustainable, something tangible because I come from a world that if you can't touch it, it's not yours. Waihongia atu ki reira. Kaua koe e pā ki te awa, me kī nei ko te ao wairua. Engari ko ngā mea e taea koe te tō mai ki raro, hei painga mō tātou, tiakina. Ko ngā hapū anake ngā rangatira i tuku iho tēnei kaupapa o te rangatiratanga, o te kaitiakitanga mō o tātou taonga tuku iho. Nō reira ki a koutou katoa, ki runga, ki raro, here nei i a

tātou, kei roto i tēnei rā, tēnā koutou, tēnā koutou, kia ora tātou katoa. **Leave it. Do not touch the spiritual world, but those things that you are able to use for our benefit for hapū, only the hapū – leaders who pass down this matter pertaining to protection of our treasures handed down. And so, to everyone, bound together, above and below on this day, thank you, thank you, thank you all.**

(16:57) CHIEF JUDGE FOX TO RIHARI DARGAVILLE:

Q. Tēnā koe Rihari. Tēnei te mihi atu ki a koe me tō reo o te ao tahito e kōrerotia e koe mō te rangi nei. **Greetings Rihari, I want to acknowledge you and your voice from the old world, that you shared today.** You didn't read out paragraphs 27 to 31, I just wanted to ask you, do you still want those to go on the record?

A. I'm sorry that I missed some of those paragraphs, your Honour, I don't want anything taken out of this document. I want it all there, all in one. It's my fault that I missed out, but they're key– parcel in parcel. Nō reira, waihotia atu wēnā mea ki reira. **So, leave that there.**

(16:58) KEVIN PRIME TO RIHARI DARGAVILLE:

Q. Mr Rihari, in paragraph 24 of your evidence of your paper, you talk about our hapū find ways of continuing our traditional practices, like, I found myself, personally – like, say gardening for instance, for all the trouble of rotary, hoeing, planting then weeding and looking after them, me te hauhake and digging up the kumara was – I found after a while it was a lot cheaper just to go and buy at Pak n Save rather than all the work involved in doing it. I just wondered if you could comment on that.

A. I believe that's important – kia ora Kevin. Ko te mea kē ki roto – what I see was a lot of these practices of the past now, they become quite cumbersome. Secondly, the technology today is far greater than the ability of the tangata to do the digging physically. But the principle though is the same. The principle is that you have got land, use the land, use the technology to grow your own kai, because we all know that at the end of the day those of us that do go to the supermarket, I don't go anymore, I'm not going to buy carrots for $8. He kāpeti, tērā te kai mō te rāpeti but

cost $8. E tātou mā, ētahi tāima, mea ana, kei kona te whenua, whakamahia te whenua. Ehara i te mea e mea ana au, wēnā mea ka kai tuatahi mō tātou **Cabbage, it's what rabbits eat. Sometimes – the land is there so work the land.**, we need to have those – that kai, those vegetables for ourselves. But I've also spent a lot of time overseas, exporting and I know countries who actually say, 'we'd like to deal with those Māoris.' But you haven't got the land yet, we can make a decision yet. These are the things – we've got to go through with this constitutional change. Tukua ki te whenua, make it work, make sure that the whānau can get at least get the consensus or wider majority to use that land for the betterment of those they are responsible. It's a challenge but I think it's an important challenge because that's where a lot of our sustainable, economic futures are. So, e Kevin, coming back to what you were taking about, yes, sometimes you look at it, but Kevin, if you are buying cabbages for $8, tēnā koe. I'm not going to buy one for $8. Ngā mihi ki a koe me ō kōrero. Ngā mihi noke, me kī rā, ahakoa wēnei mea katoa, i roto o Whangaroa, I'm up there, Ngāti Kauhau, **So, thank you and what you had to say.** We've got beautiful land down there, my mother showed me where we used to go, what's happening now, it's just nothing. Nothing's happening. The place – had the whole community where nothing is happening. Who's fault is that? Well, I'll have to sort of say, it's probably my fault too because this generation was a bit soft on the next generation. You can't say to them, get out there – i ngā wā o mua, e haere koe te pere te mea, mā koutou e keri. Tō mahi he pere ngā wīwī, e mahi te kāri. Ngā wero ana ngā kaumātua **Get out there, you dig it up and for you to dig up the garden, work the garden and that's what the elders were like before**. There's the shovel, there's the spade, get out there and dig the garden. I can't do that anymore. I will be treated as somebody terrible. Anyway, the principle of what you raised, Kevin, is important for us. I think that really going forward now, and I would like to see this being a real strong part of what we are, is to sustain ourselves in our own whenua, our own land, our own rangatiratanga, our own mana motuhake, to ensure that we can do these things sustainably for the best development of our people and secondly, in a way that makes sure that

you and I and us, who are doing this, are using the taonga of our future generations. Tēnā koe.

Q. Kia ora. Mārama ana tēnā, kia ora.

(17:03) DEREK FOX TO RIHARI DARGAVILLE:

Q. Tēnā koe Rihari. He mea mīharo tēnei ko koe i tā tātou kaikōrero whakamutunga o te rā nei. Me mīharo, kia mīharo ki a ahau. E hia nei ngā tau ki muri i tūtaki tāua ki te taha o tēnā hui, i tēnā hui, tēnā hui, huri noa i te motu. Nō reira, kei te mihi ki a koe e te rangatira. **Thank you Rihari. It's impressive that you are our final speaker today and so, you impressed me many years ago when we met and we saw each other at various hui throughout the country, so I want to thank you on this day.**

A. Tēnā koe, Derek.

Q. Anei tāku pātai whakamutunga. He tangata karakia koe? Māhau e kapi tō tātou hui i te karakia. Here is my question, final question. Do you conduct karakia, recite karakia? Will you close our hui with a karakia.

A. Tēnā koe. He tangata karakia ahau. Tāku whakapono, ki a Ihu Matu Kore. Heoi anō e tātou mā, tēnā koutou kua tukuna mai tēnei hōnore i tēnei hunga o tēnei rā. **Thank you. I am a person who recites karakia. My faith is to Io Matua Kore, but to everyone has given this honour to this elder on this day.**

KARAKIA WHAKAKAPI (RIHARI DARGAVILLE)

WAIATA TAUTOKO

KARAKIA WHAKAKAPI CONTINUES (RIHARI DARGAVILLE)

HEARING ADJOURNS: 5.06 PM

HEARING RESUMES ON TUESDAY 2 DECEMBER 2025 AT 9.00 AM

DEREK FOX:

Kia ora tātou. Kua tae te wā ki te tīmata i tō tātou hui. Hei tuwhera i te hui i te ata nei, mā tō tātou minita tātou e karakia. **Greetings all. We have reached the point in time to commence our gathering, and to open our hui this morning I ask our minister to recite a karakia.**

HĪMENE (WAIRUA TAPU TAU MAI RĀ)

KARAKIA TĪMATANGA (AMIRIA TEWHIU)

MIHI (WI MUTU TEWHIU)

(09:07) DEREK FOX: (MIHI)

Tēnā koe tō tātou minita nāu i whakatuwhera te hui, me koe e te rangatira e mihi ana, e whakatau ana i ngā manuhiri i konei i te rā nei. **Thank you to the minister who opened our gather, and also you our chief who acknowledged formally all of the visitors today.**

HOUSEKEEPING (09:07:45)

AMIRIA TE WHIU:

Kia ora tātou. **Greetings.** I'm just standing to introduce the first speaker of our rōpū from Ngāti Rāhiri and I have great pleasure in introducing Dr Mary-Anne Baker.

(09:08) DR MARY-ANNE BAKER: (#B054)

WITNESS REFERS TO STATEMENT OF POSITION #B054

He Kupu Whakatūwhera — Te Kēmara ki a Kāpene Hōpihana (Waitangi 1840)

Opening remarks of Te Kēmara to Hobson at Waitangi in 1840

He aha tāu e hiahia nei i konei? He kaipahua koe — ka tahae koe i ō mātou whenua, ā, ka whakararu i ō mātou tangata. **What do you seek here? You are a thief — you will steal our lands and bring harm upon our people.**

Ka riro ngā whenua, ā, ka noho pononga mātou i raro i a koe.
Ko koe kei runga, ko au kei raro. Kāhore! Kāhore! Hoki atu!
Ka here koe i a mātou pērā i tēnei, engari i whānau rangatira mātou, he iwi rangatira, he iwi herekore!
Kāhore! Kāhore! Hoki atu!
Our lands will be taken, and we shall become servants beneath you.
You will stand above, and I below. No! No! Go back! You will bind us like this, but we are born chiefs, a free people, born to be free! No! No! Go back!

Te whenua e tu nei matou i runga, i te ra nei, noku. Tēnei whenua, ae, ngā oneone i raro i aku waewae nei, whakahokia mai ki a au. **The lands that we stand on today are mine. This soil underneath my feet, give them back to me. Return me my lands.**

What do you seek here? You are a thief — you will steal our lands and bring harm upon our people.
Our lands will be taken, and we shall become servants beneath you.
You will stand above, and I below. No! No! Go back!
You will bind us like this — (and he crossed his hands before him, as if in chains) — but we are born chiefs, a free people, born to be free!
No! No! Go back!

The land on which we are now standing this day is mine. This land, even this under my feet, return it to me. Return me my lands.

This is one of the most famous and prophetic speeches given by any rangatira at Waitangi and it is from our Tupuna Rangatira Tohunga Ahurewa **High Chief** Te Kemara I, five generations back, for our hapū, for our whenua, and it is our constitutional mandate.

Te Kemara was

- a signatory to BOTH He Wakaputanga (1835) and Te Tiriti (1840) – He Kawenata Tapu **sacred covenant**
- The host of both Kawenata Tapu **sacred covenants**, covenants, here on his own whenua Rangatira **ancestral lands**

What he said at Te Tiriti debate is an expression of the authority he carried under He Wakaputanga and Te Tiriti.

It is not “a speech.”
It is the constitutional position of our hapū at the time of signing.

Engari **However**

Me whakatū ture te Tiriti — e ū pū ana ki He Wakaputanga
Tiriti must establish laws that are in line with He Whakaputanga
Te Tiriti Must Be Made Law — Anchored Firmly in He Wakaputanga

The Core Message - is this

- Te Tiriti must be made law.
- He Wakaputanga must anchor it, because He Wakaputanga identifies who the legitimate authorities are.

Everything else flows from these two whakapono - truths.

Today I proclaim this as one of the many direct descendants of Tareha Kaiteke Te Kēmara I, rangatira and tohunga ahurewa **chief and high priest** of Ngāti Kawa and Ngāti Rāhiri

That Waitangi is the seat of authority for this country – Te Tou Rangatira.

That Ngāti Kawa and Ngāti Rāhiri are the kaitiaki and rightful holders of the two Kawenata Tapu **sacred covenants**

That He Wakaputanga and Te Tiriti o Waitangi documents were not abstract treaties; they were sacred covenants entrusted to our hapū by our own tūpuna **ancestors**. The reality must sit at the centre of every constitutional kōrero.

Why Te Tiriti Must Be Made Law

Because Te Tiriti are not "principles." It is tikanga-based constitutional instruction. It sets out:

- the mana motuhake of hapū
- the limits of kāwanatanga
- the obligations of peaceful co-existence
- the mutual recognition of authority

Turning Te Tiriti into "principles" was a deliberate political distortion to weaken it.

Restoring Te Tiriti as law is not radical. It is simply honouring the Kawenata Tapu **covenant** that formed this nation.

Why He Wakaputanga Must Anchor Te Tiriti

He Wakaputanga is the authentication mechanism.

It tells us:

- who the rangatira were
- which hapū held mana
- and what "authority" meant in 1835

Te Tiriti cannot be properly implemented without this foundation. He Wakaputanga provides the constitutional identity of the signatories. It verifies who had authority then and therefore who holds authority now

Themes: Expressions of He Wakaputanga me Te Tiriti

1. These themes are not a model but the way we live and practice the tikanga and instruction of our tūpuna rangatira and tohunga to whom we whakapapa under He Wakaputanga me Te Tiriti. They are our daily constitution, carried from 1835 to this day. Both dates of signing are honoured annually on this very Whenua Rangatira **noble lands**.

Theme One: Mana Motuhake and Tino Rangatiratanga

Mana motuhake is absolute accountability for our own decisions; we are not led nor influenced. Tino rangatiratanga is absolute responsibility. Both belong to the uri (descendants) of the whānau and to the collective as hapū, not to the individual or as a democratic right.

All are guided by their rangatira, those who can authenticate themselves through whakapapa and tikanga. As I grew up at Otiria, every speaker on our marae, also a Te Taitokerau marae would stand and recite their whakapapa before speaking, connecting themselves to whānau, hapū and mana whenua.

The authentication is to the hapū paramount chief guided by their tohunga. For us this is both rangatira and tohunga ahurewa Te Kēmara I.

Theme Two: Governorship and Authority

A governor is a rangatira, and all rangatira govern themselves and their lands. The sovereigns had their own governors and so did we. Each rangatira is a kaikōrero who speaks for their uri within their rohe. Some were both chief and paramount chief for the whānau. Younger chiefs might represent the elders, but the final word rested with the paramount rangatira.

This still apples today on our Waitangi whenua.

The notion of sovereign is alien to Māori. Rangatira have supreme power derived from atua, and divine power and presence. This supreme power is over

lands, sea and air, not over people, and is expressed through no rangatiratanga as absolute responsibility. That is why He Wakaputanga and Te Tiriti were deemed tapu - more than sacred - because our Tupuna Rangatira Tohunga could engage directly with Atua who would have informed them of action.

Parliamentary sovereignty may make laws, but never against He Wakaputanga or Te Tiriti. For us, Te Kēmara reminds us: “We are free.”

Theme Three: Electoral Rights and Systems

The electoral system for generic laws is tolerable, but for governing our people and our taonga, we need kanga, a Māori voice that can catapult the revitalisation of the Kotahitanga movement that was initiated in the 1890s by Ngāpuhi. There were moves to get this approved in Parliament at the time, but this was not successful. We need to uphold that today. These are different times, and the time is ripe now for its revitalisation.

Theme Four: Local Governance and Partnership

Local government must operate within our rohe and hapū structures. They must participate fully and develop taonga through true partnership and financial capability, not through paternalism.

Theme Five: Freedom and Collective Action

Te Kēmara I said we were free, and we are free. Our freedom is not a grant from any other state, it is our inheritance. We must hold that truth.

Theme Six: Recognition and Equal Standing

As uri of the signatories of He Wakaputanga, we are tangata whenua **(inaudible 09:19:17)**. The settlers and visitors became citizens by agreement, not by right. We seek equal rights as guaranteed in Te Tiriti including reciprocal recognition with England wherein if there is a cross-over into pākehā law,

matters involving Māori must be dealt with according to tikanga. We want our own ways of knowing, doing, and being.

Our Whakapapa Authority (Corrected, Identified, Unchallengeable)

Some have tried to confuse whakapapa lines or overshadow ours. So, I must state that our connections is through whakapapa, not signature, and it flows through the lines of Te Wairua – Auha, Whakaaria, Kawhi - brothers and sister, and through Maikuku and Huatakaroa – Te Ra – Tango, Torongare, Hauhaua, - from whom Te Kēmara I descends.

This line is both: Kaharau and Uenuku, the war- leader- strategic lines of the two sons of Rāhiri.

This means: our Ngāti Kawa and Ngāti Rāhiri authority is self-standing, senior, and equal not subordinate to any whanaunga line.

We respect our whanaunga but whakapapa is whakapapa, and mana is determined by where the tūpuna stood, lived, governed, fought, and signed.

Te Kēmara's tūrangawaewae was solidly in Ngāti Kawa and Ngāti Rāhiri: Ōromahoe, Pouerua ki Pākāraka – Kororipo and out to Moturua, Hāhāngaroa, Kahuwera and back to Waitangi where the covenants were hosted. That is where the Rangatira authority remains.

Te Kēmara's Warning — Constitutional Truth

I say again, in 1840, before Hobson, he crossed his wrists and declared: "Engari i whānau rangatira mātou — he iwi herekore." **We were born as chiefs and we are a free people.** We are born chiefs, a free people.
He was not opposing relationship, he was opposing subjugation. He saw the chains before they came.

This is our whakapono, our constitutional truth. Tino rangatiratanga will not be surrendered. Mana motuhake will not be extinguished. This is the tuara **backbone** of our kōrero.

The Wairua of the Constitution

Our authority is both political and spiritual.

We are also:

- The descendants of Tahuhunuiōrangi — the pillars of the sky, the celestial realm linked to;
- Te Waiarikinuiorangi — the spirit tribe
- Holders of the tohunga ahurewa lines of both grannies Te Kēmara and Te Ruki Kawiti

The constitution on has an invisible layer, the wairua **spirit**, that only Māori understand. It does not translate into Westminster law.

This is why the Crown cannot define our authority. This is why our whanaunga cannot overwrite it.

This is why our whakapapa stands.

Our Simple Constitutional Position

- Te Tiriti must be made law.
- He Wakaputanga must anchor it.
- Tino rangatiratanga remains with the hapū who signed.
- Kāwanatanga belongs to Pākehā over Pākehā — not over Māori.
- Waitangi remains the seat of authority under Ngāti Kawa me Ngāti Rāhiri

This is not rebellion and we be labelled rebels again in the fight for what is whakapono – right and ours. This is restoration of the whakapono – the truth.

Kua whai reo anō tātou. **We have gained our voice again.**

Kei konei. Kei tēnei wā. **We are here at this time.**

Ehara i te reo manu — engari ko te reo tangata. **It is not the voices of the birds – but of the people.**

Tēnā koutou. **Thank you.**

We'll sing a waiata now. He waiata E Rere Te Ao **Singing a song E Rere Te Ao**, before the questions.

WAIATA

(09:24) DR MONTY SOUTAR TO DR MARY-ANNE BAKER:

Q. Kāti, tēnā koe e te Tākuta. Tēnā koe i ngā kupu poropiti a tō tipuna a Te Kēmara. **Greetings, Doctor, and I want to thank you for sharing the prophesies of your ancestor Te Kēmara.** I've got to agree, powerful prophecy. Did he sign the Treaty?

A. Āe. **Yes.**

Q. Despite what he said?

A. Āe. **Yes.** Because that's what we're saying, it was about relationships. He was a commercial person. He signed knowing that he never ceded his tino rangatiratanga, mana motuhake. He didn't cede anything and that's what it says there. We are born free, born rangatira. And therefore, to sign meant to have that reciprocal power. And we know and have affirmed we follow te Tiriti, not the Treaty, and te Tiriti guarantees us all those rights. That freedom he spoke of. And so, we're in this quandry and in this taimaha time because we're following the wrong whakapono **belief**. That was also a prophecy. Stick, as Kawiti said, to the whakapono **belief**. So, this is our truth.

Q. Kia ora. I kī mai koe he kawenata tapu. I tāinehi nei i runga i te marae i mea atu au āe, he kawenata tapu te Tiriti. Koirā te whakaaro o ōku tīpuna nō Te Tai Rāwhiti. Ki taku mōhio, ko te kupu kāwanatanga te Paipera Tapu. **You said that it was a sacred covenant. But yesterday I said that yes te Tiriti is a sacred covenant. That was what my ancestors from the East Coast believed. From my knowledge the term**

kāwanatanga is from the Holy Bible. You spoke of the Kawenata Tapu as your people having some Māori understanding of that. Can you explain a bit more to the panel what your tīpunas understand by kawenata tapu **sacred covenant**?

A. I suppose, and it's in my 1040 evidence, right from the word get-go, I've stood here, and because Te Kēmara was a tohunga ahurewa **high priest**, they actually imbued, they were imbued, they were game on it, enabled to harness the energy from those spiritual whakapapa as well as their own whakapapa, to engage directly with atua. They didn't need any god sticks. And so, therefore, when the Paipera Tapu **Bible** came, to us, our teachings is that we already knew what was in te Paipera Tapu **the Bible**. That's why right here we had the Taumata Mohi, we had the – even Kawiti for us, we're part Jewish, because you wanted to change to the Jewish line so one of his children married Morekai, because we're both Kawiti both sides, and that is also Te Kēmara in that line. So, what that meant, they already knew this, they already engaged that. So, when it came they already believed and that's why we believed they became akin to the Crown, Kings and Queens, the true sovereigns of England because the sovereigns actually believed they were imbued with that same power. Because like the Egyptians they weren't just Kings and Queens, they weren't just rangatira tohunga ahurewa **high** priests, they were actually imbued with the ability to engage directly with atua. So, it is a kawenata tapu **sacred covenant**, and that's why we started here. And even redress for He Kawenata **covenant**. Korekau te kupu tapu, but he kawenata. **Didn't have that same tapu, but it's a covenant.** And that's when the Paipera Tapu, it's a living being, you know, the closest to that is the Wanganui River, making the river a living being. Well, to be imbued with the divide demonic power of atua **gods** is a kawenata tapu, it's a covenant. So, when we sign in our evidence, sign te Tiriti, it was an engagement with the higher powers, with divine celestial whakapapa ki te atua **to God**.

Q. Kia ora. **Thank you.**

(09:28) DR GRANT PHILLIPSON TO DR MARY-ANNE BAKER:

Q. Tēnā koe, Dr Baker. **Greetings, Dr Baker.** Thank you very much for your presentation, I found that very helpful. I just wanted to ask, so, William Colenso recorded that speech or not speech as you've called it, prophecy in English. I am just wondering, who did the translation back into Māori?

A. Well, they said it was Colenso, but when you actually look at it, in our own infancy, when you actually look at the words right, for us as people of te reo we were put there, we were so free. That's why I wrote the English to make sure you get what we believe it's saying, not what someone else is translating. And I'm glad you raised Colenso because I read extensively and, should I say it, through Goldsmith's thesis on Colenso and he was not a very good person and he actually – they quoted, and when I reflect now as I've become more learned he shouldn't be used as a person to be advocating for Māori because he actually, and I know now why we have done it so hard here as children of a tohunga, because our families of the tohunga lines didn't get to go to school because we're tohunga children. We weren't allowed all the privileges of those who became Christians or those who signed on te Tiriti or the tūpuna who are upheld because they became Christians. Te Kēmara, and even though they say Te Ruki Kawiti became a Christian, he did not. I found the paper that showed he did not sign. Maihi did, but not Te Ruki. And they didn't become Christians and so they were persecuted for that. Colenso helped that because Colenso even in the south of here deliberately defied tapu. He deliberately told people when they were sick that they were imbued with the Devil, and they had done wrong.

Q. Sorry, I may not have made my question clear. I'm just wondering who did the te reo translation.

A. It was said Colenso, but we have done that ourselves.

Q. Right.

A. As tangata whenua here.

Q. Was it you? I am just wondering, I would like to know who the person was who did the kupu.

A. Myself with my learned things with Colenso and we asked all the reo speakers.

Q. Yes, okay, thank you.

A. But could I ask you a question? Is there something in the reo that you're not clear about or fumbling with?

Q. No. I have read Colenso's account and it's written in English.

A. Yes.

Q. So, I just wanted to know who translated it back into te reo Māori is all.

A. Yes. Well in my –

Q. It was just a very simple question.

A. Okay, sorry, 1040 we used Colenso's, but here we have put in ours.

Q. Yes, okay.

A. We are free. Right. Because if you look at it, not being in chains means we're free because they were based on watching the prisoners in Australia.

Q. In New South Wales, yes.

A. Āe.

Q. I get that. Thank you. That was very helpful. That's just my question. Thank you very much.

A. Thank you.

Q. And yes, well, Colenso had his issues. No other questions. Thank you very much, Dr Baker.

DEREK FOX:

Kia ora. Tēnā koe. **Thank you.**

DR MARY-ANNE BAKER:

Tēnā koe. Our closing waiata is E Rere Te Ao. It was composed by Te Kēmara after the fall of Hongi Hika's son, but he composed it also for all those fallen in the fight for our rights, and it wasn't just for Ngā Puhi, and it talks about, it's actually a salute to all those soldiers, those toa **warriors**, and it talks about the journey to Te Rerenga Wairua, climbs down Pōhutukawa tree and our kōrero and meets the two oceans in the bull kelp and then climbs up the Three Kings, and as they're climbing we obviously tangi atu **cry out** because they're not

looking, it's just missing them. And then when they get to the top they turn once to salute to us before they turn away to walk into their new world. Either the tracks of Tāne or like us in Tahuhunuiarangi to ngā whetū **the stars**. Kia ora.

It's a different tune. I've even been challenged on that: "He didn't write that." "Yes, he did." Because he sings a different tune, like many songs, yes, okay.

WAIATA (E RERE TE AO – NĀ TE KĒMARA)

DEREK FOX:

Kia ora. Kei te tīmata anō te hui. Kei a koutou te wā. **Thank you. The hui is starting again. You have the floor.**

(09:38) JAMES HENARE CLENDON: (MIHI)

Tēnā koutou e te whare. E rongo ana au ngā kōrero o te Taraipiunara, me huahua ko wai tēnei e tū ake nei. Ko James Henare Clendon tōku ingoa. Hoinō, i mua i te tū i mua i te katoa e mihi ana ki taku matua nāna i homai tēnei hōnoretanga māku hei tū ake hei wāwāhi kōrero i tēnei ata nei, nō reira mihi atu ki a koe e Dad, ngā kaikerēme. I huihui mātou inapō rā me pēhea tātou ka tuku i ngā kōrero ki mua i te katoa o ngā hapū, ngā whānau e huihui mai rā i raro i te tuanui o tō tātou whare Te Tiriti o Waitangi e tū ake nei. **Greetings to everyone in the house. I have heard what the Tribunal said, we must say who we are. My name is James Henare Clendon. Nonetheless, before we begin, I want to acknowledge my uncle who gave this honour to me to stand and to introduce us this morning. So, I want to acknowledge you dad, and all the claimants. We met last night as to how we can present our kōrero before the hapū and whānau gathered underneath the roof of our house, Te Tiriti o Waitangi.**

Hoinō, tēnei wāhanga e mihi atu ana ki te minita, ki a koe e Mereana nāu e tuku atu i ngā kupu whakawhetai ki tō tāua nei matua nui i te rangi, otirā ki tō tātou kaumātua a Te Wi Mutu nāna i tuku mai ngā mihi. He whanaunga nōku tērā taha, taku māmā nō ngā Topia me ngā Witana nō roto mai o Waihau, Ngāti Te Reinga. Nō reira, e mihi atu ana ki te taumata me te haukāinga e tiaki

nei tēnei kāinga o tātou. **So, at this time, I want to acknowledge the minister, to Mereana, who gave thanks to our lord in heaven, and to our elder, Wi Mutu, who gave formal acknowledgments. You are a relative from the Topia and Witana on my mother's side, from Waihau, Ngāti Te Reinga. So, I want to acknowledge the leaders and the local people who are taking care of this home of ours.**

Tēnei e tū ake nei he Ngāti Rāhiri, Ngāti Kawa e kaha haere atu ana ki tērā taha o Te Rākaumangamanga ki tērā kāinga itiiti noa iho nei a Te Rāwhiti. **Who is this, I am Ngāti Rāhiri and Ngāti Kawa, and I always go to Te Rakaumangamanga, and that small settlement of Te Rāwhiti.**

Hoinō e te whare, tēnei wāhanga i huihui mātou inapō ka riro mai māku hei hoki ngā whakaaro ki ō mātou mate i te mea, me pono te kōrero, e whā marama te kaumātua o taku tamaiti, taku mātāmua tēnei e noho mai nei i te wā ka tuku taku pāpā mō tana Wai claim 1307, 2013. I āianei, nā kua 12 te kaumātua o taku tama, ā, kua whakaaro he rautaki i te mea te nuinga o ngā kaikerēme kua tuku kōrero ki te Rōpū Whakamana i te Tiriti kua mate, nā ko Nanny Helen Mountain tērā, ko Aunty Marara Hook tērā, ko Nanny Mere Willoughby Rewha tērā, ko Uncle Moka Puru tērā. **Nonetheless, to the house, we met last night, and I was given the honour to remember our deceased because I must be truthful, four months, this is my eldest here. At the time when my father lodged his claim Wai 1307, 2013. My son is now 12 years of age, and we though of a strategy because most of the claimants who have presented evidence to the Tribunal have died. Nanny Helen Mountain, Aunty Marara Hook, Nanny Mere Willoughby Rewha, Uncle Moka Puru.**

I taua tāima ahau kei te taha e mātakitaki ana i ngā tangata ka tuku kōrero. I āianei ko ahau tēnei ka tū ake nei, ko taku matua a Matutaera te mea toenga e ora ana. Nō reira, ka whai whakaaro atu ahau ki ō mātou mate me te tini o rātou me te mate e mauria mai e Ngāti Hau. Inanahi rā te rā nehua e tare mai nā i mua i a tātou i tēnei ata nei. . **At that time, I was on the side watching the witnesses who were giving evidence and so, this is I, standing here,**

and my father, Matutaera is one of the few who are remaining. So, I want to pay respect to our elders and our deceased, and all of the taonga that Ngāti Hau brought – buried yesterday.

Me ngā mate huhua. Ka mauria mai ahau i tētahi mate i tērā kua pahure ake nei, ā ko taku karanga whaea ko Tunisia tērā, ko tērā te tuahine o taku pāpā. Mai i te 16 o ngā tamariki ko ia anahe te mea e ora ana. **I want to acknowledge all of the many dead, and so, I bring forth a deceased, the other week my Aunty Tunisia, that was the sister of my father. Of 16 children, he is the surviving one.** Mea ana ko tana kōrero roto i te reo Pākehā ki a mātou **but he said in English**: "Last of the Mohicans." Heoi anō, ka tangi tonu ana te ngākau ki a rātou kua riro ki te pō me te tini atu. **Nonetheless, we continue to mourn those who have departed to the world of death and so many.**

Nō reira, e tātou mā, mōhio ana he mea tauiwi tēnei, hoinō e whakaaro nui ana ki a rātou. Mei kore ko rātou, mei kore ko ahau ka tū ake nei hei kaikerēme ka riro, ka pīkau tonu i tēnei kaupapa me te nuinga o rātou i rongo inanahi rā kua huri tuarā. Nō reira, rātou ki a rātou, tātou ki a tātou. E te whare, mōrena, ata mārie ki a tātou i tēnei ata nei. **So, I want to pay respect to them. If it were not for them, I would not be here to stand as a claimant, shouldering this kaupapa and all of those who were mentioned yesterday. So, we pay respect to them, and to us. Everyone in the house, good morning to everyone.**

Hei mau tonu wētahi o ngā kōrero, tahi taha ōku nō te maunga Whakarongorua, e rongo atu ana ahau te whāea a Ipu i kōrero mō tētahi ō mātou tupuna ko Aperehama Te Taonui, nā ka kōrero kia tūpato mō te haki o Ingarangi, i te kore, kei pūngāwereweretia tō whare. Me pono, te nuinga o ō mātou kaumātua roto o Ngā Puhi e matemate haere ana. Nā, kua hanga riro mai ki taku hakatupuranga, kua mea atu, "ko koutou te mea āpōpō." Ki a au nei ko i ēnei rā nei. And e tatari tonu ana he aha kē ngā hakataunga o koutou Te Rōpū Whakamana i te Tiriti me tērā taumahatanga kei runga i a koutou. **In terms of one side of mine, one is from maunga Whakarongorua and I heard Ipu talking about one of ancestors, Aperehama Te Taonui. He**

talked about, be careful about the flag of the British, your house may be filled with spiders. Truthfully, most of our elders in Ngāpuhi are passing away and it's been passed over to my generations, and the future is now. So, we are still waiting, what are the determinations that will be made by the Waitangi Tribunal and all of the heavy responsibilities.

Nō reira, e mihi atu ana ki a koutou. Mōhio pai ahau i 2013 rawa au i kite ō koutou kanohi. Ko Craig Coxhead mā tērā i taua tāima rā me te nuinga o wērā o ngā Taraipiunara. Hoinō, e mihi atu ana ki a koutou. Otirā, ki ngā kaikōrero i tū inanahi rā tae noa mai i tēnei rā, tae noa atu ki te mutunga o te rā. **So, I want to acknowledge you. I understand that, in 2013, I did not see your faces. It was Craig Coxhead and his panel at that time and those Tribunals. So, I want to acknowledge you and to all the speakers who appeared yesterday and today, and those in the coming days.**

Nō reira e te whare, kau kē tēnei mō te tōroa ake nei tēnei mihi, hoinō e whakaaro nui mātou kia wāwāhi ana ērā ō mātou mate, ngā kaikerēme e pīkau nei i tērā, e tatari tonu ana mō ngā whakataunga. Kaua au e hiahia kia kuhu atu, kia hou atu ki roto i ngā kōrero o Ngā Puhi mō ngā whakataunga kerēme, hoinō kia kaha nei tātou. Nō reira e te whare, tēnā koutou, tēnā koutou, huri mai, huri atu kia ora mai anō tātou katoa. **So, to the house, I won't prolong these acknowledgements, but we want to pay respect to acknowledge our dead and the claimants who shoulder that responsibility. As we are waiting the determinations, I do not want to delve into the kōrero of Ngāpuhi or the settlements but let us be strong. So, to the house, thank you, thank you, and to everyone assembled, thank you once again.**

(09:44) MATUTAERA CLENDON: (#B074)

Kia ora anō te whare. Hoinō tēnei he tautoko i taku tama nāna ngā kōrero mōku. Ko rātou rā ngā tuarā o tēnei wā. Nō reira, runga tēnā, waiho atu te wāhanga ki tēnei taku tamaiti te tū te mihi atu mua atu taku tūnga. Hoinō tēnei e mihi ana ki a koutou katoa, te Taraipiunara, te whare, ngā kaikōrero roto o tēnei o mātou whare tūpuna **(Māori 09:44:36)**. Tēnei tupuranga, ā, ngā whakapapa. **Greetings, once again, to the house. I endorse and support**

my son who spoke on my behalf. They are the backbone at this time, and so, with that in mind, my child was given this opportunity to greet you before I stood. So, I want to acknowledge everyone, the Tribunal, this house, to all of the speakers in our ancestral house. This generation, and the whakapapa.

Nō reira, runga tērā, hoinō tēnei e mihi nei ki a tātou katoa i runga i te reo pōwhiri o te aroha **(Māori 09:44:49)** koutou. Nō reira e te Taraipiunara, hoinō tēnei e mihi ki a koutou, e mihi ana ki ngā whānau katoa haramai runga tēnei kaupapa nunui e pā ana, ki a koe e te tuahine nāu rā i whāriki te kaupapa. He whanaunga anō tēnei nōku. Nō reira, he tata wō mātou whakapapa. Nō reira te tupuna Te Kēmara ko mātou anō tēnā. **So, with that in mind, I want to acknowledge everyone with love and compassion. Therefore, to the Tribunal, I want to acknowledge you and all of the whānau who have come here for this most important kaupapa. I want to acknowledge you all, who have presented this kaupapa, and we are closely related. So, to the ancestor, Te Kēmara, that's also us.**

Ka huri au te reo tuarua nāianei e kōrero ana te reo pihikete. **I want to turn to speak in my second language, the biscuit language, so to speak.**

BEGINS READING STATEMENT OF POSITION #B074

Introduction.

My name is Matutaera Te Nana Clendon and I am a claimant alongside Robert Sydney Willoughby, Te Aroha Rewha (deceased), Russell Hook on behalf of Mārara Kaweora Hook (deceased), Huia Storm Azimi, George Frederick Riley and James Henare Clendon, for the Wai 1307 claim filed on behalf of ourselves, our whānau, and Ngāti Kuta Hapū ki te Rawhiti.

I am a direct descendant of Te Nana II, Hare Hongi, Te Kemara, and Whai Hakuene who all signed He Whakaputanga. I am also from Ngāi Tawake ki te Takutai Moana, Ngāti Rāhiri, Ngāti Kawa, Ngāti Whakaeke and Ngāti Tautahi Hapū.

In doing so, we are descendants of several Tūpuna that proclaimed our sovereignty, and hence we hold pre-existing customary rights. My other tūpuna who signed He Whakaputanga me Te Tiriti o Waitangi are Te Kemara, Whai Hakuene, Irekohe and Hare Hongi. My pepeha is as follows:

Ko Rakaumangamanga te maunga. **Rakaumangamanga is the mountain.**
Ko Nga Tokimatawhaurua me Mataatua ngā waka. **Ngā Tokimatawhaurua and Mātaatua are the waka.**
Ko Ngāti Kuta me Patu Keha ngā hapū ki te Rawhiti. **Ngāti Kuta and Patu Keha are the hapū.**
Ko Ipipiri me Tokerau ngā moana. **Ipipiri and Tokerau are the seas.**
Ko Taumarere te awa. **Taumarere is the river.**
Ko Te Pere te mauri o Patukeha me Ngāti Kuta ki te whare tūpuna. **Te Pere is the mauri of Patukeha and Ngāti Kuta and the ancestral house.**
Ko Ngāpuhi te iwi. **Ngāpuhi is the iwi.**
Tihei Mauriora. **Behold the breath of life.**
Rakaumangamanga titiro ki Rapanui. **Rakaumangamanga faces Rapanui.**
Rapanui titiro ki Taputapuatea, Rangiatea, Tahiti. **Rapanui faces Taputapuatea, Rangiatea, Tahiti.**
Ko tēnei te tapatoru o te poronehana. **This is the three –**
Mai ngā kōrero o ngā matua tūpuna. **From the narrative history of the ancestors.**

I attach as Annex A my Brief of Evidence that I had presented in the Wai 1040 Te Paparahi o Te Raki Northland Inquiry. This evidence covers the importance of te Tiriti and He Whakaputanga to Ngāti Kuta ki te Rawhiti, both of which are key constitutional documents.

We use the following definitions:

a. Our Tikanga as our customary law, is our body of laws, comprising culture, practices and customs that we have always held, and still hold, and that we have never ceded;

b. Rangatiratanga is the unqualified exercise of chieftainship (self-determination); and
c. Taonga includes all dimensions of a tribal groups' estates, material and non-material heirloom, wāhi tapu (sacred places), and ancestral lore (customs) and whakapapa (genealogies).

Mana Motuhake and Autonomy, Tino Rangatiratanga, Tikanga, Kāwanatanga and Crown Overreach

Our Tūpuna, Hongi Hika, travelled to England to meet King George IV. He created a relationship at the level of chief to chief, Rangatira to King.

When our Tūpuna signed te Tiriti, they entered into a partnership of equals, not one of submission. They agreed to share authority, each party retaining their own mana, their own sphere of influence, and their own power.

Regarding the Kāwanatanga, we agree with the preamble of the Te Ture Whenua Māori Act 1993, where it states:

> And whereas it is desirable to recognise that land is a taonga tuku iho of special significance to Māori people and, for that reason, to promote the retention of that land in the hands of its owners, their whānau, and their hapū, and to protect wāhi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whānau, and their hapū: And whereas it is desirable to maintain a court and to establish mechanisms to assist the Māori people to achieve the implementation of these principles.

True constitutional legitimacy in Te Ao Māori is grounded in whakapapa, in one's right to speak on one's own marae, sanctioned by whānau, hapū, and iwi.

Under our Tikanga/Law, we look to our whakapapa, to the lines of Rangatira and to those who have developed the skill to be a Rangatira. The whānau of the proposed Rangatira will recognise them as such, through their own Tikanga practice. Once the whānau has recognised them as such, then the hapū and iwi, through hui and wānanga, will then collectively support and recognise their authority as an Ariki Rangatira.

The Crown's assertion that our Tūpuna ceded sovereignty is fundamentally misconceived and ignorant. Authority comes from connection to our whenua and moana, supported by the whakataukī, Ko au te whenua, Ko te whenua ko au. **I am the land and the land is I.** Our Mana Motuhake cannot be severed, nor given away. Not that we required anyone to tell us what we knew, but the fact is that the Waitangi Tribunal reached the same conclusion that we knew to be correct from 1840. The Tribunal in its Stage One Wai 1040 Report ("the Ngāpuhi Report") concluded as follows:

> We have concluded that in February 1840 the rangatira who signed te Tiriti did not cede their sovereignty. That is, they did not cede their authority to make and enforce law over their people of their territories. Rather, they agreed to share power and authority with the Governor. They agreed to a relationship: one in which they and Hobson were to be equal – equal while having different roles and different spheres of influence. In essence, rangatira retained their authority over their hapū and territories, while Hobson was given authority to control Pākehā.

Our tikanga should never be extinguished by any legislative act or law.

The Crown can exceed its authority, or legitimate use of power, and act a tyrant, but it can only ever temporarily layer its law over our Tikanga. It can never destroy our Tikanga, or our Mana Motuhake.

It is our position that the model of governance set out in the Ngāpuhi Report is the appropriate structure for a constitution in New Zealand.

Our major grievance is that the Crown only recognises the authority of individuals if they have conformed to its processes. By this we mean the process of having a group of people vote for resolution of an issue or to appoint a person to represent them.

We are tired of constantly going around and around in circles with the Crown, in endless conversations that rarely realise tangible relief.

Constitutional Legitimacy, Sovereignty and Shared Power, Integration of Law and Tikanga, Ngā Ture Pakehā and Their Source

Sovereignty and Shared Power

Sovereignty is a foreign word built on hierarchy and subjugation, a pyramid of control with one ruler at the top.

Ehara taku toa i te toa takitahi, engari he toa takitini **my success is not achieved individually but collectively**, Māori authority is relational and lateral. Power is shared among the people, grounded in the capacity to feed, protect, and sustain the whānau. That is true sovereignty, not control, but care.

Integration of Law and Tikanga

The so-called parliamentary system must be reformed to reflect Tikanga Māori, ensuring the intersection of law and Tikanga. Only when Tikanga is woven into the legislative and judicial fabric can justice in Aotearoa be real.

Ngā Ture Pākehā and Their Source

The legal tradition in Aotearoa now bears traces of Māori influence, yet it remains largely divorced from its true source, te Tiriti!

The Crown attempts to separate Ngā Ture Pākehā **Western laws** from te Tiriti, pretending they stand on their own authority. They do not. All legitimacy in this land flows from Te Tiriti and the promises it enshrined.

Tikanga must not merely influence the law. It must shape and bind it. Anything less continues the Crown's project of domination.

Councils and Land Confiscations

Whatungarongaro te tangata, toitū te whenua **people perish but the land endures***,* the people will perish but the land remains. All land taken from Māori must be returned. Whenua is sacred and cannot be owned, sold, or confiscated. The Crown's false claims of ownership are an ongoing injustice.

Local councils have acted as the Crown's sheriffs, bailiffs, and enforcers, the very instruments of land theft and dispossession. They have no legitimate authority to seize Māori land under any guise, whether through rates, debt recovery, or regulatory control. Every such act is a continuing breach of te Tiriti.

Even when Māori hold positions of civic authority, systemic Crown structures restrict their ability to act in accordance with Tikanga. This must be corrected.

Human Rights and Sacred Dignity

Nā te Atua te mana me te tapu o te tangata, ehara i te kāwanatanga. **The mana and tapu of a person derives from God, not from government.** Human rights derive from mana and tapu, the sacred essence within each person gifted by Atua **gods**. No government grants these rights. They are divine and inalienable.

The Crown must uphold and entrench the protections in the New Zealand Bill of Rights Act 1990, the Human Rights Act 1993, and the

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Courts must be empowered to strike down any law that violates them.

There are currently no meaningful consequences for breaching human rights in Aotearoa. Discrimination is met with token penalties, allowing injustice to persist. Real accountability, moral, legal, and financial, must be imposed so that breaches have genuine cost and deterrent.

Dated 17 November 2025. Matutaera Clendon. Kia ora. **Thank you.**

(09:58) CHIEF JUDGE FOX TO MATUTAERA CLENDON:

Q. Kia ora ki a koe e te rangatira. Nei rā te mihi ki a koe me tō tama. Pai tana kōrero. Me tū whakahīhī koe. Mokopuna? Kia ora. **Greetings, chief. I want to thank you and your son. It's good what he said. You should be proud. Grandchild? Thank you.** Paragraph 18, we have heard indirectly the nature of Māori authority being relational, but this is the first time I've seen someone write it down, and that's really important because what it does is it suggests that there's a marker difference between how Māori notions of constitutionalism and the Crown's notions of constitutionalism are different, so I wanted to thank you for that. And mehemea he kōrero anō tāu mō tērā take, kōrero mai. **If you have anything else to add about that issue, please share.**

A. E te māreikura, ko tēnā kōrero, you know, he mea, ehara taku toa i te toa takitahi engari he toa takitini, you know, hei whakamārama ehara ko au anō engari te marea nē. Whakatōngia atu te kaupapa mai i ngā mokopuna, mai i ngā kōrero, you know, waihotia atu mō rātou kia mōhio mai rātou, ko ngā tamariki mokopuna te mea nui ki ahau i tēnei wā i roto i tēnei ao. Hoinō, e pana atu tēnā kaupapa ki konā, he aroha tēnei ki a rātou. Ko rātou rā ngā, me kī, ngā – ō tātou mana mō ngā tau e heke mai nei. Ko ngā tamariki mokopuna, ō tātou reo, ō tātou mahi. Nā, kei konei waku mokopuna, kei konei, e whakarongo mai nei. Mō rātou, hara kau mō mātou. **The esteemed woman, in terms of what I said that success is not achieved individually, but collectively, you know, it's explaining that it's done by the many. The kaupapa is planted within**

the grandchildren from the speakers to let them know that the children is what's most important to me at this time in this world. So, I will leave that matter there, so I sympathise with them. They are, so to speak, they hold the mana into the future. The children, our grandchildren, our language, our actions. My grandchildren are here listening and it's for them, not for us.

(10:00) KEVIN PRIME TO MATUTAERA CLENDON:

Q. He pātai waku. Kotahi anō. Tēnā koe e te rangatira e Matu. **I have just one question. Greetings to you chief, Matu.** In paragraph 19 you say, you talk about the so-called parliament system must be reformed to reflect Tikanga Māori. My question is, me pēhea ake tēnā e taea te whakatutuki i wēnei rā? **How is that able to be achieved nowadays?**

A. E rua ngā whakahaerenga i ngā wā o waku kaumātua, ngā kōhanga. Ko rātou rā tēnei, ngā kura, ō mātou tamariki mokopuna mai ō mātou tūpuna te wā, engari kua matemate kē. Nō reira, runga tēnā me haere tonu ā tātou titiro ki ā tātou mokopuna ko rātou rā ngā purapura o mātou i tēnei wā, e whakatō atu ngā kōrero e kōrerongia ana tēnei rā. **Over the time, my kaumātua, through the kōhanga and the schools that our children attend, and from our ancestors, but they have all passed on. So, with that, we must continue to consider our children, and they are the legacy, and we must implant and share with them all of the kōrero from today.**

Q. Kei te pai tēnā. Kia ora e te heamana. **That's fine. Thank you, chief.**

(10:02) DEREK FOX TO MATUTAERA CLENDON:

Q. He kōrero anō māu hei whakakapi atu? He kōrero māu hei kapi i ō whakaaro? **Do you have any concluding remarks to summarise your thoughts?**

A. I tēnei wā, hoinō tēnei e mihi nei ki te marea, rātou mā ngā kōrero tuku mai nā, kōrero tapu ō tātou marae. Te mea nui kē ko wā tātou mokopuna ngā tau e heke mai nei. Ko rātou rā ngā rangatira mō tātou. Hoinō runga tēnā ko wēnei aku whakatau mai i ō mātou mātua tūpuna. Hoinō, tēnei e tautoko ana ngā kōrero o te whare. I tipu mai au i a mātou whakatū ana

ngā kōhanga reo, ngā kura kaupapa, puta atu ki ngā, me kī, ngā wharekura. Nō reira, runga tēnā, me ngā mea i te whare wānanga, Waikato me Tāmaki Makaurau, nā ko mātou katoa ngā kaumātua, kuia o tēnā wā. Nō reira runga tēnā, ko tēnā ā rātou wawata, haere tonu ana. **At this time, I just want to acknowledge everyone, all of the kōrero that they shared in our marae. What's most important are our children, grandchildren, moving into the future and they will be our leaders. These are my determinations coming from our ancestors and so, I endorse all the kōrero in the house. When kōhanga reo were established, kura kaupapa, including the Wharekura, and also the Whare Wānanga Waikato, and Auckland. All of us were the elders at that time, and so, with that in mind, we must meet their aspirations.**

Q. It's very good work **(inaudible 10:03:40 – 10:03:42)** that you lodged your claim **(inaudible 10:03:44 – 10:03:47)** and here he is today.

A. Āe, tika, tika. **Yes, that's right.**

Q. Ka mau te wehi. **Awesome.**

A. Tēnā koe, tēnā koutou e te Taraipiunara. Hoinō he mihi aroha ki a koutou. Tēnā koutou. Tēnā koutou e te whaea, ngā mihi. **Thank you, thank you to the Tribunal. I want to extend my love towards you. Thank you. Thank you to the matriarch, thank you.**

(10:04) HUIA AZIMI:

This waiata was written by Uncle Matu's father Henare Poutawera Clendon Te Nana, his photo is there. It speaks to Rākaumangamanga and the relationship we have with our maunga **mountain**. And in relation and relevant to Wai 1307 and in the case of Matutaera Clendon Te Nana we seek the immediate return of all reserves confiscated from the whānau and the hapū of Ngā Puhi to allow them the free and unincumbered rights of kaitiakitanga in accordance with their tikanga. In particular, we have reclaimed how Uncle Matu has reclaimed our mana motuhake of the islands of Pēwhairangi and in particular Moturua Island, Ipipiri. And we seek all future legislation should uphold the promise of He Wakaputanga me te Tiriti o

Waitangi and the rights of hapū to maintain rangatiratanga over their own kāinga. Kia ora mai tātou.

WAIATA (KO RAKAUMANGAMANGA)

MATUTAERA CLENDON:

Ki a tātou katoa, ō tātou whānau i konei, hoinō tēnei he mihi aroha ki a tātou katoa. Te kaupapa kē ko wā tātou tamariki mokopuna. Nō reira, tēnā koutou, tēnā koutou, tēnā koutou katoa. **To everyone, our whānau here, and so I want to extend my love to everyone. And our purpose which is our grandchildren and children. Thank you, thank you, thank you all.**

(10:09) RHONDA AORANGI KAWITI: (#B078)

Tēnā tātou e te whare. Tēnā koutou. Tēnā koe e te Kaiwhakawā, ā, ki a koutou te Taraipiunara, ngā tini rōia, ngā whānau, ngā hapū o Ngāpuhi-nui-tonu mai i ngā iwi katoa e huihui mai nei i tēnei wā, ngā kaumātua, kuikuia, te taumata, ngā kaikaranga, huri noa ki tēnei whare tēnā koutou, tēnā koutou, tēnā tātou katoa. **Greetings to everyone in the house. Greetings to you, your Honour and the Tribunal and the many lawyers, whānau, hapū and of Ngāpuhi, and all of the people gathered here at this time, and to the elders, to the leaders, those who made the formal calls, thank you, thank you one and all.**

Ka mihi ahau ki ngā mate, ki ngā tini tūpuna, ā, ki Te Raumoa Belneavis Kawiti ko ia i tīmata mai i tēnei kerēme a Wai 120, ā, nāna anō ngā mahi i mua i ahau, nō reira he mihi aroha ki a ia. Ā, ki tōku pāpā hoki i mate mai i ngā tau e rima ki mua nei, mō tōna tautoko. Huri noa ki tōna parata a Haki Te Rautau i mate i tērā atu wiki, moe mai, moe mai, moe mai rā. Ki tētahi o ngā mokopuna, a Awhina, moe mai anō hoki e te kōtiro. Nā reira, huri noa ki a tātou te hunga ora, tēnā tātou katoa. **I want to acknowledge our dead, to the many ancestors, to Te Raumoa Belneavis Kawiti, who began this claim, Wai 120. Who did all the work before me, and so, I want to thank – and also, my father who passed away five years ago for his support. Also, his brother, Haki Te Rautau, who died the other week, rest, rest, rest. To one of the**

grandchildren, Awhina, also rest in peace young girl. So, to everyone, we, the living, greetings all.

Ko Kawiti ka moe ki a Kawa ka puta ko Maihi. Ko Maihi ka moe ki a Heni Ngaringo ka puta ko Te Riri. Ko tōna ingoa tika ko Te Mutunga o te Riri a Kawiti ki Ruapekapeka. Ka moe a Te Riri ki a Mārara Māhanga nō Ngāti Kororā, Te Waiariki, Ngāti Wai, ka puta ko Ngaone te tuatahi, ā, ko Te Tawai i te tuarua, tōku karani pāpā. Ka moe Te Tawai ki a Maata Matekino Winyard, Ngāti Pākehā, ka puta ko Paekitawhiti te tuatahi, Te Raumoa i te tuarua, me ngā tini tuakana, teina. Ko Haki Te Rautau, ko Pera tōku pāpā. Ka moe tōku pāpā a Pera ki a Heeni Kohao Collier nō Te Tai Rāwhiti, ā, nō Ngāi Tūhoe anōki, ka puta ko ahau. Ko Rhonda Aorangi Kawiti taku ingoa. **Kawiti had a union with Kawa, who had Maihi. Maihi had a union to Heni Ngarino, and they had Te Riri, his real name was Te Mutunga o Te Riri o Kawitiki Ruapekapeka. Te Riri had a union with Mārara Mahanga, from Ngāti Kororā, Te Waiariki, Ngāti Wai, and they had Ngaone, first, Te Tawai, second, my grandfather. Te Tawai married Maata Matekino Winyard, Ngāti Pākehā, and they had Paekitawhiti, the eldest, Te Raumoa, the second eldest, and many other children. Haki Te Rautau, Pera, who is my father. Pera married Heeni Kohao Collier, from the East Coast, and also from Ngāi Tūhoe and they had me, Rhonda Aorangi Kawiti, is my name.**

I roto i ngā kupu o Te Raumoa: “Ko Kawiti ko hau, ko hau ko Kawiti.” **In what Te Raumoa said: “Kawiti is me, and I am Kawiti.”**

BEGINS READING STATEMENT OF POSITION #B078

I am a descendant of Te Ruki Kawiti.

My whānau and I serve as Kaitiaki, ensuring the guardianship of our tribal lands, wāhi tapu and waters. We have fulfilled this role for generations, drawing upon our intergenerational Mātauranga **knowledge** to protect our sacred sites, wāhi tapu and resources.

I have been actively involved in the implementation of the Māori Community Development Act 1962, through the Hihiaua Māori Committee, the Waiomio Māori Committee, the Ngunguru Māori Committee and the Tai Tokerau District Māori Council as well as the Ngāti Hine Māori Wardens for over 20 years. We also advocate and actively implement Tino Rangatiratanga in our communities, our whānau, hapū, our iwi marae, through administering and carrying out health, safety and security focused activities at public and private events wherever our people gather.

I am also heavily involved in Māori rights advocacy and active across many inquiries with the Waitangi Tribunal which bring together so much evidence through 50 years of research with living witnesses and repositories of history and te reo me ōna tikanga **Māori language and its customs**.

I have been a member of the Māori Women's Welfare League for the best part of 50 years since I was about 10 with my mother Hine Kohao Collier and I learnt very early in my life how one woman could transform our world. And she wrote a petition to the Post Master in Dargaville and had all tolls removed from our phone so that we could ring the hospital, doctors and food establishments for the betterment of our health of our people in a little rural village called Poutu.

My involvement with the Māori Women's Welfare League has been very exciting, seeing us change peoples' lives. We advocate directly with Parliament through Ministers, Members of Parliament, and others for improved equity and justice in health, education, spiritual, social and economic development for Māori and indigenous women and their whānau, through a robust remit system, developing, expressing and voting for positive outcomes annually.

My experiences have touched upon various constitutional issues across my life, and it is from these experiences and what has been passed down to me through our Tūpuna that I provide this Statement of Position.

I also wish to present to you today the Rongomau Seal. So the Rongomau Seal was gifted to Maihi by Governor **(inaudible 10:15:26 Gore)** Brown. It is carved

from a whale tooth and in the shape of Queen Victoria's hand and it has a metal seal and on the seal it says: "Maihi Kawiti, Waiomio, Te Rongomau." And Te Rongomau means enduring peace. So it was a symbol of a relationship with the Crown, with Kuini Wikitōria, and it was carved in the shape of her hand, and clasped in her fingers is te Tiriti.

Mana Motuhake (Independent Authority and Self-determination)

Mana motuhake is an inherited, lived capacity to decide how we will live, manage our lands, and provide for our people. It is sourced in whakapapa and sustained through everyday practice on our marae and papakāinga **homes**. Customary food systems and local governance and regional governance historically provided for our wellbeing without Crown intervention.

When I say local and regional governance, I'm talking about tikanga Māori that Kawiti and Maihi implemented in their time, and our grandfather, right down to our grandfather's time when he built our marae, and he just decided that was what he was going to do so he did it. And we have the blessings of that, the benefit of that to this day.

A practical aspect of mana motuhake is the real ability to provide for the wellbeing of our people. The Crown's imposition of rates, taxation, and probate rules, along with some of the actions of the Māori Land Court, has repeatedly undermined the ability of whānau and hapū to maintain intergenerational customary and economic independence. My family's experience, like many others in te Tai Tokerau, demonstrates how assets created for whānau wellbeing are diminished by the Crown.

Mana motuhake is cultural and spiritual. Tikanga and kaitiakitanga **guardianship** embed that authority in our relationship with the whenua, wai and moana **land, waters and sea**. Any constitutional reform must recognise that mana motuhake is pre-existing and cannot be manufactured or extinguished by statute.

Tino Rangatiratanga (Self-government and Authority)

This is the right and responsibility to make final decisions for one's people and rohe. It is held collectively, exercised through consensus, and justified by whakapapa and demonstrated service to the whānau and hapū. Decisions are made for future generations.

I have observed tino rangatiratanga implemented through local decision-making about housing, access roads, environmental protection, and responses to social harm.

The Crown's failure to treat tino rangatiratanga as an equal source of authority, including selling or alienating whenua, and imposing statutory bodies that bypass hapū structures, has been a central source of injustice. Constitutional recognition must restore meaningful decision-making powers to hapū and whānau.

Tikanga is the living code of conduct that organises social life in te ao Māori. It encompasses kawa, tapu/noa, manaakitanga **care** and obligations of reciprocity.

Tikanga acts as a constitutional gate, it requires that matters affecting whānau and whenua be decided in ways that are procedurally fair and spiritually sound. Tikanga directs, and resource use, and dispute resolution long before Crown institutions, such as prisons, were imposed.

Kāwanatanga, as exercised by the Crown, has historically assumed a unilateral right to govern Aotearoa. In practice, that exercise has often overridden customary authority, displaced hapū decision-making, and introduced fiscal and administrative regimes that fragment our collective authority.

a. The Crown's assertion of authority has had material effects on Māori, including: a. land alienation;
b. resource extraction without hapū consent; and

c. the imposition of legislation that harms our tikanga, our wellbeing and our social structures.

Constitutional legitimacy for Māori does not derive from Crown recognition but from whakapapa and recognition by our people.

Dual Governance — The Relationship Between Kāwanatanga and Te Mana Māori Motuhake Including the Way the Two Forms of Government and how they Inform Each Other

There is a Need for a Dual or Plural Legal Order

The practical solution to our Tiriti constitutional crisis is to establish a plural or dual legal order. There should be a tikanga-based law governing matters central to Māori life, including whenua **land**, taonga, resource use, and social organisation. Operating in parallel with the tikanga-based system should be the Crown's law, which should only operate where necessary, and with clear Treaty-based interfaces that have been agreed by us. This is consistent with historic practice where neighbouring rangatira respected each other's domains.

The Crown's current habit of creating representative organisations and entities, through a system of "democratic" voting, risks concentrating authority in bodies that lack hapū legitimacy. Constitutional design must prioritise hapū-based and whānau-based decision-making and protect our whānau authority.

National bodies, such as Iwi Chairs Forums, and settlement entities perform important administrative roles but are frequently products of Crown processes. They must not be allowed to override hapū authority or become substitutes for whakapapa legitimacy.

National, Regional and local institutions that are grounded in Māori protocols, for example, the Kīngitanga, Māori Women's Welfare League, and mana whenua collectives and whānau-led wananga, play a complementary role.

They should be supported where they reflect hapū consent and do not displace local decision-making.

Recommendations for Constitutional Reform and Practical Change

a. recognition of dual governance: a constitutional framework that explicitly recognises the legitimacy of tikanga-based governance alongside Crown governance for matters within Māori jurisdiction;
b. protection of customary title: strengthen legal protection for customary marine and land titles and prevent mechanisms that force alienation through rates, tax, probate and other court processes;
c. restorative fiscal reform: repeal or reform historical fiscal measures, such as rates, death duties and similar regimes, that dispossessed Māori estates and inhibited intergenerational transfer of taonga;
d. institutional reform: ensure Crown engagement structures require hapū consent and do not substitute Crown-appointed bodies for whakapapa based leadership;
e. embedding tikanga into public law: statutory provisions requiring recognition of tikanga within decision-making and enforceable remedies for breaches; and
f. resourcing for Māori governance: fund hapū, marae and whānau-led governance, training, and wānanga so Māori may implement tino rangatiratanga and mana motuhake practically and sustainably.

In conclusion, our whakapapa, and my background in environmental and earth sciences, my practical work as a kaitiaki, and decades of community advocacy lead me to the firm view that any constitutional reform which does not restore and protect mana motuhake, tino rangatiratanga and tikanga will perpetuate historical injustice.

I urge the Waitangi Tribunal and any constitutional reform processes to take seriously the principles and transformational recommendations that Māori can exercise meaningful self-determination and protect our taonga for future generations.

Tēnā tātou. **Thank you.**

(10:24) PRUE KAPUA TO RHONDA KAWITI:

Q. Kia ora. I just wanted to – if you could explain a little more about the Rongomau Seal –

A. Yes.

Q. – that we see in front of you there. It would be good to know when it began, how it began, and what you use the seal for today or what you've used it for in the past.

A. So, the seal was gifted in 1858 and Maihi used it to seal documents in a similar way as the governor. And when my mokopuna turned five recently I took him up there to show him the taonga and his little sister and I took a photo of them. Now, usually I just go to the case and receive the taonga and then leave. I don't actually read what's around it. But while I was there I took a photo of my mokopuna and in the background it shows: "Symbols of our sovereignty" next to the Rongomau Seal. So that spoke quite greatly to me because I didn't realise that it was actually part of that kind of sovereignty equation.

Q. Kia ora, thank you for that.

(10:26) CHIEF JUDGE FOX TO RHONDA KAWITI:

Q. Just on the same topic, we don't appear to have a photograph of that seal so I was wondering whether or not we could get photographs from you?

A. Yes, yes, and I can file the kōrero about the Rongomau Seal which explains the relationship with the Governor-General of the time. The Governor who gifted it was Governor Gore Browne and he also gifted his name Browne, which is why many Kawiti, descendants of Kawiti, are called Browne in the North. Some are called Maihi. So, there's Maihi, there's Marsha and Browne, but we were gifted that name by Governor Gore Browne. The relationship continued with Sir Bernard Fergusson and our grandfather had quite a close relationship with Sir Bernard Fergusson and his wife. They came to the caves in Waiomio where we have a whānau business that our grandfather started

and where Hineāmaru first came from Hokianga and Roku was living in the cave and it was a place of safety then and it still is today. That relationship with the Governor-General has not been maintained over time, although Patsy Reddy the Governor-General at that time came to Kororāreka. She was the first Governor-General to come to the flying of the Wakaputanga flag there at the Pou Kara on Maiki Hill. So, she was actually the first Governor-General to attend the flying of the kara **flag** at Kororāreka and there she held the seal, talked to our uncle Raumoa about it and there were many photos taken and it was a privilege to have the Governor-General there at that time as a representative of the Queen. And at the recent Justice Inquiry wānanga we were advised to reconnect with the Governor-General to reconnect that relationship so that we could work together around that sovereign relationship with the Rongomau Seal. And if there was to be a constitution perhaps the Rongomau Seal could be a part of that process.

Q. Ka pai. **Right.**

(10:28) PROFESSOR DAVID WILLIAMS TO RHONDA KAWITI:

Q. Kia ora. I just wanted to whisper in the Chief Judge's ear, but could we have those photographs from the event with Dame Patsy Reddy as well? That'll be good.

A. Yes.

Q. Give us a little set of photographs of anything you like that relates to that hītori **history**.

A. Āe, kia ora. **Yes, thank you.**

CHIEF JUDGE FOX TO RHONDA KAWITI: (CONTINUES)

Q. My question that I had for you was about the number of committees you have been on.

A. Mhm.

Q. A lot of them are Māori committees that relate to the District Māori Council.

A. Yes.

Q. And then of course the New Zealand Māori Council. In your list of national organisations, you didn't include the National Māori Council – the New Zealand Māori Council?

A. I haven't been involved with the National Māori Council much.

Q. Right, but you were involved at the district level?

A. Yes.

Q. Right.

A. Yes.

Q. Okay, thank you.

(10:29) DR GRANT PHILLIPSON TO RHONDA KAWITI:

Q. Tēnā koe. I also had a question about the seal, and I was wondering if when Maihi Paraone Kawiti re-erected the flagstaff, is that the occasion on which or as a result of which that this Governor Browne's gifted the seal to him? Were the two connected or what was the reason for the gifting of the seal?

A. It was around maintaining that enduring peace.

Q. Right.

A. That relationship of enduring peace. I can't recall at the moment how closely the dates are related, but it will be in our historic documents.

Q. Yes, okay, thank you. I just thought it was the same year, 1858, I think. But maybe you could answer that question in writing.

A. Yes.

Q. Thank you very much for your evidence I found that very helpful.

A. Kia ora.

Q. My other question was about the funding. So, in the kōrero we've heard a lot about tikanga and mana motuhake, and so I guess the question that arises then is why do you need the Crown to fund hapū, marae and whānau governance? Do you see the difference that arises? So, people want to know the answer to that so I thought I would ask you since you've raised it.

A. Yes. Well, really, in a way we don't need the Crown funding, in a way, only when we come into relationship with the Crown like in forums like this.

Q. I see.

A. But in our own papakāinga we don't actually need the Crown. We can, given our resources, having our resources returned to us such as our whenua, our taonga, **land, treasures,** rākau Māori, **Māori trees,** all those opportunities for economic and customary wealth, we wouldn't need the Crown.

Q. Right.

A. But because those lands have been taken, our economic base has been disintegrated basically and we're restrained to small pockets of land that it's very difficult to provide for our large families from. So, we were blessed because our grandfather, he had 16 children, and so our parents all worked together to build māra kai **gardens** to help him in the caves because it flooded often, and they'd have to basically wheelbarrow and shovel shingle from the creek to build the pathways. We had a huge māra kai **garden** and also, we built our own marae independently. So, our marae is a whānau marae. It does not come under the gazetting of the Māori Land Court, it is an independent whānau marae. So, we just live that independence in our everyday lives and it's something that they showed us, our grandparents, and it's something that we continue to this day.

Q. Thank you. That's a very good answer. Is that Ōtiria Marae?

A. That's Kawiti Marae in Waiomio.

Q. Kawiti Marae. Okay, thank you very much. Kia ora, thank you. That's actually a really good answer, thank you.

DR MONTY SOUTAR:

I don't have any questions. Kevin, he pātai wāhau? **Kevin, do you have any questions?**

(10:33) KEVIN PRIME TO RHONDA KAWITI:

Q. Āe, kotahi anō. Tēnā koe e kō. **Just one. Greetings, ma'am.** In paragraph 8, in the last sentence of paragraph 8 you talk about: "My family's experience, like many others in te Tai Tokerau, demonstrates

how assets created for whānau wellbeing were diminished by the Crown." I was trying to think of what are examples of that.

A. Well, whenua Māori **Māori land**, and I'm thinking particularly of the DoC estates where the land is no longer in the care of kaitiaki Māori **Māori guardians**, rākau Māori. So, a lot of the rākau Māori **trees** were removed, slashed and burned, things like mānuka that were considered weeds or – I forget the word. But it was basically mānuka was slashed and burned. Many rākau Māori **trees** were stripped from the land so that even our land in Waiomio has regenerating natives, mainly regenerating. It's not old native stands. There might be a few old rākau Māori **indigenous trees**, but mainly it's regenerating, and around the creeks there's not very much shade for the taonga species like tuna, kēwai, and those kind of things. So, a lot of our land has had the resources stripped off it and makes it untenable for Māori to, one, live and have kai and, two, make good financial outcomes for their whānau.

Q. Pai tēnā. Kua mārama. Kia ora. **Good. I understand. Thank you.**

A. We would actually like to see those DoC estates and other marina states returned to Māori.

DEREK FOX:

Kia ora, thanks for that.

HOUSEKEEPING – BREAK, CROWN FINANCIAL ASSISTANCE (10:35:24)

HEARING ADJOURNS: 10.36 AM

HEARING RESUMES: 11.03 AM

DEREK FOX:

Okay. Kei hea a Arthur? **Where's Arthur?** You can go and grab him.

(11:06) ARTHUR MAHANGA: (#B079)

Kia ora tātou katoa. Ko Arthur Mahanga. I've come here without the reo. I've been through Stage One and Stage Two in MACA without the reo, so this is a big challenge for me today, standing in the tuakana of the marae of Whaitaki.

My maunga is – Pataua te maunga, Pataua te awa, Pataua te marae, Pukahakaha te whenua. Gilbert Wiremu Mahanga te tupuna. **Putaua is the mountain, Pataua is the river, Pataua is the marae, Pukahakaha is the land. Gilbert Wiremu Mahanga is the ancestor.**

I'm here today to present a kōrero or some sort of addition to the coalition of all hapū, as we call that today, I think they call that coalition, but I think it's an easier word for me to use because I can use it because I know what it actually means, so kia ora te everybody and I would just like to have a mihi to the marae and te whare, and a big mihi through to Kingi Turoa who was a great, great aspiration for me to be here today. As the last time I **(inaudible 11:07:41 – 11:07:43)** rangatira, he marched up there to take on the Crown on his own. So, kia ora, kia ora kingi.

Without further ado, if it's all right, I would just like to get into doing the business. I don't come from a talking background, I am actually a doer, not actually a talker because every time we talk, we don't actually get very far, so kia ora.

WITNESS REFERS TO STATEMENT OF POSITION #B079

A claim by Te Raummoa Balneavis Kawiti, Rhonda Aorangi Kawiti, and Michelle Jessop on behalf of the Kawiti Marae Committee, the Kawiti Whānau, and their descendants of Ngāti Hine, Ngāti Manu, Te Kapotai, Ngāti Rāhiri, Ngāti Rangi, Ngaitewake and Ngāpuhi iwi.

Kia ora. My name is Arthur John Mahanga. I am actually the namesake of – Kia ora, I've lost my egg, but I will come back to me after, he's a Shortland, so kia ora. A little bit wiriwiri at the moment, but I'll get through. Due respect to you all

Actually, before I carry on, I'm actually a descendant of the first chief to ever went to go to England in 1805, but today I don't know whether it's a good thing or a bad thing but anyway, I've got to stand up here and stand tall, be proud in who we are but I think if everyone took note of who, back in 1805, they will probably understand why we are like this today, kia ora.

WITNESS CONTINUES REFERING TO STATEMENT OF POSITION #B079

Introduction.

This statement of position is provided by me, Arthur Mahang, in my personal capacity as a witness for the Wai 120 claim.

I am of Ngāti Korora descent. I am a shareholder in Pukahakaha East 3, a block of Māori Freehold Land in North Auckland, Te Tai Tokerau. Our land is adjacent to the Takutai Moana. My father is Haki Pere Mahanga, and my mother is Beatrice Kidwell. She's actually Perekara from Ngāti Whatua, Te Huri-a-hau.

My whakapapa on my father's side is as follows:

- Rangatira of Waiariki, Ngāti Taka, Ngāti Korora, Ngai Tāhuhu:
    i. Hoehepa Mahanga (m);
    ii. Hūnia Mahanga (m);
    iii. Kerepiti Ngaranoa Gilbert Mahanga (m);
    iv. Haki Pere Mahanga (m);
    v. and myself, Arthur Mahanga (m).

My mother came from the Reweti Marae in Ngāti Whātua rohe. I am of Te Waiariki and Ngāti Korora Hapū of Ngāpuhi. I attach my full whakapapa. You will see I have my full whakapapa that was in Paparahi o Te Raki. I won't read that out anymore.

The traditional rohe, whenua of our hapū, Te Waiariki and Ngāti Korora is shown below.

We are a recognised Hapū of Whāngārei Terenga Parāoa on the Coast. We are members of Ngāpuhi-nui-tonu, Te Whare Tapū o Ngāpuhi, Ngāti Hine Confederation, and the Ngāti Wai Confederation.

My grandfather, Kerepiti Ngaranoa Mahanga, held the esteemed role of a Tohunga, entrusted with the execution of numerous traditional rituals and customs. He stood as the final Paramount Chief of Ngati Korora, Te Waiariki, situated in the territory of Pataua. He was notably the final Tohunga to practice Tino Rangatiratanga, and was recognised as the Rangatira of the Ko Iwi hapū. He worked alongside the chief of Ngati Hine, Kaka Porowini. These two men worked in close proximity.

Throughout my upbringing and into adulthood, I had the privilege of sharing significant periods of my life with my father Haki Mahanga, my grandfather Te Ngaranoa Mahanga, and other respected kuia and kaumatua. Their presence allowed me to absorb the wealth of oral histories and mātauranga they generously imparted. This invaluable knowledge, which inherited, serves as the cornerstone of the evidence I present now.

The finding of the Wai 1040 Stage One Report of the Waitangi Tribunal was that, when our tūpuna Kawiti signed the Declaration of Independence 1835, and te Tiriti o Waitangi 1840, they did not sign away our Māna and our rangatiratanga. Our relationship to Kawiti is that we are part of the Ngāti Hine Confederation, as descendants of Hineāmaru.

When Kawiti came to Maruata after the Battle of Ruapekapeka in 1845, a Kawe Mate ceremony was held to honour the dead of Te Waiariki and Ngāti Korora. Our Tikanga, including practices such as Kawe Mate, is vital to my understanding of constitutional principles from within a Māori worldview, principally concerning Mana Motuhake, Tino Rangatiratanga, and Tikanga. Our Tikanga sets out how our principles were practised historically by my whānau and hapū. However, our Tikanga has now been undermined by the Crown governance, and it should now form the basis for constitutional reforms.

Mana Motuhake, Tino Rangatiratanga, Autonomy and Self Government, and Tikanga. Mana motuhake (Independent authority and self-determination)

Mana Motuhake is intrinsic.

It is not a grant from the Crown. It is inherited through whakapapa, lived on the marae, and expressed through practices that provide for and protect our people and whenua. For me, Mana Motuhake has always meant economic independence, social responsibility, and the authority and political independence to make decisions for our own people.

Further, Mana Motuhake is cultural and spiritual. It binds us to whakapapa, to te taiao, and to the responsibilities entrusted to us by our tūpuna. It cannot be brought into existence by outside institutions, nor can it be absorbed into Crown frameworks without losing its essential character.

For example, my grandfather Kerepiti Ngaranoa Mahanga, exercised Mana Motuhake by creating structures for his people through a registered quarry and the development of 47 rental properties in the Whangārei area. Those assets were developed without Crown handouts. They were invested by our people to provide long-term wellbeing. He used those resources to look after widows, orphans, and those in need. That was Mana Motuhake in practice.

The Crown's systems, such as taxation, death duties, and the Māori Land Court materially undermine our Mana Motuhake. For example, on my grandfather's death, the imposition of death duties and subsequent legal processes resulted in a loss of land and income that had been created for his whānau. This demonstrates how Crown legal and fiscal interventions have undermined Māori capacity to sustain Mana Motuhake across generations.

Tino Rangatiratanga (Self-government and authority)

Tino Rangatiratanga arises from whakapapa and is the exercise of authority through service, accountability, and leadership. It is collective and relational.

Tino Rangatiratanga cannot be conferred by external institutions. Rather, it is earned and demonstrated through service to whānau and hapū.

For example, during the COVID-19 pandemic, I physically controlled access to our land by closing a roadway and erecting a gate to protect our community. That action was taken to protect the wellbeing of our people and is an example of Tino Rangatiratanga exercised in difficult circumstances, where State systems did not properly account for or provide for our immediate needs.

The Crown's failure to recognise and accommodate such authority exercised by us undermines local protective actions and community resilience. While Māori step forward to protect their people, Crown systems too readily treat those actions as aberrant, and sometimes criminal, rather than legitimate expressions of Tino Rangatiratanga.

Tikanga (Customary Law and Moral order).
Tikanga is the living body of normative practices, protocols, behaviours, and principles. It is our law. Tikanga encompasses integrity, honesty, and aroha, which guide decision-making within whānau, hapū and iwi.

Tikanga is not merely descriptive, rather, it prescribes how decisions must be made and who has standing to make them.

Tikanga provides a gate keeping function between what is tika and hēngia. It requires that decisions affecting the whānau/hapū be made through appropriate processes that ensure fairness, accountability, and relational balance. In this way, Tikanga moderates hasty or unjust exercises of power and offers a culturally rooted form of checks and balances.

Tikanga is a living body of practices. In spite of interferences by the Crown, we are reestablishing and prioritising Tikanga in our day-to-day lives. For example, in my practice as a land developer, I have sought to re-create customary forms of land use and occupation. I have done so by designing terraces and other developments that enable sustained use by whānau while remaining mindful of

traditional methods of managing whenua. These endeavours are informed by Tikanga and are intended to sustain intergenerational use of land. We need to be able to practice our Tikanga free from Crown impositions.

Customary Title and Land Use.

Authority, power, and other constitutional matters are, for Māori, fundamentally tied to our whenua. Further, external Crown controls over land and resources fundamentally affect our ability to exercise our authority.

Land titles that recognised native or customary status should be treated as reflecting continuing customary relationships. In my view, the label “Māori freehold land” and other statutory descriptions often obscure rather than express enduring customary authority.

It is my position that constitutional reform must explicitly recognise customary title regimes and provide protection for customary tenure so that land handed down through whakapapa remains subject to hapū decision-making and protection. This would prevent external mechanisms from dissolving the connection between people and land that underpins Mana Motuhake.

Essentially, the Crown needs to remove itself from Māori land, and put in place a structure that upholds our Tino Rangatiratanga, and remove the Crown from having authority over those lands in the future.

Practical steps that I support include:

- Strong legal protection for customary title;
- Reform of tax and probate laws so inter-generational transfer are not destroyed by taxes; and
- Repeal or amend statutory rules that convert customary governance into corporate or trust forms that displace hapū authority.

Incorporation of tikanga into law.

Tikanga must be materially incorporated into law and decision-making processes, not merely consulted upon as an afterthought. Where decisions affect Māori interests, Tikanga processes must be part of the decision-making timeline and outcome, not a box-checking exercise.

The exclusion of Tikanga from governance has harmed our people by eroding customary practices, weakening intergenerational knowledge transfer, and creating bewildering layers of statutory and corporate structures that confuse rather than clarify authority.

To operationalise Tikanga, there should be statutory recognition of Tikanga-based standing, procedural protections to ensure hui and kawa are observed before decisions are finalised, and enforcement mechanisms that recognise Tikanga determinations within civil and administrative contexts.

Kāwanatanga, Constitutional Legitimacy and Sovereignty, Parliamentary Sovereignty and Systems, and Ngā Ture Pākehā.

Kāwanatanga (Crown Governance and its Impacts)

Kāwanatanga as exercised by the Crown has often been intrusive and destabilising for Māori governance. The Crown's legal apparatus has:

- Fragmented customary land through alienation and partition;
- Created statutory entities that displace whakapapa-based decision-making, and
- Applied fiscal regimes that strip resources from whānau.

I have observed the practical consequences of this across several fronts:

- The loss of assets my grandfather created;
- The imposition of regulatory and court processes that override customary administration; and
- The proliferation of Crown-created representative Māori Bodies, such as the Iwi Chairs Forms, that do no necessarily reflect hapū-based legitimacy, and a Te Ao Māori worldview.

Justice can come in many forms. One of those forms is the agreement of parties to trade interests. Māori and the Crown entered into a solemn agreement in te Tiriti. To uphold its terms is not a derogation of what is right, but the upholding of a sacred bond to create a more just society.

Instead of upholding te Tiriti, the Crown has also normalised the derogation of hapū specific obligations found in te Tiriti through legal forms that assume general public interests trump hapū specific obligations. This approach has resulted in the Crown prioritising majoritarian or bureaucratic solutions rather than upholding te Tiriti-based partnership obligations.

Constitutional Legitimacy and the Source of Authority.

For me, constitutional legitimacy derives from whakapapa and the living authority of the marae. It is the recognition by whānau and hapū of the authority of their Kaumātua and Rangatira, those who carry mātauranga, maintain kawa, and discharge kaitiakitanga.

Statute and formal constitutional texts cannot create legitimacy where it is not recognised by those who are subject to them.

The concept of “sovereignty” as used in Westminster law sits uncomfortably with Māori constitutional ideas. “Sovereignty” implies a hierarchical concentration of power that is alien to Tikanga-based authority. For practical international interactions, such as trade and diplomacy, sovereignty has utility. However, within Aotearoa, Tino Rangatiratanga is the operative framework for self-determination.

Dual Governance — The Relationship Between Kāwanatanga and Te Mana Māori Motuhake Including the Way the Two Forms of Government Inform Each Other.

Need for a Dual or Plural Legal Order.

The experience of my whānau demonstrates the need for parallel spheres of governance, Tikanga-based law for Māori affairs, and the Crown's law for matters appropriately within the Crown's remit. This is not mere separatism, it recognises distinct legitimacy sources and creates space for the co-existence envisioned under Te Tiriti.

I accept that some areas of public ordering, for example, cross-community criminal law or international trade obligations, will require points of interface. However, in matters that principally affect Māori whenua, Taonga and social organisation, Tikanga-based governance must operate without Crown interference.

As an analogy, I understand examples from other jurisdictions where distinct legal regimes operate for different groups, for instance:

a. religious courts that apply to consenting communities;
b. the dual legal system in Norway, between the Norwegian Government and the Sámi people with their own parliament, the Sámediggi; or
c. regions of Spain that still use traditional laws called fueros.

A similar plural recognition should be given to Māori law within Aotearoa's constitutional architecture.

The Crown's creation of bodies such as Iwi Chairs Forums and commercial entities to receive settlements, risks consolidating representation in ways that exclude hapū voices. Structures imposed by the Crown must not be allowed to substitute for whakapapa based and Tikanga consistent decision making.

Representational Structures, National Māori Bodies and Self-Governance.

Crown-established Representative Bodies and their Limitations

I appreciate that issues relating to ouster clauses, and settlements are out of scope for this Inquiry. I raise this example concerning the Iwi Chairs Forums and post settlement entities only so far as it relates to the removal of power

from traditional Māori power structures, which the background paper provided by the Tribunal sets out as one of the core issues of constitutionalism:

> What is a constitution?
>
> According to The Report of Matike Mai Aotearoa – The Independent Working Group on Constitutional Transformation, a constitution can be defined as:
>
> … the kaupapa or set of rules that a community sets about who can make the rules and how the people should abide by them and live amicably together. They may be written or unwritten and they give expression not just to the ways of government in terms of structures and procedures but the values that a community think should underpin them.
>
> The Cabinet Manual explains that a constitution is:
>
> […] about public power, the power of the state. It describes and establishes the major institutions of government, states their principal powers, and regulates the exercise of those powers in a broad way. While all constitutions have these general characteristics, each constitution is affected by the national character of the state it services [emphasis added].

I have avoided using specific examples in order to make the point broadly about public power and authority, meaning who has the legitimacy to make rules.

Post-settlement entities were primarily created to administer settlement assets and to engage with Crown institutions. They were not designed to replace hapū authority. Yet in practice, those bodies can become the primary intermediaries with the Crown, sidelining hapū leaders and kaumātua who hold local legitimacy.

The Kīngitanga and the Māori Party have roles to play. The Kīngitanga remains an important cultural and political institution for many Māori. The

Māori Party offers a vehicle for political advocacy. Both should be supported, but neither should substitute for hapū-based governance where local Tikanga and authority are primary.

Models of Māori-led governance.

Examples of successful Māori governance that I think are worthy of expansion include fisheries management models and iwi-based resource management where Tikanga is integrated into decision-making. These demonstrate that Māori-led governance can operate effectively when given proper recognition and resourcing.

I endorse mechanisms that empower hapū and whānau to administer their own affairs. Bespoke dispute resolution grounded in Tikanga, local regulatory authority over whenua use, and funding streams that do not create dependency on Crown grants.

Practical Recommendation.

Recommendations for Constitutional Reform and Practical Change.

I make the following recommendations for constitutional reform:

a. recognition of dual governance: the constitutional framework must explicitly recognise the legitimacy of Tikanga-based governance alongside Crown governance for matters within Māori jurisdiction;
b. protection of customary title: strengthen legal protection for customary land titles and prevent mechanisms that cause forced alienation through tax and probate processes;
c. restorative fiscal reform: reform death duties, taxation on customary transfers, rates on Māori land, and other fiscal measures that have historically dispossessed Māori estates;
d. institutional reform: ensure Crown engagement structures are removed from hapū authority. This means that no Crown-appointed body should lawfully substitute for recognised whakapapa-based decision-making;

e. embedding Tikanga into public law: require the Crown and its agencies to observe Tikanga in decision-making that affects Māori interests, with enforceable remedies for breaches;
f. support for Māori economic independence: resource Māori-led development initiatives that are founded on Tikanga and that privilege intergenerational wellbeing over short-term commercial returns.

Conclusion.

My whakapapa, my lived experience and my observations over many years lead me to the firm conclusion that any constitutional reform that fails to restore and protect mana motuhake, Tino Rangatiratanga and Tikanga will perpetuate the injustices of the past. Constitutional change must recognise indigenous authority as pre-existing, continuous, and not subject to extinguishment.

I give this statement in good faith and request that the Waitangi Tribunal and any reform processes take seriously these principles and recommendations so that Māori can once again exercise meaningful self-determination in ways that preserve our Tikanga and protect our whenua and whānau for further future.

Kia ora. This is harder than moving your stock. I'm like this every day, sorry. It's one that I can't seem to be able to sort of get rid of.

I just got a couple of notes that I would just like to just add to the bit of my conclusion, that I look at the paremata, I see our people talking about the paremata and I sort of looked at it myself and I look at the 1835, the Whakaputanga, it's the tuakana of the 1840 Te Tiriti. And I go down to 1840, we also had another one called The Treaty and the Treaty, I believe, is set aside to protect the public interest and if anyone in here can tell me the meaning of public interest, I would like to hear your interpretation of the meaning of public interest please.

SPEAKER FROM THE FLOOR (NO MICROPHONE) – (11:34:58 – 11:35:12)

ARTHUR MAHANGA: (CONTINUES)

Okay. Yes, I will move on. I will just do it quickly, it won't take me – give me three minutes, okay. Anyway. I found out that public interest means non-Māori, kia ora.

Okay, 1975, they had the Treaty Waitangi Bill, Settlement Bill then we had the Settlement Fisheries Bill, Iwi Chairs, you had the forums settlement two percent of what they were worth, and 80 percent of Māori have settled in the forum, 20 percent are still waiting on the outside, and one of those ones is Ngāpuhi, and Ngāpuhi, I hope you don't go into any settlement. Another thing we see now, in 2025, we heard a kōrero about Hobson's Pledge. So, Hobson's Pledge is the teina of Te Tii. So, what we need to do now, we need to look at this, how do we look at this, because I look at Hobson's Pledge – you all would have seen it or heard of it, means no Māori are allowed. Kia ora. So, it's all in process of how the Pākehā think. So I'm glad my tipuna were doing it first, it told us the kōrero, but we had to hunt it.

So anyway, another big thing too is about our MACA, the MACA claim, I went through the MACA claim, Stage One and Two. And I went in there with the tapu of the harbour and I was looking for the taniwha, but I couldn't find the taniwha until the last hearing and judge said to me: "You come in here with no mandate." That's the taniwha I was looking for. So, I went home after I had the conclusion from the MACA, I went back, I had a talk to my tupuna, back at home in his homestead at the marae and I asked him: "Can you please prove to me that this mandate work?" That was it, I left it. In October the 5th Manawanui hit the Takutai Moana in Samoa, and I said to my tupuna, thank you very much, I don't work, kia ora. That's all I would like to say.

(11:37) DR GRANT PHILLIPSON TO ARTHUR MAHANGA:

Q. Tēnā koe. I just have one question. Thank you very much. Paragraph 46 you said: "Examples of Māori governance that are successful, that you

think are worthy of expansion include fisheries management models…" can you just tell us just a little more about what you meant there?

A. Well, What we actually have there, we don't actually – the people on the ground don't actually receive any income from it. So, what I am actually looking at is, we can be creating our own methods of man-made reefs within our moana, and with all these marinas that you are going in, you fullas are cleaning all the marine life off them, why don't you just let them grow because that's what brings back the fish. And when you start scrapping them all off there's no seaweed, no nothing and old Kina getting the blame for all the troubles out there. So, I think there is opportunities out there that we can create these marinas to be a man-made reefs for all our Takutai moana and my tupuna always called it Waiariki Takutai Moana, it was never taught just Takutai Moana, it was Waiariki. So that is why I have a passion for us to be able to have resources and Māori play the biggest customary resources within – what do you call this? – the science research and you will find that a lot of those assets are actually funded by Māori customary resources.

Q. Okay, thank you very much.

WAIATA TAUTOKO

(11:41) PROFESSOR MARGARET MUTU: (#B052)

Tēnā rā tātou katoa. Te mea tuatahi me mihi atu ki te minita, nānā i whakapuare te huarahi ki te runga rawa i te ata nei, nō reira tēnā rā koe. Tēnā rā koutou, te mana whenua a konei, Ngāti Kawa, Ngāti Rahiri, ka nui ngā mihi o Ngāti Kahu ki a koutou. Ki te Taraipiunara, ka nui ngā mihi atu ki a koutou, ngā hoa mai rānō, te katoa o koutou. Ka huri ngā whakaaro ki a rātou kua mene atu ki te pō, e takoto mai ana i ngā marae maha puta noa, nō reira, haere ngā mate, haere, okioki atu. Hoki mai ki a tātou te hunga ora, ko tēnei kōrero i te ata nei – **Greetings everyone. Firstly, I must thank the minister who opened the pathway to the heavens above today. And I want to acknowledge the local people of Ngāti Kawa, Ngāti Rahiri, on behalf of Ngāti Kahu, I want to thank you very much. To the Tribunal, I want to acknowledge you. Long standing friends, all of you. And I turn my attention to those who have**

departed to the world of death, who are laying in state on marae throughout the country, so rest, rest, rest in peace. Turning to we, the living –

Is the statement, the Ngāti Kahu statement of position. Aroha mai, e Te Rōpū Whakamana i Te Tiriti o Waitangi. I am not going to be reading off my statement of position. I am trying to summarise the stuff, okay. I hope that doesn't muck you up.

So, ko tāku ingoa, for the transcription, is Margaret Mutu. I am the chair of Te Rūnanga-ā-Iwi o Ngāti Kahu, which is a rūnanga that operates under the instructions of our hapū. I am also here as the chair of pou tikanga as part of National Iwi Chairs Forum. Kua rongo au i ngā kōrero e pā ana ki ngā kōrero o National Iwi Chairs Forum, āe, e tika ana, kua rongo au **I have heard your statements of the National Iwi Chairs Forum, yes, that's right, I've heard you.** And we are – okay, when are we here?

So, what I want to do today is I do want to talk about Constitutional Transformation, and in particular about the report of *Matike Mai Aotearoa* that was published in 2016. The primary author off that who wrote 90 percent of that was Moana Jackson and my strong preference would be that he would be here but heoi anō. And then at the end I will talk about Ngāti Kahu's position on the proposed themes, which is very short. I am going to have to put my skates on to get through this, okay, it's not short.

Now, the report that we've seeing, this is a fairly well known report I've seen in a lot of the statements of position referenced to this. The aim of that report was to restore balance between Māori and the Crown. This logo you see to the left is the logo provided to us by the rangatahi back in about 2012, and this is their depiction of this country back in balance once you have done constitutional transformation. And what we are looking for is the constitution based on mana motuhake and tikanga, meaning – tikanga, meaning our law, on He Whakaputanga, Te Tiriti o Waitangi, and the United Nations Declaration on the Rights on Indigenous People, with the aim that all peoples have a respected

constitutional place in this country, and that all New Zealanders prosper and celebrate our heritage, and that te Ao Māori becomes normalised once again.

All right. So, He Whakaputanga today, we talk a great deal about what it was, but what does it mean today, well it continues to be acknowledged and upheld as confirming mana Māori motuhake and I have given you another paper on that, that is rather lengthy, but the way our tupuna, in particular my Uncle Māori Marsden explained this to us at great length, the closest translation I can get to that is paramount and absolute power and authority derived from the Atua.

English and Māori are totally unrelated in both concept and in language and it's extremely difficult, I've heard yesterday, today, people struggling to explain things in English that belong in our own reo, it's always going to be like that, but I am a linguist by training, and I try to do, doesn't always work, I tell you that now.

All right. Now, what He Whakaputanga does, it confirms it's ultimate responsibility for this country rests with the hapū and their rangatira and I am very careful about that, it's the hapū, okay, and their rangatira and it includes in there, to manaaki our manuhiri, that is – I've been brought up with that mai i te wā e tamariki ana **since I was a child**, the most important thing is to manaaki your manuhiri, and that does mean that we have clean up after the lawless and badly behaved manuhiri and we seem to have quite a few of them.

He Whakaputanga is acknowledged and hence confirmed in Te Tiriti o Waitangi, and it is the basis of the *Matike mai Aotearoa* Report on Constitutional Transformation.

All right. Now, He Whakaputanga and Te Tiriti put together. So, Te Tiriti is what I call an addendum or an adding on to He Whakaputanga. The base document is He Whakaputanga but then you had to add an extra lot of rules on to deal with these lawless Pākehās who were coming in.

So, between those two, they are the founding constitutional documents of this country, they are the country's written constitution, Ngāti Kahu is very clear about that.

Now, the Crown's proclamation, asserting British Sovereignty on the 21st of May 1840, it derived from the invalid Doctrine of Discovery and that's that doctrine that came out of the Vatican in the 1500s that allowed Christian, European Christians to go into the lands of non-European, non-Christians to either exterminate or enslave the peoples and to remove all of their resources from him. That is the Doctrine of Discovery, and they did it using a symbol like putting a stick in the ground with a bit of coloured rag on it and then saying something like, 'I claim this in the name of Queen someone…the Pope…'. It's invalid, very invalid.

Now, not only was that proclamation of the 21st of May 1840 illegal then, it's illegal now and we're very clear about that. The law that was in this country then was tikanga. That proclamation did not have the authority that was required of it under tikanga, it was not tika, it was tino hē, it was illegal.

Now, the result of that is the Crown's assumption of power is therefore illegitimate. It claimed power off that proclamation, but the proclamation was illegal and so therefore everything they have done subsequently, relying on that proclamation is illegitimate. It ignores and violates the constitutional bedrock of this country which is He Whakaputanga and Te Tiriti. In constitutional transformation is required to rebalance the country on its foundation.

All right. Now, whenever I look at this sort of stuff you always look at what the country should look like if we had this in place and I just want to go through that fairly quickly. All peoples would have a respected constitutional place in this. Many people are marginalised in this country at present, it's not just us, there's a whole lot of others as well. So that needs to be put away. All New Zealanders would achieve their potential, so that all prosper and celebrate their heritage. Māori knowledge and law, our mātauranga and our tikanga, is upheld as the country's primary knowledge, legal and constitutional base. This is a Māori

country, that should be basis of this country, this country's constitutional make up, but because of Te Tiriti, Pākehā and other knowledge bases are valued and fully available for all and it has always been my understanding of what my tipuna handed down to me is, we invited Pākehā in to share with us, their knowledge, for the betterment of everybody. Pākehā and others would make their own decisions for themselves, that's what Te Tiriti gave them, and they would make those decisions for themselves about their own lives in accordance with their cultures and consistent with tikanga because tikanga is a first law of this country. And, with all that in place white supremacy and the racism that goes with it wouldn't exist.

But let's have a look at the reality that we have today, and I don't know whether you can read this out the back, but what I have got on the left hand side, I've got some statistics, they are mainly out of the 2023 census and that is the Māori statistics on the left, and then on the right, you have got – I don't know if this is going to work, no it's not going to work – okay. On the right, it's the general population. Now, the general population includes us, that's the whole lot. The figures for our people in the 2023 census, we made up nearly a million, we're 978,000 of us, 19.6 percent of the population, but we need to remember that next door, over in Australia, there's more than 170,000 of us. So, we are well over the million mark in this country. Europeans, make up 3.7 million of the country, Asians 0.795 million, and Pacific, point 0.467 million.

Now, 85 percent of us now live – of Māori – now live in urban areas. We've been pushed off our lands, we've been forced to live in, by and large, other people's territories.

In terms of the reo, 19 percent of Māori speak the reo according to the census. For the whole country, 5 percent speak the reo, but that includes us in that general population. In terms of education, have a bachelor's degree or higher, in the general population it's 37 percent, we're well below. Median net wealth. Now, when I first saw this back in 2020 I was stunned. For Māori – so these are the things that you can attach a monetary value to, that you own. For Māori, our median net wealth is $52,000, and that's the figure that was calculated and

published earlier this year by Stats New Zealand. For the general population, that figure is $529,000, 10 times more than what Māori have.

In terms of unemployment, figures that came out a couple of months ago, Māori unemployment is between 9.2 and 10.5 percent. For the general population, it's half of that, at 5.2 percent. Life expectancy, much shorter, Māori life expectancy. For a male, Māori, it's about 73 years, for the general population, includes us, 81 years. For females, 77 years, if you are Māori, but 85 years for the general population and the most shameful figure is the prison population that we know of.

Now the figures that I have given here are corrected figures from research that was published earlier this year that showed that the Department of Corrections was undercounting the number of Māori in prison. So, the figure that's usually 52 percent of the population is Māori was corrected up to 57 percent of the population in the prisons is Māori, and of those the corrected for Māori women in prison is 70 percent, it's usually about 68 percent but it was corrected up. Compare that, and this was one figure where I managed to get a European count on it. Europeans make up 68 percent of the country, but only 30 percent of the prison population and the women in prison, 31 percent are Pākehā.

So, this is the reality that you get from the White supremacy and the racism that came out of the illegitimate assumption of power by the British, that's the situation we get left in.

All right. So, what is the role of the Crown in terms of its international responsibilities? The New Zealand State has been pressured by the United Nations bodies to adhere to the United Nations Declaration on the Rights off Indigenous People, but the thing is that that requires them to reject the Doctrine of Discovery and White Supremacy, and no New Zealand Government has agreed to reject that Doctrine of Discovery. They've actually refused nationally, Iwi Chairs Forum has actually asked a few times for them to please reject the Doctrine of Discovery, and they've refused.

Now, between 2022 and 2022, the Crown did actually work with National Iwi Charis Forum and the Human Rights Commission towards a National Plan Of Action to implement the Declaration on the Rights of Indigenous Peoples. This would be the first step towards constitutional transformation if you could just bring the Crown to that level where it would implement the Declaration on the Right of Indigenous People.

Now, the United Nation was extremely supportive of that, they sent out a delegation to help the New Zealand Government put that plan together, that's the plan – out of that planning came that report, *He Puapua*, that's where that came from. However, in October 2022 the Government, that was the Labour Government withdrew from that process. Willy Jackson actually came and saw me, he was nearly in tears over it, but he said that the racists tax coming in on the Māori ministers of the government, particularly in on the **(inaudible 11:58:41)** were just unbearable and they could no longer do it, and this is why. It's because they are a very well resourced, right-wing groups who lobbied to abolish Māori rights and leading that, you fullas know who leads all of that stuff, it's Hobson's Pledge. And then of course, they succeeded and in 2023 got a right-winged Government which withdrew New Zealand's acceptance of the United Nations Declaration of the Rights of Indigenous People and then launched sustained attacks – sorry, my English got up around the wrong way – sustained attacks on Māori to remove our rights and resources and we've all lived that, through that and the Tribunal's been driven crazy over the last couple of years because of it.

Now, the solution is constitutional transformation and in a way, what this government has done has been a real impetus and catalyst to get us to get our act together and get on with doing constitutional transformation. Now, the important thing about constitutional transformation is that it must come from the people and it's the people who must drive it. It is not something that comes out of the Crown, but we do have to let the Crown know it's happening whether you like it or not.

All right. So, now I want to have a look at the report itself because some of the comments that I hear do signal to me that people may be misinterpreting parts of the Matike Mai Aotearoa Report. So this is where we are going to have a go at unravelling the illegitimate British assumption of power in this country.

I have given you two logos there because although the rangatahi gave us that first logo and that was about 2012, the next generation of rangatahi gave us a new logo and that's the new logo, okay, and that's what you will see if you Google Matike Mai Aotearoa these days.

Okay, so the report, it's really important to know what we were not asked to do because it kept coming up that we were supposed to be doing something other than what we were actually doing. So, we weren't not asked how might the Treaty fit into the current Westminster constitutional system, neither were we asked how might Māori representation be adequately addressed in the existing Parliamentary framework? It's not what we were asked to do at all. What we were asked to do, instead the group was to seek advice on the different types of constitutionalism that is based on He Whakaputanga and Te Tiriti. Because what became really clear right at the beginning of our work, was that the Westminster constitutional system as implemented since 1840 does not and cannot give effect to Te Tiriti o Waitangi. It came out of England, it came out English culture, it came out of English law, and it was put in place for Pākehā. It was never intended for us. So, that's why it can't give effect to Te Tiriti.

What have we done to date? We've done quite a bit. Before the report was written, we went round the country and it was – people asked us to come, we go, we talk and there will be several of you in this room that we came and talked to you fullas about this.

Before 2016, 252 hui. Moana went to pretty much every single one of those, I went to about 50 of them. We also set up immediately a rangatahi group because Moana and I and our generation, that includes Mike and it includes Annette, we knew it wouldn't be our generation that implemented this, it was the rangatahi who were going to implement it, so we deliberately pulled together

a group of rangatahi. We sent them to go and talk to rangatahi and they did 70 hui. We did a huge number of interviews and got thousands of written submissions on it. We got input from many experts. The report was adopted by National Iwi Chairs Forum, I cannot pretend that the Iwi Chairs understood everything that was in there, but they accepted it. What was more important for me was that when we went to the forum on the 6th of February, here, that it got overwhelming support and that was actually more and important for Moana and I then what National Iwi Chairs Forums had to say.

All right. Since then I lose count of how many hui there have been since then on Matike Mai Aotearoa. I've said more than 200 hui but it's not just Moana and I who were doing this, it's the whole team who were doing it. We had hui, conference presentations, wananga around the country to take the report back to the people and it's hugely gratifying to see so many of the statements of position referring to it, which means we got something right.

Now, since then, we've had Māori constitutional conventions, they ended up having to be online because of COVID, but we had them in 2021, 2022, 2023, 2024, just bringing all the people back to say have we got it right.

And then there was an international conference in 2022 at the University of Auckland where we pulled in a whole lot of indigenous leaders from around the world to ask them how are you getting on with your constitutional changes, transformations, we learnt a heap from that.

And then after Moana passed away in 2022, every year since we've had a memorial conferences in his honour mainly to say, 'Yes, Moana, we are still working on it.' Okay. It's a required text in many university courses. Constitutional transformation is being initiated and driven by Māori whānau and hapū but also your iwi are. There are many more iwi who no longer have glazed eyes at National Iwi Chairs Forum. Their eyes used to glazed over when we talked constitutional transformation, they don't now, it's a very different scene. And it's for the benefit and wellbeing of all people and there's wide spread discussion and uptake and input is being sought from all communities, not just

Māori, everybody. And it's not Crown initiated or determined, very clear about that. In actual fact, the Crown sort of – doesn't want to talk to us about it, well, that's up to you.

All right. Technology – you're going to keep going technology. Technology.

TECHNICAL DIFFICULTIES – POWERPOINT PRESENTATION ISSUE (12:06:25 – 12:06:40)

PROFESSOR MARGARET MUTU: (CONTINUES #B052(b) POWERPOINT PRESENTATION)

Now the report itself, it was written for our whānau, hapū and iwi and hopefully for others, to help them begin their conversation and Moana – those of you who have read the report, you will see Moana's hand very strongly in there make sure that it's readable for our people.

Now, it's got five parts – oops, now I'm getting too far ahead of myself. There are five parts there, The Nature of Constitutions, Constitutional Foundation, the Values and the Vision, that's the models and then what our Recommendations were.

Now, on the Nature of Constitutions, constitutions, Moana was very clear and good about this. Constitutions aren't something that only lawyers can deal with. Constitutions are things that come from the people, okay, and it's about making decisions. Okay.

Government is the process people choose to regulate their affairs, so decide how you are going to do things. A Constitution is a code or set of rules to describe how government will function, who will make the rules, how to abide them, and live together amicably and if you look at that definition and then you think about He Whakaputanga, that's exactly what He Whakaputanga was.

Now, Constitutions are based on two things. There's a concept of power and the site of power and the concept of power is the philosophy of constitutional

authority and values that underpin it, and the site of power is the institutional place where the society decides the power is to be exercised and the limits you are going to put on it.

Now, it's really important that constitutions are cultural creation, they come out of the culture that draws them up and I am going to give you here an example of two of them, a western one and the Māori one and I have heard some of you refer to this western one as well.

The western concept of site of power is very hierarchical. Sovereignty is most high and perpetual power over the citizen, and the site is the monarch in Parliament with absolute authority and dominion over the land and people and that's what English culture make up is like and it's the one we've got here in the Parliament we have in this country.

Whereas the Māori concept and site of power is totally different. The concept of power is mana. So, the absolute power and authority derived from the atua. The site of power is the ariki – although for us in Te Hiku o te Ika, it's rangatira, we don't use that term Ariki up home – and it's power bestowed by the people to be exercised in a way that is tika, makes decisions by consensus, cares for the people, keeps the people together and respects and upholds the independence of hapū and of iwi. So, two very different ways of looking at constitutions.

Now, the foundations, we've seen this already. The first foundation is tikanga. The second, He Whakaputanga, the third, Te Tiriti – hurry up Te Tiriti – and then International Precedents such as United Nations Declaration of The Rights of Indigenous People. Now, all of these are framed within the right to self-determination and we looked overseas, in particular, we looked at the Sami Parliament and the system that they've got, they gave us some really clear advice on what to avoid actually. We looked at Bolivia, I don't know if Matareia is still here, and we looked also at several Native American ones as well to see what worked.

Now, in terms of the values. This was – there are seven of these values and this was what the people made us focus on, was the values. They said, "If you get the values right, everything else will fall into place." And so – you know, we would try to say to them, "But we've been told to bring models back. Can you help us with the models?" And they would go, "No-no-no-no. Just get the values right." Okay.

So, the first one that I've put up here is the value of place, and that is to promote relations with, and ensure the protection of Papatūānuku, the Mother Earth. I have never understood how human beings can think we can survive without Papatūānuku. I'm not quite sure what we would do without Papatūānuku. We wouldn't exist, I don't think.

The value of tikanga, our law. To relate or to incorporate the core ideals and the 'ought to be' of living in Aotearoa New Zealand. Now, Moana was very clear about this because when we talked about the 'ought to be' people use to say, 'Oh, you know, you need to get real. The Government's not going to let you do that. You can't do that, they won't let you.' And Moana said, "Please, put that aside. Don't let what oppresses you determine what you aim for. Aim for what 'ought to be' in this country." And that's why – that was that value of tikanga, aim for what is tika, what is right, and don't be constrained by the oppression that you have had to carry for so long. So, that was the value of tikanga.

The value of community. To Facilitate the fair representation and good relationships between all people. And then because there will be good relationships and that's that thing about relationships, that it is very – te ao Māori is based on whakapapa, for heaven sake, that's all about relationships. And then because you've got that community there and relationships, that gives people a sense of belonging, so that you belong, and you foster that sense of belonging for everyone in the community and you don't leave people marginalised.

Now, you will notice that these values, except for the word, tikanga, they are all in English. Moana was insistent that we write them out because so many of

our people don't necessarily understand the true meaning of a lot of our – when we went around and asked about these values we weren't given these words, we were given mana, tapu, manaakitanga, whanaungatanga, kaitiakitanga, rangatiratanga – these were the words we were given and Moana said, "No, I want to put them in a way that they can't be misinterpreted or misunderstood." So that's why they are in English, but it was also to help the rest of the country understand what these values actually are. So, that's the first four.

And then the last three, the value of balance. To ensure respect for the authority of rangatiratanga (Māori power) and kāwanatanga (Crown power) within the different and the relational spheres of influence and I don't have to explain that to you because you have been talking about it for ages.

Now, the value of conciliation and this is just so hugely important, to have underlying jurisdictional base and means of resolution to guarantee a conciliatory and consensual democracy. Now, this is about – when you have got a problem, we know how to do this stuff. You got a problem, you come together, you sit, and you talk, and you talk, and you have to have – there's some give and take along the way before you come to a decision. But it's a decision that the people accept because it's done by consensus. Instead of what you've got at the moment which is an adversarial, a majoritarian one where 51 percent rules and 49 percent is angry, that is not a good decision. At least, if you've got consensus you can say, 'Well, you fullas made the decision. It's your decision." At the moment, you can't say that and not under this system that we live under now.

Now, and the last one, the value of structure. To have a structural convention that promotes basic democratic ideals of fair representation, openness and transparency. Now, this notion of democracy, again, Moana was very clear about what is democracy. It is not one person, one vote. That is not democracy, that thing is so open to corruption – well, we see it all the time. Democracy is that the people decide, it's the people that decide and that's what Moana means when he uses the term democracy, it's for the people to decide. Yes, that word democracy gets mucked around all over the world.

All right. Now, the models. There were six models, I am just going to show you three of them. This is what they call a Possible Bicameral model and that's where you've got two parts to it. You have here the rangatiratanga sphere and in the rangatiratanga sphere, Māori make decisions for everything Māori and the Crown has no say at all. And then in the kāwanatanga sphere, that's where the Crown makes its decisions for its people. All right. And in the Bicameral model, those two spheres have to learn to talk to each other and learn to, you know, by civil to each other. All right, but the thing about the kāwanatanga sphere is it has no say over anything Māori.

All right. Now, this is a Possible Tricameral model. So, This is where you have got three parts to it. The rangatiratanga sphere. Now, in the report we were more concerned about the rangatiratanga sphere, we had very little say about the kāwanatanga sphere other than that they had no say over anything Māori. In the rangatiratanga sphere there needs to be a huge amount of discussion as to what that's going to look like and so there was a suggestion of there being iwi, hapū assembly that would include urban representation but that's only because that's all I could fit on the diagram. It was that you could have representation from all those who felt they needed to have representation in a body like that. So, a lot of it would be the groups that are really marginalised these days like our tamariki mokopuna, our rangatahi, our kuia, kaumātua, the LBGTQRI+ communities, all of those communities that are currently totally marginalised would have the opportunity to be in there. So, that's what was in that thinking.

And then the third one down the bottom, the relational sphere, is where these two kāwanatanga and rangatiratanga spheres would come together to make decisions by consensus in accordance with tikanga. Okay.

And then logically you've got allow for a Unicameral model, okay. And in a unicameral model, you only have the relational sphere and it's iwi, hapū and the Crown all in there together, one body, making decisions together. Yeah, right. Well hey, we put it in there because it was logical.

All right. Now, we had a series of recommendations. First of all, that we would spend the next five years discussions amongst Māori, yes, that got done. That we would hold a Māori Constitutional Convention in 2021, in ended up being online, to develop a comprehensive engagement strategy across the country, that is well underway. That we would establish a working group to work out structural and procedural issues for Māori, took us longer to set that up but we did set one up earlier this year. It's been led by Aperahama Edwards from Ngāti Wai.

That Māori would initiate dialogue with other communities. Yeah, well they came to us, particularly our whanaunga from Te Moana nui a Kiwa, they came to us very quickly and asked to be included, we had to say to them, "Can we sort ourselves out first and then we will come." But also, the Asian communities came to us very quickly as well and the African ones. It's the non-whites who came to us but there were a whole lot of Pākehā who came to us as well asking to be included. So, we didn't go out, they came to us.

Iwi, hapū and lead Māori organisations were to initiate dialogue with the Crown, and Margaret gets sent by National Iwi Chair Forum to try and talk to them and they go, 'Yeah, right.' And I go, 'I've got better things to do.' I am not very good on doing these things.

In 2021, start organising a Tiriti Convention for the country about constitutional transformation. That one hasn't grown legs yet and it took a back seat with this Government as well. I do hear the Greens talking about it though.

Now, the goal is by 2040 there will be a Constitutional Transformation. Moana knew that this was going to be long, slow, you've got to do it carefully.

Now, the last thing on the report, I just want to catch you up on what's actually happened when we went out on those 200 plus huis. People do not want to the unicameral model, funny that, because that's what you've got at the moment.

All right. The main discussion points, it's the Tricameral model that's being most talked about. I had thought it would be the Bicameral, but it's not, it's the Tricameral one with the relational sphere. The kāwanatanga sphere will probably remain mostly as is, It will keep its Parliament, it will keep its courts, it will keep its rule of law, but it will have no say on anything Māori and that is sole the responsibility of the rangatiratanga sphere. The rangatiratanga sphere has existed for centuries and it's in whānau and hapū and marae and will remain. But it does need strengthening and resourcing in order to empower Māori to give effect to tikanga and to restore the full power and authority of mana Māori motuhake.

So, you will understand when some of you talk about setting up a Māori parliament again, that I go – we don't have parliaments on our marae, that's something out of the English culture and as soon as we start trying to play with those things we get into trouble, so we stick with what we know which is our own tikanga.

So, tikanga must underpin the Māori and the Crown relationship including decision making by consensus. There was clear opposition to political parties in the Māori body. Now, that came to us – it was the Sami who actually said that to us, don't allow it, because it recks your whole system. What that does is that you elect someone to represent you and then they go in as part of the party and they can't represent you, they have to represent the party, and I think we're seeing that right now with the Māori party. Okay.

I mean, this came into the discussions very early in the piece about not allowing parties in the rangatiratanga sphere. Clear need for a written constitution based on He Whakaputanga and Te Tiriti, but He Whakaputanga and Te Tiriti, please, don't put them into law. Law is – you know, the kōrero a Tā Hemi Henare, you put it into law, they will change it. Okay. So, he mea tapu wēnā, but you base your constitution on it.

Increasing calls from Māori for Constitutional Transformation, especially since the 2023 election of right-wing, anti-Māori Government. It's really exhilarated stuff.

Some communities – what did some communities do? Some communities are getting on with exercising their own mana and not allowing kāwanatanga to have any say at all and I love the kōrero that I heard out of Waiomio because that's what we do at Karikari, and the more I hear about that, the happier I am because we can survive, and the sky doesn't fall in when we take back control of our lives.

Okay, in 2024 we held National hui of the rangatiratanga sphere to try and develop that kotahitanga, so we had the Tūrangawaewae then we had the one last year – this year – last year, up at Waitangi – here, here – at Omahu and at Tuahiwi and that was in the request from Kingi Tuheitia, that we go to the four winds and call the people together. And the working group was established to make recommendations, that's what I talked to you about before. There is growing support from non-Māori for what we are doing but there is strong resistance from well-resourced, right-winged interests demanding preservation of the Doctrine of Discovery and White Supremacy and we cannot underestimate how powerful, like Hobson's Pledge and them are, they are very powerful. You can see, they put in a government like the one we've got, and they are being increasingly taunted by supportive Pākehā and it's really gratifying to see how many Pākehā are actually coming behind us to support us. And heoi anō – no, proposed themes, sorry, sorry.

So, on your themes, the Ngāti Kahu's position on theme one is that Mana motuhake is ultimate and paramount power and authority derived from the atua. Tino rangatiratanga is the exercise of that mana in accordance with tikanga to keep the people together so that they are healthy, wealthy and prosperous. That's what our tupuna wanted. Mana motuhake lies with the whānau and the hapū and their rangatira. It underpins the Rangatiratanga Sphere where Māori have authority and autonomy over all matters relating to Māori and the Crown has no say.

On the Kāwanatanga et cetera, Ngāti Kahu's position is, Kāwanatanga is the authority devolved to the Crown to manage and stop the lawlessness of its people. It exercises that authority in the Kāwanatanga Sphere and has no authority over Māori.

This Dual Governance at theme three, the relationship between te Kāwanatanga and te mana Māori Motuhake, Ngāti Kahu's position is, on matters of mutual concern, the Rangatiratanga Sphere and the Kāwanatanga Sphere come together in the Relational Sphere. Neither authority is subordinate to the other, both are grounded in mana and tikanga, and reach decisions by consensus, but I would add in there, that the authority that the Crown has is devolved from the rangatira, so it is a devolved authority that the Crown has.

As for the rest of the themes, yes, they all go under one heading for Ngāti Kahu, because the Crown has illegitimately asserted sole paramount authority in Aotearoa New Zealand. As such, all of the Crown's current constitutional arrangements (that includes the above) are inherently invalid. Until balance is restored to Te Tiriti relationship and the Crown respects and upholds the equal authority of Māori, the Crown's constitutional arrangements will always stand in breach of Te Tiriti. Sorry, that's it.

(12:29) PROFESSOR DAVID WILLIAMS TO PROFESSOR MARGARET MUTU:

Q. Tēnā koe Ahorangi Makere. Thank you for your presentation. I know you acknowledged the late great Dr Moana Jackson all the time, but you need to be acknowledged yourself, because you did play a significant role in that and so thank you. And just because you've got an old academic sitting here talking to you.

A. To another old academic.

Q. So, just putting it to you this way, the protestant Europeans are just as capable as White Supremacy and racism as Catholic Europeans and actually we got the protestant version in Aotearoa New Zealand.

A. Yes.

Q. And so, the papabiles don't really count for anything. Protestant English people don't – this is my pātai actually, protestant tend to favour their own view of European Supremacy and most of what we got in Aotearoa, in our law was through Chief Justice Marshall and the US Supreme Court, explicitly relies on the Doctrine of Discovery picked up by Justice Chapman in the Simon Case, explicitly relies on Doctrine of Discovery.

A. Yes.

Q. That's White **(inaudible 12:31:18)** protestant rather than Catholic. Yes, so just any – it's a wananga so any thoughts on that?

A. Yes. so, what I should have added in there was it originated out of the Vatican, but didn't take long before it got over to England and they picked it up there and put their own label on it, but it's the same thing.

DEREK FOX:

Kei kona koe, Kev? Pātai wāhau, Kevin? **Are you there, Kev? Do you have any questions, Kevin?**

KEVIN PRIME:

Āe, āe, he pātai – kāore aku nei pātai engari he mihi ki a koe e Kui, e mātou mō tō whakaaturanga, tino mārama ana, whakamīharo kē nei au ki te āhua o tō whakatakoto i o kōrero. Kia ora. **Yes, yes, I have a question, well it's not a question but I just want to thank you, Margaret, for your presentation. It was very clear, and I am very impressed with how you presented.**

PROFESSOR MARGARET MUTU:

Kia ora. Āe, tēnā koe. **Thank you.**

DEREK FOX:

Āe, kei te tautoko au i wēnā kōrero mai i a mātou o tēnei rōpū, nō reira kia ora. **I endorse those comments on our behalf. Thank you.**

Now, we're running behind time. We're going to stop and have lunch now and then – let's try keep it down to half an hour so we can get started again at one of just shortly after one. Okay. Kia ora.

TECHNICAL ISSUE – KAUMATUA TOO FAR FROM MICS (12:32:45 – 12:36:52)

MIHI (KAUMATUA) (12:32:42 – 12:33:40)

MIHI (KAUMATUA) (12:33:35 – 12:36:52)

WAIATA TAUTOKO

HEARING ADJOURNS: 12.38 PM

HEARING RESUMES: 1.12 PM

HOUSEKEEPING – TIME MANAGEMENT (13:12:02)

(13:31) YOHANAN THEODORE: (#B064(b))

Kia ora, e te whānau. **Greetings, whānau.** Matua Derek, we're going to catch some time up for you, so we're good. Ka pai.

I te mea tuatahi, ki te Matua kaha rawa, ko ia te kaihanga o te rangi me te whenua. Tuarua, e ngā mate, e ngā tini aituā o tēnā marae, o tēnā marae, o koro mā, o kui mā kua takahi i te ara wairua, haere, haere, moe mai rā ki a rātou. Ngā mōrehu o rātou mā, tēnā tātou katoa. Tēnā tātou. **Firstly, to almighty God, who is the creator of Heaven and Earth. Secondly, to our many dead from each and every marae, to the elders who have traversed the pathway to the spiritual realm, farewell and rest. And to we, the remnants of those who have passed on, the ancestors, greetings.**

E te taumata tapu kei konā. Tēnei te mihi, tēnei te mihi. E te whare e tū nei, te marae ātea tapu kei waho, tēnā kōrua, tēnā kōrua. The whānau, te Tribunal me te Crown hoki, tēnā kōrua. Ngā mihi. Ngā mihi. E te whānau mā, Ngāpuhi,

e ngā iwi katoa kei konei, tēnā koutou katoa. Kia ora rā. **Greetings to the sacred orators' bench, the leaders there. My acknowledgements to you. To the house standing here and the sacred courtyard, marae courtyard outside, greetings to both. To the Tribunal and the Crown, greetings to you, and the whānau of Ngāpuhi and of all iwi present here, greetings, all.**

Te Ahuahu te maunga; Waitangi te awa; Omapere te roto; Ngātokimatahourua te waka; Ngāti Hineira, Te Uri Taniwha, Te Whānau Whero, Ngāti Korohue ōku hapū; Ngāpuhi-nui-tonu te iwi. Parawhenua te marae, Pirikotahi te wāhi tapu. **(inaudible 13:14:04)** Tiatoa rāua ko Akenehi Napia ōku tūpuna. Ko Gray Theodore tōku pāpā. **Te Ahuahu is the mountain; Waitangi is the river; Omapere is the lake; Ngātokimatawhaorua is the waka; Ngāti Hineira, Te Uri Taniwha, Te Whānau Whero, Ngāti Korohue are my hapū; and Ngāpuhi-nui-tonu is my iwi. Parawhenua is my marae, Pirikotahi is the sacred place, and… are my grandparents, and Gray Theodore is my father.**

I te taha o tōku māmā, ko Maungarake te maunga, Ruamahanga te awa, Hurunuiorangi te marae, Takitimu te waka, Ngāti Kahungunu ki Wairarapa te iwi. Heoi anō, i wehe atu ōku tūpuna ki te rohe o Mangakino; ko Mangakino tata ki Tokoroa. I te rangi nei, ko Titiraupenga te maunga, ko Waikato te awa, ko Mangakino te marae, ko Ngāti Kahungunu ki Mangakino te iwi. Kia ora rā. Ko Pukepuke Namana rāua ko Raiha Niania ōku tūpuna. Ko Gloria Namana tōku māmā. **On my… Maungarake is my mountain… Hurunuiorangi is my marae, Takitimu is the waka, Ngāti Kahungunu ki Wairarapa is my iwi. Nonetheless, my ancestors departed from Mangakino, which is close to Tokoroa. Today, Titiraupenga is the mountain, Waikato is the river, Mangakino is the marae, Ngāti Kahungunu at Mangakino is my iwi. Thank you. Pukepuke Namana and Raiha Niania are my grandparents. Gloria Namana is my mother.**

Ko Yohanan Theodore ahau. Kia ora rā. **And [inaudible]. Thank you.**

We stand here today – my cousin Hone, myself, supported with cousin Cheryl and my Aunty Dada. We are claimants for Wai 966 by the late Te Kerei Tiatoa and the late Pereme Porter, passed; Rangimarie Maihi; myself, Yohanan Thomas Theodore; Arena Napia Theodore; Murray Tauru Theodore; and William Gray Theodore on behalf of Ngāpuhi mō Te Tiriti o Waitangi claim Wai 966. Kia ora rā. **Thank you.**

WITNESS REFERS TO STATEMENT OF POSITION #B064(b)

May it please the Tribunal, ko Yohanan Thomas Theodore tōku ingoa. **Yohanan Thomas Theodore is my name.** I share my statement of position with you today. I stand here today with deep humility and gratitude to be a part of this important wānanga this week and to share my understanding, our understanding, on some of the proposed themes of this kaupapa that we have chosen to speak on.

The positions expressed here are my own, though I carry the voice, the teachings, and wairua of my late father, Gray Theodore, who had a strong belief in Te Tiriti o Waitangi, te Tiriti, and what it stood for. He often spoke of te Tiriti not just as a legal agreement, but as a sacred covenant between Māori and the Crown, a relationship with founded on faith, respect, and shared authority.

Through him, and through my grandparents who guided us growing up in Ōtara, I learned what collective leadership and service to the people truly meant. I saw how our kaumātua led through unity and tikanga, through hui, wānanga, collective decision-making. These experiences shaped how I understand mana motuhake, tino rangatiratanga and kāwanatanga today. I'd just like to add when our grandparents were moved from Waimate to Auckland in the '60s, '70s, there was no marae at Ngāti – at Ōtara. They were part of the founding members that founded that marae. We had no place to kōrero, to respect our tūpuna that have passed on, so they were part of the founding members of that marae there. That, to me, is tikanga. That, to me, is mana motuhake. That, to me, is aroha, right there, without having to explain too much.

Alongside me today is my cousin Hone Tiatoa who will be providing kōrero as whānau support. I acknowledge our shared whakapapa and his support to this kaupapa. To be standing here now in this space and before the Tribunal and the whānau katoa is an honour and a continuation of my whānau's journey, a way for me to carry forward this kōrero that my father began, and to reflect on how our authority as Māori can once again be recognised within the constitutional foundations of Aotearoa.

Statement of Position

Connection to the constitutional kaupapa

Our connection to this Inquiry comes through our LORE of Tatai / Whakapapa me Tino Rangatiratanga, our Tūpuna who were signatories to the King William Petition 1831, He Whakaputanga 1835, and Te Tiriti 1840; and through my late father, who dedicated much of his life to the Kaupapa of Te Tiriti. He attended Waitangi Day dawn service and often spoke from his religious and poetic heart about the meaning and calling of Te Tiriti.

Over the years, my understanding of constitutional issues has grown. Five years ago, I did not fully understand the constitutional framework or how it has shaped our lives, but as I have read and reflected, especially the last couple of years, I have come to see how it continues to affect our people today.

I was raised in Ōtara in the mid-1970s through to the '80s. Our community at that time was diverse and complex. Gangs were emerging, like in other places, and there were tensions between police and Māori communities. We were guided strongly by our grandparents, who had moved from the North, to hold fast to our tikanga.

I remember the collective ways decisions were made, by marae committees, kaumātua groups, takiwā hui **regional hui**. They discussed issues as a collective and worked towards resolution, not leaving things unsettled, as much as they could. Those practices taught me about accountability, unity, and

respect for tikanga and how they shaped our understanding of leadership, decision-making, and principles that I believe should be reflected in Aotearoa's constitutional framework today.

Our kōrero today will focus specifically on L O R E of tātai whakapapa **lineage** me tino rangatiratanga and its connection to Theme One of mana motuhake, and on the enacting of the articles of te Tiriti and their connection to Theme Two, kāwanatanga and constitutional legitimacy and sovereignty. While the claimants before us would have shared strong, impactful views on Crown legitimacy, our kōrero today is to put before the Tribunal our L O R E, our lore status and its rights within Article 2 of te Tiriti, Article 2, compared to the Crown's notional radical title under Article 2. This gives us an opportunity to support other claimants' views while also presenting our understanding and take on these matters.

Theme one: Mana Motuhake (understood through Lore of Tatai / whakapapa, and Tino Rangatiratanga)

In our understanding of **Lore of Tino rangatiratanga / Mana motuhake**, it is the knowledge of tradition passed from generation to generation, which is reflected through:

- Matua, **Father,**
- Tama, **Son,**
- Wairua Tapu, **Holy Spirit,**
- Anahera Pono, **Faithful Angels,**
- Te Paipera Tapu, **The Holy Bible,**
- Tātai whakapapa, **Lineage,**
- Tino rangatiratanga,
- Whenua rangatiratanga, **Treasured lands**
- Whānau Hāpu,
- Whenua Taonga,
- Awa Taonga, **Rivers,**

- Moana Taonga **Seas,**
- Taonga tuku iho. **Treasures passed down**.

Together, these give meaning to our LORE Tino Rangatiratanga / Mana Motuhake.

It is our right and responsibility to make decisions for ourselves, according to LORE Tino Rangatiratanga / Mana Motuhake tikanga, under both spiritual and ancestral authority. When decisions relate to our whānau, hapū, whenua taonga, awa taonga, moana taonga or taonga tuku iho **treasured lands, rivers, seas, treasures passed down**, they are made with the best intentions to keep order within and protect the whānau and hapū. We stand by these decisions today. This is our accountability to our rangatira and to one another.

The Crown has weakened our LORE Tino Rangatiratanga / Mana Motuhake through repeated breaches of its fiduciary duties under Article 2. True recognition of LORE Tino Rangatiratanga / Mana Motuhake today would reflect our Tatai / Whakapapa and Tino Rangatiratanga affirmed in 1831 and 1835, upheld within a constitutional framework that honours native title, and affirming Māori authority over our whenua, people and taonga, while the Crown governs its own people and maintain peace. Such a constitutional framework would be grounded in Article 2 and include an Upper House of Parliament, a place where Tino Rangatiratanga holds authority alongside the Crown.

True partnership, in my view, is grounded within our Christian faith, first spoken in Aotearoa at Oihi on the 25th of December 1814. The words of te Paipera Tapu **Bible** in Mark 12:30-31 captures the intention of both te Paipera Tapu and te Tiriti. Verse 30 teaches us, “You shall love the Lord your God with all your heart, with all your soul, with all your mind and with all your strength.” Verse 31 follows, “‘You shall love your neighbor as yourself.’ There is no commandment greater than these.”

This is the original foundation of te Tiriti, where LORE and LAW are to be honoured together, kotahi tātou, and where tino rangatiratanga stands equally with the Crown as originally intended. This was the mindset of the Church Missionary Society, the CMS, which described the actions within the article of te Tiriti to our whenua rangatira **noble lands** at Waitangi, Pewhairangi, Te Waimate North, Taiamai, and Mangungu, Hokianga. The faith and the belief in Jesus Christ, king of all kings and lord of lords, was deeply sacred to our people, and that same faith and belief was applied to te Tiriti. That was the intent.

And I remember Dad saying, as is on the back of many headstones of our tūpuna, you will see kupu: He tapu te Tiriti, he whakapono **te Tiriti is sacred, holy, faith**. They were signed that with the intent they were honourable.

Theme two: My position on Kāwanatanga (understood through Te Tiriti, LORE, and questions of constitutional legitimacy and sovereignty)

Kāwanatanga, to me, must be understood through the intent and limits set out under Articles 1 and 3 of te Tiriti. Under te Tiriti, the Crown received only a delegated authority; the authority to govern its own people and to maintain peace in partnership with Māori. It did not receive the authority to rule over LORE or to over-ride Article 2. Legitimate government must always act within the limits of that delegated authority. Instead, the Crown has used its delegated authority under Article 1, together with the protections promised under Article 3, to expend its kāwanatanga in ways that extinguish LORE and tino rangatiratanga guaranteed under Article 2.

A respectful balance between Kāwanatanga and Tino Rangatiratanga LORE would mean returning to a constitutional framework grounded in Article 2, with shared authority structures such as:

- A patent letter acknowledging the Protectorate LORE and Native Title within He Whakaputanga 1835;
- Article 2 as the central constitutional foundation;
- Reinstating the Upper House of Parliament;

- Reinstating the Privy Council; and
- Remedying all fiduciary breaches of Article 2, financially, socially, and environmentally.

I imagine a true partnership with tino rangatiratanga and the Crown's governance can exist together in harmony.

6 From my understanding, the Crown's claim to sovereignty is only by occupation. The Crown has defaced our Rangatira Tohu and the Royal signet seal on Te Tiriti by fire in 1841, an act that is defined under international law as a breach of jus cogens and a violation of a peremptory norm of internation law.

Our perspective of Article 2 is that the Crown holds only a notional radical title over 250,000 acres of land identified in the Bay of Islands Settlement Act, of which more than 50,000 acres remain as native title that has never been extinguished under Article 2.

The Crown has used that remaining land and its resources for its own colonial benefit and gain, as recorded with the Bay of Islands Settlement Acts. These Acts were created under Parliament's authority, and many were influenced by the New Zealand Land Company, whose members formed the first legislative Government in 1841 and 1852. That same company later placed Parliament House on its own land in Wellington on the 26th of July 1865.

From my understanding, the Crown has repeatedly relied on its authority under Articles 1 and 3 to override what Article 2 was meant to protect. These actions show how the Crown continues to put its own authority first, instead of upholding what was promised to Māori. As a result, the balance between Kāwanatanga, LORE and Tino Rangatiratanga guaranteed under Article 2, continues to be weakened all over again.

True legitimacy today would mean honouring our founding faith of 1814 and enacting the LORE within Article 2 in the spirit and truth of the 6th of February

1840. For generations, the Crown has used Articles 1 and 3 to take away the authority that Article 2 promised us.

From a LORE perspective, legitimacy is based on divine and ancestral legitimacy, carried through generations in our songs, stories, and dance. It governed all physical resources and all aspects of traditional life.

For the Crown to restore trust and legitimacy, it must return to the promises and intent of Article 2 of te Tiriti, creating shared constitutional spaces for Māori authority to stand equal.

The Aotearoa I want my mokopuna **grandchildren**, our mokopuna, and future generations of Māori to grow up in is one built on love, faith, true forgiveness, and a nation guided by God's principles:

'To love God, to love your neighbour as yourself, as defined within our National Anthem'

The future relationship between Māori and the Crown must reflect:

- Matua, **Father,**
- Tama, **Son,**
- Wairua Tapu, **Holy Spirit,**
- Me ngā Anahera Pono, **and the Faithful Angels,**
- Te Paipera Tapu, **the Holy Bible,**
- Tātai whakapapa o te iwi Māori **Lineage of the Māori people** and the House of Windsor.
- He Whakaputanga, 1835 and the Magna Carta 1215;
- Articles 1, 2 and 3 of te Tiriti; and
- A partnership grounded in protection, trust and respect.

The judicial recommendations of this inquiry must not be over-ruled by Parliamentary power or sidelined with parliamentary processes. Te Tiriti is the

point where customary international law and common law, England, meet as a treaty between two states. The New Zealand government deposited its instrument of ratification to the Vienna Convention on the Law of Treaties, 1969, on the 4th of August 1971.

Transformation must begin now. Our principles of LORE, mana motuhake, tikanga, and tino rangatiratanga should guide every step forward.

In conclusion, in memory of my late father, who spoke on te Tiriti as a living covenant, we stand to affirm that we were equals from the beginning, yet the outcomes today show otherwise.

Our voices are often ignored, our sovereignty diminished, but our faith and tikanga remain steadfast.

True honouring of te Tiriti requires fulfilling all articles and making sure that both the Māori and English versions must be reconciled in truth. Our tino rangatiratanga must be restored not just in words, but in constitutional reality.

As we look toward the future of this Constitutional Kaupapa,
I look back to the foundations that have always guided our people.
The Treaty is the founding covenant of Aotearoa.
The strength of our people comes from having the power to make our own decisions and shape our own future.
Tēnā Koutou.

Tēnā koutou. Kia ora rā. **Thank you.**

Do you want to add to anything? Do you want to say anything?

(13:31) HONE TIATOA:
Kia ora koutou.

Just wanted to just give some clarity around the Vienna Convention for my whānau here that don't understand the Convention on the Law of Treaties, the international law.

The declaration, what we're talking about in the declaration is really for the Tribunal, because they know what it means, but for you, my whānau, the declaration is about on the 4th of August 1971, the New Zealand government ratified it and their succession to that convention under the law of treaties.

In regard to that, the Convention knows about Te Tiriti o Waitangi, so under – this is their declaration. The Government of New Zealand declares its understanding that nothing in article 66 of the Convention is intended to exclude the jurisdiction of the International Court of Justice where such jurisdiction exists under this provision of any treaty in force binding the parties with regard to the settlement of disputes.

Its relations to the state's parties, to the Vienna Convention, which accepts as compulsory the jurisdiction of the International Court of Justice, the Government of New Zealand declares that it will not regard the provisions of article 66 of the Vienna Convention as providing some – listen to this – some other method of peaceful settlement. Within the meaning of this phrase where it appears in the declaration of the Government of New Zealand accepting as compulsory the jurisdiction of the International Court of Justice. Which was deposited with the Secretary-General of the League of Nations on the 8th of April 1940.

So just remember, the 4th of August 1971, that was done.

Matiu Rata knew about this. He knew some other method of peaceful settlement. In 1975, the Treaty of Waitangi Act was formed. The Treaty of Waitangi Act is some other method of peaceful settlement. What we're doing today is we're notifying that peaceful settlement, which is our Tribunal members here today.

When my cousin talked about the jurisdiction – sorry, I'll just grab it – I think I put it here – when we talked about – I think it's paragraph 27.

WITNESS REFERS TO STATEMENT OF POSITION #B064(b)

The judicial recommendations of this inquiry rests with yous, must not be over-ruled by parliamentary power or sidelined by parliamentary processes of the New Zealand Constitution Act of 1986. They're a power unto themselves. They stepped away from the Westminster system and created that they are the authority to speak for themselves.

In doing that, they denied our connection to our rights of the 1852 Constitution Act, section 71. So really, I'm putting to you guys is that the constitution of '86 denied the constitution of 1852 section 71, which is Article 2 of te Tiriti, which reverts back to the 1835 whenua rangatira, tino rangatiratanga that's based on our tātai and our whakapapa of our LORE and our – this government has denied it.

They've implemented sections 1 and 3, but they've denied Article 2, and that's our tino rangatiratanga, our processes, our ways, our tikanga on doing things. They forced us into Treaty settlements, so we really enact Article 1 and 3 again, and then we – it's called full and final settlements. Half – 80% of New Zealand have signed, have settled. Why has Ngāpuhi been left last? It's because of our narrative. If we had started here with the Treaty settlements in Waitangi and Ngāpuhi, all of the other iwi would have known of He Whakaputanga and Article 2 and how powerful that is.

So today I just wanted to just close with that, because this is only a statement of position, but we have got the other information to bring forward and to give that clarity to you, but I just want to acknowledge that we acknowledge you – you in this space, we acknowledge the role that you have in this space, and we want to support you in that.

Kia ora.

(13:37) DR GRANT PHILLIPSON TO YOHANAN THEODORE, HONE TIATOA:

Q. Tēnā kōrua. Thank you very much for that. I am just interested in the idea of there being an upper house of Parliament again, a Māori house, a rangatiratanga house. I think that's a really interesting idea to explore. Do you have any further ideas about it, or is it just still to be fleshed out?

A. [John Tiatoa] I think that was the intention of the Constitution Act of 1852 section 71. That was – the intention was to have rangatira at that upper house. We see Waitangi as the upper house at the moment.

Q. Okay. Thank you. Well, section 71 empowered the governor to declare native districts where Māori law would continue to exist and Māori authority would continue to be exercised, so it was really important. Thank you very much for your presentation. Kia ora.

A. [John Tiatoa] Kia ora. Thank you.

WAIATA TAUTOKO (MĀ WAI RĀ)

(13:40) MATILDA KAHOTEA:

Kia ora, e te whānau. **Greetings, whānau.**

I was pondering how to start this. Nine out of ten times, when I start and kōrero on our kaupapa, we're usually the elephant in the room, and I don't have any issue with that, but it hits different when I speak in front of my people. So how do you open a kōrero that carries generations? How do you speak truth into a room that has heard everything except the truth that matters most to us? And then it came to me – I'll start with myself. I'll start with my journey, and I'll start with the kaupapa that refuses to die, even when the system tries to drown it.

Ko wai au? **Who am I?** My name is Matilda Kahotea. He uri tēnei nō Ngāi Te Rangi, nō Tauranga Moana, nō Ngāti Kahungunu ki Wairoa, nō Tūhoe, nō Ngāti Porou. **I am a descendant of Ngāi Te Rangi, from Tauranga district, and from Ngāti Kahungunu ki Wairoa, from Tūhoe, from Ngāti Porou.** And I am the director of Ngā Kete Wānanga Solutions, a supportive housing kaupapa for whānau navigating addition, trauma and the justice

system. But I just want to be clear. We're not here today because the system supported us. We're here today because it failed us. But we still back our people, no matter what comes at us.

Every day, I stand with the whānau the Crown calls "high risk", but I see their wairua **spirit**, I see their potential, I see their mauri reaching for balance. The world fears their patches. I see their whakapapa. The system fears their tattoos. I see their stories carved in survival. The headlines fear the word "gang", but I see my grandfather's cousins, my uncles, my sons, my whānau, my people. So don't be alarmed by the whānau I walk with. Be alarmed by the systems that made them bleed.

Tēnā koutou, tēnā koutou, tēnā koutou katoa. E ngā mana, e ngā reo, e ngā karangatanga maha o te motu, tēnei te mihi. Ki te Taraipiunara o Waitangi, ki ngā whānau, ki ngā ringa raupā o tēnei kaupapa, tēnā koutou katoa. **Greetings, greetings, everyone. To the powers, to the voices, the representatives from throughout the country. Greetings to the Waitangi Tribunal, to the whānau, to the hard workers of this kaupapa, thank you. Greetings, all.**

I stand before you because our people are paying the price of a constitutional system that still refuses to see us, unless we're in deficit, in danger or in court. I didn't come to Waitangi to make the Crown comfortable. I came because the gang label they fear is the whānau I love.

Recently, I spoke with Radio Waatea about Auckland's council behaviour, and let me tell you, the discrimination is not subtle. It is not isolated, and it's not accidental. It is targeted, it is deliberate, it is personal, and this isn't a process. This is colonisation in a high-vis vest. If we don't call it out, it'll continue to be unchecked. This inquiry must name it.

People have asked me: "Whaea, why don't you just tick the boxes, do your mahi? Why don't you keep quiet about the gangs? Why make it harder on yourself?", and I tell them, "Because I will not negotiate my people away. I will

not trade their dignity for acceptance. I will not silence their identity to make the Crown feel safe. If I don't speak for them, the system will happily keep defining them through racist assumptions, policies and narratives."

The cost of being a Māori wahine who speaks out, standing as a wahine Māori in spaces designed to exclude us comes at a cost. You get targeted, you get judged, you get monitored, you get punished for being courageous, but I'd rather carry that cost than carry the shame of turning my back on my people. What the system really thinks of us – I've sat in courtrooms, and I've heard a Crown official define a criminal as one, unemployed, two, as a gang member, three, Māori. This is his definition of what a criminal was. That is racial profiling disguised as law. That is racism in government stationery, and that is constitutionally sanctioned harm. Why? It destroys identity before sentencing even begins.

The frontline breach, police over-reach. Before our people ever reach court, they have already faced over-policing. Patches treated as evidence, gatherings treated as threats, tangihanga **funerals** are treated as threats, Māori neighbourhoods mapped as red zones, young men as intel targets. I've seen wellness checks treated like drug raids. I've seen imitation [*sic*: intimidation?] instead of engagement. I've seen whānau traumatised for simply existing. And now the Crown wants to legislate even more police power.

2023, our nationwide hīkoi and petition warned the Crown exactly what these laws will do to Māori. These are not gang laws. These are anti-Māori laws. Make no mistake. Attack on gangs is attack on Māori. These Māori laws designed to control Māori bodies, Māori movement and Māori identity.

Every barrier my kaupapa faces, Ngā Kete Wānanga Solutions faces, maps directly onto a Treaty breach. Tino rangatiratanga suppressed, mana motuhake restricted, kāwanatanga over-reaching, tikanga sidelined, constitutional legitimacy eroded. Tino rangatiratanga is our inherited right. It existed long before the Crown arrived. Ngā Kete Wānanga Solutions lives that rangatiratanga through our tikanga, our pathways, our authority over our

people, but instead of partnership, we get restrictive labels, interventions, monitoring, regulations used as weapons. This is not te Tiriti, this is containment. Mana motuhake, self-determination. The Crown says, "You're not a certified rehabilitation facility." Correct. We're not. We never were. They invented that label, then weaponised it when it suited them. We are not a rehab. We are a whare āhuru whakahoki mauri **safe haven (interpretation inaudible 13:49:21)**, a place where identity is rebuilt, where mana is restored and where mauri is brought back into balance.

Kāwanatanga over-reach. Kāwanatanga was limited governance over settlers, not Māori, but today, council police our kaupapa, ministries regulate our tikanga, agencies deny our legitimacy, police enforce Crown assumptions instead of reality, and election campaigns use Māori as political bait. Our hīkoi from Te Rerenga Wairua to Pōneke in 2023 highlighted these patterns clearly.

Tikanga is not a declaration. Tikanga is L O R E; tikanga is our lore. Tikanga is authority. Tikanga is the first legal system of Aotearoa. Through whakahoki mauri **restoring mauri**, we restore balance – spirituality, emotionally, intergenerationally, relationally. This is what the Crown still refuses to understand. We have two systems, clear and powerful, but let's be honest, the Crown system is built on punishment, surveillance, control, and deficit thinking. The Māori system is built on whakapapa, restoration, accountability and wairua **(interpretation inaudible 13:51:02)**. Yes, one harms and one heals, but the answer is not to replace one with the other. The answer is to restore balance. These systems were always meant to operate in parallel, not in hierarchy. Side by side means the Crown governs its own people, Māori govern Māori, and both systems respect each other's boundaries. Side by side does not mean equal effectiveness. It means equal authority. Tikanga does not – is not beneath Crown law. Crown law is not above tikanga. Justice in Aotearoa will never be achieved until both systems stand, not one dominating, but two co-existing.

What we are is a kaupapa – Ngā Kete Wānanga Solutions, we're not a program. We are not a service, we are not a rehab, we are a whare āhuru whakahoki mauri **shelter restoring mauri**, a returning place, a protecting place, a

restoring place, older than ministries, stronger than policies, rooted in whakapapa.

My call to the Tribunal, if this inquiry has integrity, then hear this, please. Tikanga must be recognised as constitutional authority. Māori-led healing must be resourced, not restricted. Police and Crown agencies must be held accountable. Māori must govern Māori healing. Te Tiriti must be lived, not quoted. Whakahoki i te mauri **restore the mauri**. Restore balance, restore trust, and restore justice.

And before I sit, I'd like to talk to the whānau. They said our people were broken, but all I see is unreturned mana. They said our people were dangerous, but all I see is unanswered trauma. They said we were high risk, but all I see is the Crown afraid to move closer, afraid of its own reflection. And when they wrote laws to control us, when they tried to criminalise association and whakapapa, 2023, we walked. We walked from Te Rerenga Wairua to Pōneke carrying our petition in our hands and our people on our backs. Silence is how colonisation survives. Movement is how Māori resist. That hīkoi was not a protest, it was a warning. You cannot police whakapapa. You cannot handcuff identity, and you cannot arrest a people into silence. We are not the problem. We are the prophecy.

Ngā Kete Wānanga Solutions is not a project, it's a returning to balance, to whakapapa, to mana, to mauri.

I'd like to end by saying the gang label you fear is my people I love, and the whānau I love are worth every fight and every breath. I didn't come here to fit into the Crown world. I came here to reclaim ours. Mauri ora.

(13:55) CHIEF JUDGE FOX TO MATILDA KAHOTEA:

Q. Engari ka pīrangi au ki te kōrero ki a koe. **But I want to speak with you.**

A. Kei te pai.

Q. Tuatahi, me mihi atu au ki a koe, nā te mea he kōrero hōhonu tēnei. **Firstly, I must thank you, because this is a deep kōrero.** I just want

to thank you for that. It was very moving. I also note for your lawyer's benefit that you weren't on the agenda, and that should have been told to us in advance, but we really appreciate the kōrero and thank you for it.

A. Kia ora, whaea.

Q. And it gives context, I think, for our next speaker, who I hope will stay within her time, because we are running over time now. Ngā mihi. **Thank you.**

A. Kia ora, whaea. **Thank you.**

(13:56) PAULA ORMSBY: (#B070)

Kia ora mai tātou. Ko wai au? Ko Pirongia te maunga. Ko Tainui te waka. Ko Waipā te awa. Ko Pūrekireki te marae. Ko Apakura te hapū. Ko Ngāti Maniapoto te iwi. Ko Paula Ormsby taku ingoa. **Greetings, everyone. Pirongia is the mountain. Tainui is the waka. Waipā is the river. Pūrekireki is the marae. Apakura is the hapū. Ngāti Maniapoto is the iwi. Paula Ormsby is my name.**

When I put in this claim, the claim was on behalf of the Wāhine Toa Chapter of the Mongrel Mob Kingdom, and priority whānau. Including Māori women and their children associated with other gangs, hence our sister Matilda. And aroha mai, I did inform the lawyer that we were working with that she was going to give her kōrero, and the reason that I wanted for her to give her kōrero is so that you see the heart of our gang whānau.

People often say to me, you know: "Why, Paula? Why, Paula, as an academic, would you come over to our – to the Whero whānau?" and the reason being was that I tried for so long to work on the outside to make change and what I saw was my own people, our own people left my own people behind, and I refused to do that. That hegemonic discourse of our own going, no, no, you know, not that whānau over there.

The whakapapa, you know, as far as I'm concerned, when our own whānau start to discriminate our own because – because of gangs that were created out of the state – the gangs are created out of the state. The gangs come from

the boys' homes, from the constitution, from colonisation, from the urban drift, from the assimilation of our people. That – the gang is our hapū, our urban whānau, like Waipareira Trust, except we're Mongrel Mob. It was only possible for the state to abuse so many Māori children because of the Crown's breaches to te Tiriti which left Māori without their whenua, without their tino rangatiratanga. This is where the gangs came from.

When te Tiriti was signed, Māori were overwhelmingly majority of New Zealand. I'm not even going to bother about the rest of that. We've heard it all today, whānau. We've heard it all today. I'm going to keep my kōrero little.

WITNESS REFERS TO STATEMENT OF POSITION #B070

Mana motuhake.

Mana motuhake is defined as the autonomy, self-government, self-determination, independence, sovereignty, authority. It means having the ability to look after ourselves and determine what is right for us as a people.

Is that my time? No? Ka pai. I thought somebody was going, "Ting, ting!" Okay, ka pai. Just count me down.

The Crown must understand that we are the experts on our own circumstances, that we understand what we require and how to achieve it. We are busy healing our whānau from the intergenerational trauma inflicted from the Crown. 80-90% of gang members were raised in the state. What does that tell you? State wards.

I believe that the source of mana motuhake lies in recognising and embracing our origins as Māori, which is to understand and honour every aspect of what it means to be Māori. It begins with acknowledging our whakapapa, our identity, and the cultural foundations that connect us to our ancestors and our whenua. Once the recognition is accepted by the Crown, Māori will be free to exercise mana motuhake and our ways according to our own values, our own tikanga.

The contrast between Western constitutionalism and te ao Māori lies within the very foundation of each, one being rooted in dominance and control, the other in balance and collective wellbeing. One law, two people. The processes and mindsets that shaped these systems are fundamentally different, which is why they continue to stand in opposition to one another.

Mana motuhake is about empowering ourselves to hold our own positions of power, grounded in who we are, our identity, our collective knowledge. It is about learning, deciding, and growing through our own ways of knowing and being.

I'm going to go off – I'm not going off this script anymore. What I'm going to share – what I'm going to share is that as Mongrel Mob, we've been doing healing wānanga, trying to heal our people, because only we can do that, because often, what happens is that the organisations that our people reach out to for assistance don't assist back, and often, you know, when we're in the trenches with our people, and we're the hand that reaches down that pulls them out, and we're not the colonising hand, and that's why they reach for it.

We started a trust called Ngā Whānau o Manguru Education and Research Trust. Prior to me becoming Mongrel Mob, I spent 16 years lecturing at Auckland University, and I worked in the prison with our tāne after that, but after becoming Mongrel Mob, all I was was Mongrel Mob. So, I tried to get funding, because I'm like, "Wow, look at what we can do without funding. Imagine if we actually had resources to assist us." I tried, but every – and I'm good at funding applications – but every funding application got dropped, got turned down. We even went to the extreme of the treasurer on our Ngā Whānau o Manguru Education and Research Trust being Don Brash. That's the extremes. And guess what? We still couldn't get funding. That are the extremes that our whānau have gone to to try and navigate a system that is not set up for us, that is set up to fail us.

You talk about marginalised communities. Well, the gangs are the most marginalised of the marginalised. We're the ones that, you know, the Gang

Legislation Amendment Bill that our sissy talked about, even Judith Collins herself, King Counsel – Attorney-General – wrote in her report that the Gang Legislation Amendment Bill is inconsistent with the New Zealand Bill of Rights Act 1990, and Christopher Luxon ignored her and did it anyway, because an attack on gangs is an attack on Māori. They cannot say, "We are targeting Māori", so they say, "We are targeting gangs". They don't even let us mourn our own. They don't even let us mourn in peace.

I think that's probably my time, whānau. Keep going? Okay.

Constitutionalism, it's a weapon, and our whānau are the ones that are targeted the most. I am targeted. I don't have any criminal convictions, and yet I can't even go in – I had a job at Mahi Tahi Akoranga Trust, Pou Tautoko ā-Rohe, and Department of Corrections refused to work with me, because apparently I was a security and safety risk. Even though I was over-qualified for the job with no criminal convictions, they decide who comes in their door, and it wasn't me, and they made sure of that. Three times I put in – three times I tried to put in applications and tried to get my security cleared. I had doctors, professors, you name it, writing letters of support for me. Still failed. They do – they have not spent over 180 years colonising our people to all of a sudden want to empower us.

You know, Mongrel Mob Kingdom, we're the pro-social group of the gangs, you know, and – and we – we've started a movement along with the other gangs. Wāhine Toa put – you know, having a women's chapter of the gang. What was that about? It was about balance, it was about decolonising our men. Our women were never behind our men. Our women were out front, if not beside. So, it was – you know, Wāhine Toa was about reasserting our status and our mana within society, because our tāne were so colonised, but you know, and – and the violence, the violence towards our women and our tamariki, well, where did that violence enter into the bloodstream? So what we're doing is we're working with our own whānau and we're changing things around. We're our own urban Māori. Kia ora. **Thank you.**

(14:06) PROFESSOR DAVID WILLIAMS TO PAULA ORMSBY:

Q. Tēnā koe. Thank you, the two of you, for your contributions, bringing terrible issues to us and to the whānau here as well, as to us. I just have a pātai about the education trust you mention, Ngā Whānau o Manguru Education Trust. Who was it you were applying to? Who are the people that kept turning you down? Which agencies?

A. Yes. We went for multiple agencies. Ministry of Education, Corrections, funding applications – funding applications through health. I managed to get one – I managed to get one funding application across the line, but that was me just doing it as me, not as Ngā Whānau o Manguru, so what would happen is that we would put in the applications, and we wouldn't even get a response.

Q. People whose education you mind were…?

A. Well, the – the people that we were educating was our own.

Q. Yes. Within Corrections, or outside Corrections, or both?

A. Sorry, I misunderstand the question, obviously.

Q. Well, guys in prison, or outside, or both?

A. Yes, both. Both. Both inside the wire – we gave up on inside the wire, because we couldn't get in, so hence I went to an organisation which was doing prison programmes, and they blocked me from getting in there. But it was mainly for our whānau on the outside.

So, what happens with our – what happens with our tāne is they go inside. It's horrendous in there for them, but when they get out, there's no support, and it's the revolving door, you know. It's the revolving door. In Hamilton, they might get dropped off on a Friday. They can't get in for their Steps of Freedom until Monday. They're homeless – they're on the streets, often coming to the Serve where I'm a trustee to get kai, and we, you know, the amount of time that I've taken – taken people to other homes, because they've got nothing. They come out with nothing. And what they want to do, the first thing they want to do is offend and go back in, because at least it's something in there.

Q. So, thank you. You've widened my definition of constitution by bringing these strong issues to this hui today, so kia ora. Thank you.

A. Kia ora.

(14:09) CHIEF JUDGE FOX TO PAULA ORMSBY:

Q. Again, thank you. Again, another moving presentation, and also, can I just compliment you on your statement of position. It is very helpful. I presume you want us to still take that into account?

A. Yes, please.

Q. And to clarify, the statistics you have got from the rate of incarceration and abuse in state care, was that covered in the inquiry into abuse in state care?

A. Yes. Yes, it is.

Q. So we can find a lot of this –

A. Absolutely. Absolutely, and – you know, and what happened was, with our tāne, there was over about 300 tāne that came for the hearing around state abuse. Then what happened with our wāhine is that I was only allowed four Mongrel Mob women to share about abuse in state care, and yet there was over 300 tāne, so what I said, I still went and I still shared, but what came to me is that – what – is women's abuse lesser than men's? Why is our voice lesser than theirs? Is our abuse lesser than our – you know, lesser than our – our men's abuse? And so even through that process, there was flaws within that process itself, and our voices were so limited, and I don't know why.

Q. Well, that is disturbing, but I wonder if Ms Mason could file the relevant sections of that report on our record of inquiry, thanks.

A. Kia ora.

WAIATA TAUTOKO

MIHI (KAUMĀTUA)

HOUSEKEEPING – TIMETABLING (14:13:01)

(14:14) FRANCES MATEROA GOULTON: (#B076)

MOTEATEA

Tēnei te reo o Ngāti Ruamahue e mihi ake ana ki a koutou. Wēnei wāhine i haramai i runga anō i te reo karanga o tēnei kaupapa, kaupapa hirahira, kaupapa aroha, kaupapa e ārahi mai ana i a mātou, otirā i a tātou. Nā, tēnei – tēnā mōteatea e aro ake ana ki tō mātou tupuna kuia, a Muimui. Ko ia tērā e tū ana ki runga ki tō mātou nei whare, a Ngāti Ruamahue. Ko ia tonu tērā e tohu ana ki a mātou i ngā mahi nui kei mua i a mātou. **This is the voice of Ngāti Ruamahue greeting you. These women came on the invitation, call of this important kaupapa, kaupapa that has led us, all of us, and so that lament focused on our ancestress, Muimui, and she stands at our house, Ngāti Ruamahue, and she continues to direct us to the great work ahead of us.**

Tēnei rā tonu mātou ngā wāhine e puta mai ana i tērā whare ki te haramai ki tēnei whare i runga anō i te whakaiti ki te mihi anō ki tēnei whare, te Tiriti o Waitangi, ki te mihi anō ki tēnei tupuna kuia, a Maikuku me tana moetanga ki tō mātou nei tupuna, a Huatakaroa. **And so, we are the women that emerged from that house to come to this house humbly and acknowledging this house, Te Tiriti o Waitangi, and to also acknowledge this ancestress, Maikuku, and her union with our ancestor, Huatakaroa.**

Nā reira, e mihi ake ana ki ngā tūhonohononga i waenganui i a tātou i tēnei rā, me te mihi anō hoki ki te hau kāinga nei mō tērā ngarohanga atu nui, ko Lani Apiata tērā. Nāna tēnei whare i whakairohia. Wana kōrero kei te iri mai. **Therefore, I want to acknowledge those links between us on this day, and also acknowledging the local people and your great loss, Lani Apiata. She carved this house.**

Nā reira, he mihi aroha a te rōpū nei ki a ia, ki tana whānau, ki tana hapū, otirā ki tērā wahine, a Mera Hora. Ko ia tērā i tērā wiki. **I want to extend my love on behalf of our group to her whānau, to her hapū, and also Mere Hora, who, the other week, passed.**

Herea mai ana hoki mātou i tō mātou nei kuia Ātaahua, Ātaahua Murray ia tērā i tērā atu marama. **And acknowledging our kuia, Ātaahua, Ātaahua Murray, who passed the other month.**

Nā reira, whakatutuki i ngā roimata kia tangi tahi ai tātou i tēnei ahiahi. Tēnā koutou. **So, let us mourn together this afternoon. Thank you.**

Tēnā hoki ki a koutou, e Te Rōpū Whakamana i te Tiriti. Mōhio ana mātou he mahi nui tērā, engari e tino tautoko ana mātou i ā koutou mahi. Ko ia tonu tērā te whakarongo mai ki te iwi e takoto kaupapa ana ki mua i a koutou. **I want to also acknowledge the Waitangi Tribunal. We know that you have a great task ahead of you, however, we stronly support your work, as you are listening to the people presenting these kaupapa before you.**

E te Kaiwhakawā, nei te mihi ki a koe, te Tairāwhiti, kourua ko tō hoa, taku hoa, Monty. Tēnā rawa atu ki a kourua, otirā ki tō tīma e haramai ana ki te whakarongo mai ki ngā kōrero i tēnei rā. Tēnā koutou. **Your Honour, I want to acknowledge you, East Coast, with your friend, my friend, Monty. I want to thank you very much, and to your team that have come to hear kōrero today.**

Otirā aku whanaunga kei tēnei taha. He whanaunga katoa tātou. Nō Rāhiri mātou, nō Rāhiri, tētehi wāhanga nō Rāhiri, Ngāpuhi-nui-tonu, Ngāpuhi. Tētehi wāhanga nō Ngare Raumati. Tētehi wāhanga anō nō Ngāti Kahu. **And to my relations on this side. We are all related. From Rāhiri. One side were from Ngāpuhi, another side, Ngare Raumati connections, and another connection is through Ngāti Kahu.**

Nā reira, e mihi ake ana ki tō mātou – ki tō tātou nei rangatira, a Margaret. Ko ia tonu tērā e whakatakoto ana i wā mātou nei kōrero. Kua mutu te – kua mutu te kōrero i tēnei rā, engari e mihi ake ana hoki ki a koe, Margaret. Ko koe tērā i haramai ki tō mātou nei whare o Ngāti Ruamahue, i whakatakoto i tēnā kōrero ki mua i a mātou. **And so I want to acknowledge our leader, Margaret, who presented what we had to say, so we don't have to say anything more, but**

I want to thank you, Margaret, who came to our house of Ngāti Ruamahue and made her presentation to us.

Ko mātou anō hoki tērā i mua i te – he aha tēnā kaupapa? Evolved mandate. Te āhua o te evolved mandate, tō mātou nei whare e whakaaro nui ana me tono atu ki tētahi tangata mōhio – tangata mōhio me pēhea te whakatakoto i te kaupapa mō te constitutional transformation, nā reira, horekau he mutunga mihi ki a koe, Margaret, mō ō kupu. Nā, konei koe i tēnei rā e tukuna ki mua i te whakaminenga nei. **And also on that topic, evolved mandate, the nature of the evolved mandate, our house gave consideration to – we must request a knowledgeable person as to how to present the topic pertaining to constitutional transformation, and so I will always be grateful and thank you, Margaret, for your words, what you said, and you are here today as you gave your presentation before this assembly, this gathering.**

Nā, āku mihi anō hoki ki aku whaea, whaea Pat – kei konei koe – whakaaro nui ana mō tēnei kaupapa, tautoko i tō iwi. Tēnā rawa atu ki a koe, otirā ki a koe, Anaru. Konei koe, Anaru? Ā, kua hoki atu. Āe. Engari aku mihi, aku mihi ki aku pakeke, ki aku rangatira. Tēnā koutou. **And so, I want to acknowledge the matriarchs, Aunty Pat, and you took great thought on this kaupapa and supported… I want to also acknowledge Anaru. He has gone back, however, I want to thank – to my elders, to my leaders. Thank you.**

Ana, mihi mai ki ngā wāhine. Ko mātou tērā i te rā o te tuaono o Pēpuere e tū ki mua i te kāwanatanga e huri tuarā ana. Kia kaua e kōrero, kia kaua mō te kōrero, engari ki te huri. Ko ā mātou nei taringa tērā kua aukati. Ētahi o ngā kōrero kāore i te tika. Kāore i te tika mō te wahine, kāore i te tika mō ngā mokopuna, kāore i te tika mō ā mātou nei tāne anō hoki. **And greet these women. We, on the 6th of February, stood before the government and turned our backs. We didn't say anything, but we turned our backs. Those were our – we had turned off our ears. And some of the things that were said were not right for women or children, and also for our men.**

Whakaaro ana au, ko koutou kei te whakaaro, kei hea ngā tāne o tēnei hapū o Ngāti Ruamahue? Ētahi kei te mahi. Ētahi kei te mahi. Ētahi kei te mahi mō te tata. Engari kei konei tētahi. Kei konei tētahi. E Wi Mutu, ko koe tēnā e pupuri tonu ana i te taumata o tēnei whare. Ētahi wā, ka haramai koe ki a mātou, nā reira, nei te mihi ki a koe. Ōtirā ki tō hoa e tuwhera ana i tēnei kaupapa i te karakia. Tēnā kourua, otirā tēnā tātou katoa. **I was thinking that you are thinking, where are the men of this hapū of Ngāti Ruamahue? Some are working. Some are working for – But one is here, Wi Mutu, that is you upholding the orator's bench of this house, and then I want to acknowledge you and thank you, and also your friend who opened this sitting with our karakia. And I want to thank everyone.**

I te whakaaro ahau, mō tēnei kaupapa, he kaupapa wānanga. Nā, i te whakaaro – e whakaaro ana au, me pānui au i aku kupu? Me kōrero noa iho i aku kupu? **I was thinking about this topic. It is a kaupapa to be discussed, a wānanga. And I was thinking, should I read what I wrote, or just speak on my words?**

Engari e meinga atu ana ki tētahi o aku hoa, you know, ka pakeke haere koe, kua ngaro ētahi o ō kupu, nā reira, te āhua nei, **But I told one of my friends, you get older, you lose some of those words, and so it appears that** we might be swinging with the paper and swinging with the words, so bear with us.

Ko te pūtake o – ko te take kua tae mai mātou – me whakaaro pēnei **The reason that we have come here – we must speak like this**, and ring a bell, okay? Nā te mea kei te hoatu te wā ki ētahi o ngā wāhine ki te pānui i ētahi o ngā kōrero i tēnei rā. **Because each of these women will read out some of their kōrero today.**

Engari **But** in Ngāti Ruamahue, we have ki runga whenua, ki runga moana **the land and sea**, so he iwi noho taha moana **we are people who live by the sea**. So e ai ki ētahi o ngā tāngata i ngā wā o mua, me pēhea rā ngā tini manuhiri e mōhio mai ai ko wai mātou? Nā te hā o Ngāti Ruamahue. Ika, tuna, wērā momo kai. Manu – manu taha moana. **And according to some of the people**

from the past, how will the guests know who we are? Through the breath of Ngāti Ruamahue. Eels, birds, fish, on the coast.

So, we live on both those domains, and it's in our people, and it's in our DNA, and really, that's probably – I thought about this when the – we received our – what's that thing that you send out and say, "Here's guidelines for this – for today"? And I thought really seriously about what we wanted you to know about us, and how you might think about that when you sit down and consider what we said to you, and so we're – that's why I'm sort of rangirua with reading, because sometimes when I'm looking directly at you, or at my people, our people, that – you can feel me as well, so that's how we're going to go with this. So, we are – we're those kind of people.

Taku ingoa ko Materoa Frances Goulton; ko Frances Materoa Goulton. Ko te ingoa Goulton nō Kaeo. Taku tupuna tērā i haramai a ia mai i Ingarangi. I moe tana tamaiti i taku karani kuia. Ko Mere Tukariri tērā. Tērā tērā taha o Whangaroa. Engari i tēnei rā, kei te tū au i taku pāpā, māmā taha, te Tuari; taha Tuari, engari i moe a ia i tētahi wahine, Mereana – Mereana tōna māmā, engari Ema Whai tōna ingoa, so he Stewart tēnei, tētahi wāhanga. E mihi ake ana ki a koutou. **My name is Materoa Frances Goulton; Frances Materoa Goulton. Goulton is from Kaeo. That's my ancestor who came from England and married my grandmother, Mere Tukariri, and that's my Whangaroa side. But today, I am standing on my paternal – my father's mother's side, the Tuari side, but he married a woman – Mereana was… mother, but Ema Whai was her name, so I'm a Stewart on another side. So, thank you.**

Me te mea anō hoki, ngā kaiwhakarongo pea, ko koe tērā, Sailor. Tēnā koe. **Also, to those listening, that is Sailor. Greetings.** So, it's a group effort. We sat down together. Actually, we didn't sit down together, we sat on a computer and looked at each other and decided that there were some things we needed to talk about. One of the things that we're really clear about is if we do not talk with, by, our young people, we – I'm hoping that this is over. I've got my niece here, 40s? She's in her 40s. She doesn't want to be in her 60s, 70s,

or 80s, standing here talking about this. So, we're really clear that we involve our next generations, so that, you know, ka mutu tēnei, ko rātou tonu tērā e kawe ana i te kaupapa kia oti; kia oti tika **once this is finished, then they will take responsibility for the kaupapa and to finish it well**.

So, these are the ones, and so we've got Calle as our first one here. They're all Ngāti Ruamahue uri **descendants**. So, Calle wrote the Theme Two – what we did is we split this presentation, and we followed the themes that were suggested, and I tried to answer the questions. I think the younger ones did a better job of answering the questions. Then we have Cassie Himiona Sullivan, and she looked at Themes Three and Four. And we had Jacqueline Paul. Jacqueline's over in Sámi land, Norway, looking at their constitution at the moment. So, she wrote Theme Five, which was the human rights one. And we have Raureti, Laurence Sullivan. He sits out – and he's one of the kaitiaki out at Hauturu. And I couldn't get him off the mountain to come across the water to be here today, so he's left it up – so what we did do is we asked the aunties if they would step in.

I don't know if – our people are quite a shy people, and we mostly scramble to the back, and so I've managed to get the – our aunties out. We've got a couple of people who aren't so shy, but I'm very grateful that they came, because one of the things that's really important to us is that ka mahi tahi, ka mahi ngātahi; mā te mahi tahi ka puta te whakaaro whānui o te hapū **working together, and through working together, we hear the extensive thoughts from the hapū**. So that's why we're doing that.

I'm going to go into the next one. The next one is: where are we centred? For those who don't know, we come from – we're in the Whangaroa rohe, te rohe. So, I've heard Nuki Aldridge call it te rohe pōtae o Whangaroa **tribal territory of Whangaroa**. I'm not sure how – whether that's connected to te rohe pōtae **territory** in the other areas, but he has called it that, and I think some of the kaumātua – whaea Pat probably knows more about that naming than I do, but that's where we are, we're centred in Whangaroa, and we are coastal. We're

– you go to the harbour entrance and we – south. South of the harbour entrance.

One of the things I wanted to say is that the people here are ahi kā. We live at home. And I want to say that living at home is incredibly inspiring, but also, it's incredibly challenging, because of the mahi that needs to go home to keep our home fires burning. Some of us have enough skillset to go across all of them, but we don't have enough.

Our kāinga was gutted, and a lot of our people went and built Auckland, and they never came back, or they came back in bits and pieces, dribs and drabs, and many of them come back, as many of us know, in their kāwhena, in their coffins. So – and I think that's a rural thing, but it's something that we also want to change. We want to make oranga in our rohe again so that it's flourishing, it's positive, it's peaceful, and we live in a life of freedom.

So, this here is our pā site, Rāwhitiroa, and I'm going through these because I'm going to talk about how I explain what our mana motuhake is, and I was thinking that it's probably better for you to see it in picture.

One of the things that I think people do really quickly is they talk about tikanga being the source of our constitutional principles, or all of our constitution – and then very quickly go on to talk about the relationship between the Crown and everyone else, without thinking about, actually, what does that mean?, and for us, it's meant that we're having to rebuild so that when all of us collectively have done the mahi that we need to do, that we are good to go. We're not waiting for anyone to give us money. We're not waiting for anyone to give us permission. We're not waiting for anyone to do any of that. So, we're that kind of hapū, and we're not a hapū that says, mō mātou nahenahe **just for us**. We also believe in uplifting others, if that's what they ask for. They only need to ask.

So that's our – and this is Piapia. This is one of those places – Piapia, we found out recently, and they're come – we're going to come to a picture where you've

got – we've had our very first mokopapa two years ago, in November two years ago. In that very first mokopapa **moko wānanga**, we found out – there's a name there, just at the bottom of the base of our – of our pā site, and at the bottom of the base of the pā site, there's a place called Whakaironui, and that's where, in a past time, past times, is where we had our mokopapa **moko wānanga**. We also found out, in the sea just there, that's where they had their pure **rituals**, so they had them there. It's from us actually doing things have we learned that we had them already there, and so we're in a space of awakening ourselves, which is connected to our whenua and to our moana, and to our wai **waters**.

What does that mean? Learning what maybe not a Christian karakia is, but what an atua Māori karakia is, or what a karakia is that talks to the sunlight to bathe us with goodness or light, and so we're going – we're in that process. As a kaikaranga at our marae, the variations of karanga are coming fast and furious. There was a time when the karanga was in front of the whare, but now we're out amongst our – in our region. That karanga is being called in a number of whole – a whole number of other spaces.

We also found out in this pikitia that during the Gabrielle, when the seas came up, they revealed there was a whole wāhi tapu in there that we did not know. So for us, we first of all had to ring the police, get the – Heritage New Zealand involved to check that it wasn't a criminal scene, and then, once that was decided, we were given full rein of how we were going to run that, which we did, and there were a number of choices before us, but they were choices that we made together, so learning to do that, not everyone agreed with the process that we undertook. We took that on board. We listened to each other, and we made the best decision for us – as well as us, for our tūpuna; for our tūpuna. And about reburial, as well. What does that process look like? Most of us had never been at a reburial of kōiwi **human bones**, but we had our – it was two weeks of learning how to do that, two weeks of being with our tūpuna.

So that site is a significant site for us now. We have places there, up a little bit further where we have kai. We have pure **rituals ceremonies**, or we have karakia. We have those sorts of things there.

Actually, I – I'm – I'm missing one. This one. I just wanted to talk about this one. This actually – and why I choose this, this is part of Whangaroa, and you can see in there, there is Matauri, Te Ngaere, Wainui, and then we shoot up around the corner into the harbour there, and it just shows you the proximity of hapū. We have one slice of that. There's a little red line. I might have over-done where the lines are. We didn't have lines on our whenua. In fact, there was some evidence given in Sailor's where he had the evidence that, when some whenua was sold, that he knew it wasn't an acreage, but it was in that tree, that little kōawa **stream**, that little space there, and they were all named, and so it's just really interesting about the change between lines, which has actually kind of infiltrated into the MACA space as well. Lines on a line, and fish don't know what that line is, and actually neither we do – neither do we, but it's the toka underneath.

So the reason why I wanted to show this is – you'll see all those yellow pins that are on there. Maybe it was ten, twelve, thirteen years ago, five people went out on a boat journey, and they decided to name all the places from the boat, so e mihi ake ana ahau ki a Rapine Hona, ki a Louis Hohaia, ki a Toka Williams **so I want to thank Rapine Hona, Louis Hohaia, Toka Williams**, and then we had Sailor on the boat, he was the young fellow, and then we had the younger fellow, the cameraman, Rawhitiroa, who captured all of that for us, because in those names are the story of those places, and that's what we want to be talking about today. The storying of those places are really, really important. They tell what our people were doing, what they liked, who they loved, in all of those places.

And so, when we're asking in the consideration of the Tribunal is that these things are able to be managed by our people and not put into a place that we never see them again because they've been lumped into one big lump across Whangaroa, or across Te Tai Tokerau, because somebody else wants us to be

lumped together. Each – each hapū, mana motuhake. They hold their own stories, they hold their own spaces.

You'll see here also in the – I talked about ahi kā, but you'll also see in – this is our first hautapu, this year, in that place. We didn't – we had a look around, we asked people, "How do you do this?", and then we believed in ourselves, and we had it. We had twelve kaikarakia, and everyone steps up when the aunties say, "Hey, you're going to do that one", because we have to put it back into the intelligentsia of our people to know, believe in yourself, learn that karakia or write your own, or say your own. Tuku karanga **give a karanga** if you want to. Those are all those sorts of things that we're – we are starting to bring together.

But I want to say in the written brief of evidence, I talk about five ways in which we might talk about them, and I want to say that if we were sitting in our whare at home, we wouldn't talk about them like this. We might paint about them or draw about them or weave about them or stitch about them. We're stitchey people now.

But I – yes. So – well, I've lost my train of thought now. But what I'm saying is, we come together and talk about things. Yes. That train of thoughts gone.

The morning of the hautapu, yes. We went through that whole process. Thank you.

These are some of the places – sorry, it was the five, mana atua. We believe our mana comes from our atua, and these places that I'm showing you, this is Mahinepua, and it looks straight out onto the valleys. James Cook came through here. And you'll see that we were the front – we were the front of the – on the seaboard, and that's where James Cook came. That's where those fellow – that's where the Boyd came. That's where King came and picked up Huru and Tuki, and they came and took them, so we were in that front zone there. We could see everything going on when all these ships were coming through, sealers, whalers.

So, in 1808, it said – and I take this from Nuki Aldridge, who's got it in the Stage One report, and he spoke about that and was saying that there was a hui at Te Ngaere, and there's a rākau there, there's a pōhutukawa tree there. From there, those rangatira of the time went across to Motuekanui, and then from there, they went on – back onto the mainland to Rewarewatahi, which is one of our pā sites. And so what we're saying about that, they did that, because there – but there were a lot of people coming into their vision, so we were looking at a way to – Te Whakaminenga, and it was said that we were one of the first one amongst a number of other hapū to begin to engage in a way, and talk about these people that were coming to our whenua. Who were they? Do we need to be talking about making alliances, protecting ourselves?

So that's that – so that's that story, and if you do come up to Whangaroa, and I invite the Tribunal to come up, come to our whare, and we'll take you out there. We'll take you out to some of those places. Because it gives you a sense of who the people are, and there are some people here who have never left home, who have been raised there and they – and that's who we are. We're created by these – these atua.

This is – here, is on one of our island – Motuekanui, looking back to the mainland. This is – here, is looking from the top. It's called Radar Hill, but it's Ōtingi. So, we're looking back there. You can see that motu that we were looking back before. That's Motueka – so this is the kind of lifestyle that we had. Most of that whenua that you're looking down on now, we don't own.

There's a piece in there and I talk about mana i te whenua **mana of the land**, and I talk about – which one is it? So, I decided to describe them as mana, mana atua, that the source of our mana comes from our atua, from the ones that we live with. It's an environmentally created, connected thing.

The second one I talk about is mana toto **mana through blood**. It runs in our bloodlines. Our mana passes down through us, and now my mokopuna, my children, my mokopuna have that saying and we can talk about us being related

to Muimui. And so that's your mana – that's our mana toto. That's how all of the ladies here are connected today.

Someone better ring the bell. I think I need to just make it quick.

And the other one that I was talking about, mana i te whenua, our whenua – our whenua – the whenua, we – we don't have mana over the whenua. The whenua has mana over us, and we must keep ourselves aligned to what's happening on it, and – because it's – like whaea Makere said this morning, the – without the whenua, where do we go? But we've got to look after the whenua. So – so that's being in a relationship that recognises what you must do should anything change, and there have been some significant changes on our whenua. Once upon a time, our coastline was full of kauri. They are now all gone. The birds have all gone. Do we want to return to a state of natural and normal? Yes, we do. We think definitely there should be pockets.

So – and the other one that we have got talked about as tikanga being the first law. I was thinking about tikanga, kawa and ritenga, and they are put in here. I'd asked the Tribunal if we could make some changes to our position statement, because we do want to wānanga them and bring a face-to-face discussion about this, and some changes will need to happen. I've already talked with some of our whanaunga, and we will talk further about it, so I'm hoping it's okay that we can make those – some of them are only minor adjustments to the paper, and if you would like to see the oral presentations as well.

Another little bay. I just want to say very quickly, first – this is us at a – those are the first thirteen people, and then the last one was Rawhitiroa, and he couldn't have anyone else with him.

This is at an archaeological – archaeology conference.

This is us in the water for a – it's not a pure – we're still getting our terms sorted, whether it's a pure or a tohi **ritual ceremonies**. But these are our mokopuna

that we had the first one for our hapū. That was closer to the beginning of the year.

And we are entrenching our tikanga, and it will never be allowed to be changed. We don't ask anyone for permission. We will just do it. When Matike Mai comes through, because we support it 100%, and we know the heavy lifters in that arena will make sure that we're okay to keep going, and so what we're doing is getting our people ready to keep going. So that's what we're about today.

So I'm going to invite – so what we did, sat those young people – these are some of the things we do on our whenua and with our moana, but what I'm going to do is, those young people there, that – they wrote some parts of this brief of evidence, they couldn't be here today, so I've asked our wāhine to come along and read, and they are reading it, because it was written by someone to come and read the sections. So I'm going to ask Theme Two, which is – fifteen minutes. All right. Come up, Mel. Mel Rosenthal. She's our young one for today.

(14:43) MEL ROSENTHAL: (WAI 3317)

Kia ora. He mokopuna ahau nō Muimui, or Nuku rāua ko Miriama Stewart, so he Tuari ahau. **I am a grandchild of Muimui, Nuku, Miriama Stewart, so I'm a Tuari.**

I'm here to read some speaking points that were written by Calle, Theme –

UNIDENTIFIED SPEAKER: (14:43:59)

(inaudible 14:43:59) Mel Tuari?

MEL ROSENTHAL: (CONTINUES)

Rosenthal. Married Rosenthal. My last name – maiden name was Stewart. Ka pai. **All right.**

I'm here to read on behalf of Calle, the cousin Calle. She's on Theme Two, being kāwanatanga, constitutional legitimacy and parliamentary systems.

Our interpretation of te Tiriti and He Whakaputanga is grounded in our inherited rangatiratanga and our lived experiences as a small coastal hapū whose authority has been repeatedly displaced.

Kāwanatanga and the Crown's role.

Kāwanatanga has always been understood as a limited and delegated administrative role. Under te Tiriti, the Crown was given responsibility to govern its own people, not to govern Māori internal affairs. Kāwanatanga was never a mandate to over-ride our rangatiratanga.

Our authority to manage our whenua, our relationships and our tikanga comes from whakapapa, not from Crown permission. Our generations, the practical exercise of kāwanatanga has expanded far beyond its agreed boundaries. This has resulted in rigid bureaucratic processes being imposed on our coastal rohe, ignoring hapū authority. Decisions about our lands, waters and futures have frequently been made without our consent, contrary to the spirit and the promises of te Tiriti.

We believe Matike Mai offers the clearest pathway back to balance. It shows models where kāwanatanga and rangatiratanga can operate in separate but complementary spheres, each respecting the authority of the other. Matike Mai demonstrates that genuine dual authority is not only possible, but it is consistent with our original constitutional agreements. Under te Tiriti, the Crown must constrain its own power. Its obligations include recognising tikanga as law, upholding hapū autonomy, and returning meaningful authority and resources so that communities like Ngāti Ruamahue can lead their own futures. In a Tiriti-consistent future, kāwanatanga becomes one pillar in a pluralistic system, not a tool for unilateral control.

Constitutional legitimacy and sovereignty.

With regards to constitutional legitimacy and sovereignty, constitutional legitimacy for us comes from whakapapa, tikanga and agreements like He Whakaputanga and te Tiriti. We want to be clear that it does not come from unilateral Crown claims to sovereignty. Our tūpuna never ceded absolute authority, and consent remains the foundation of legitimate governance in our rohe **territory**.

Our sovereignty, expressed as tino rangatiratanga, is an inherited right. We govern ourselves through our own laws, relationships, and responsibilities to whenua and moana **land and sea**. As we continue to drum, the Crown's claim to exclusive sovereignty is without our consent, and its exercise has sidelined hapū authority and centralised power far removed from our community.

We must move away from single sovereignty models. Therefore, in this light, we support a dual-authority framework where Crown kāwanatanga and hapū rangatiratanga stand alongside each other, meeting in shared spaces defined by Te Tiriti and frameworks such as Matike Mai.

This whakaaro reflects the original relationships as envisaged by our tūpuna **ancestors**.

Ngā ture Pākehā. **Western laws.**

The legal system imposed by British settlers was never designed with our hapū in mind. It is grounded in English common law and parliamentary supremacy, concepts foreign to our worldview. While it now drives the machinery of the state, its dominance has come at the expense of tikanga Māori, which long pre-dated it and continues to guide our moral and social order.

The authority of this system does not come from our consent. Parliamentary sovereignty has constrained our rights and allowed the state to override hapū authority over whenua, wai and moana **land, water and sea**, papakāinga development, and coastal decision-making. These intrusions are inconsistent

with te Tiriti, which reaffirmed and further guaranteed our pre-existing rights to tino rangatiratanga.

Tikanga must stand as at least equal to Pākehā law, and in matters of whenua and cultural survival, tikanga must be the determining authority.

We propose shifting the relationship between these legal systems from hierarchy to partnership. This means creating a dual legal framework where tikanga and Pākehā law coexist, decisions are made together in shared spaces, and hapū retain authority within their own rohe. This is consistent with te Tiriti's promise of mutual respect and constitutional partnership.

Closing position.

Within the context of Theme Two, we want to reiterate that Ngāti Ruamahue is not seeking dominance. We are seeking restoration of balance. Te Tiriti promised coexistence, not subordination. Matike Mai and our own tikanga provide a pathway forward. Now, the task is for the Crown to honour them.

Our koha to this kaupapa outlines practical, principle steps toward a constitution where kāwanatanga and rangatiratanga stand together. Each within its rightful sphere for the wellbeing of all who call Aotearoa home.

(14:50) AWHIRANGI LAWRENCE: (WAI 3317)

Kia ora, my name is Awhirangi Lawrence, and I am reading key speaking points that were provided by Raureti Cassie, and its theme three, electoral rights and systems.

This is Raureti speaking.

When our ancestors signed, He Whakaputanga following its recognition by the British Crown, it was made clear that we, the descendants of those same ancestors would continue to be governed by tikanga as established within our rohe. Tikanga would be the law over all the whenua under the watch of our

maunga Whakarara, and maunga Tu Kōhatu. Nowhere in all our history or whakapapa since then, have we, as a hapū consented to the Crowns imposition of its electoral system on our lands.

Yet, this very system has seen us forced from a position of power into a minority voice, a voice so often ignored by successive governments. Our lands were slowly eaten away by the Crowns electoral system. Into the belly of the Crown went our stories, our mātauranga that once sustained our people and enabled us to live comfortably in our lands and seas.

With wealthy newcomers claiming their own sovereignty over large tracks of our lands and adjoining seas. Our people were forced into diaspora, to urban centres just to survive. This left our home fires to be tended by the remaining few, while many of those living in the urban centres had their disconnection entrenched, and often, spanning multiple generations.

A constitution remaining true to the intent of He Whakaputanga would see the Crown re-recognise the tino rangatira of Ngāti Ruamahue over our lands, under our maunga. We are not asking for anything new. As our whānau continue to repeat, we ask again, only that the Crown returns to its original promise to our ancestors and that we are able to govern our affairs within our rohe.

Kia ora.

(14:53) TONI KINGI ONEILL: (WAI 3317)

Kia ora, ko Toni Kingi Oneill ahau. **Greetings, Toni Kingi Oneill is my name.**

Theme four, local government.

We think that local government should exist to uphold the relationship promised in Te Tiriti o Waitangi. The legitimacy comes from that partnership and from the duty to protect our tino rangatiratanga over our whenua, moana, and taonga.

In practice, however, local governments have too often, acted as another arm of Crown control, making decisions about our lands and waters without our consent. We were one of the last hapū to come under full Crown control operating under self-determination as recently as our parents and our grandparents lived. Their stories tell of how they would dive without diving gear to bring kaimoana from the moana to feed our whānau and hapū. They lived by whanaungatanga, manaakitanga, and aroha. Caring for each other and the land, and everything on it.

Many were forced to leave our rohe **region** because the Crown unilaterally shaped rules that made it impossible for whānau to survive and thrive on our whenua. Today, our hapū spend countless hours building relationships with counsels to have a minor say in decisions that effect our rohe. We seek consultation processes that meet the basic procedural requirements, but not a deeper commitment to a partnership that te Tiriti demands.

Local government must be reformed so that Māori are not just consulted but share power and authority in decision-making. This means recognising mana whenua authority, resourcing hapū to participate fully, and embedding tikanga values into how counsels operate. True partnership would mean decisions are made with us, not about us, and that our tikanga, once again, guides how we care for our lands and waters.

Kia ora.

(14:56) HINERANGI HIMIONA: (WAI 3317)

Tēnā koutou katoa. **Greetings everyone.**

Ko Hinerangi Himiona tāku ingoa. He mokopuna ōku karani ki a **(inaudible 14:56:31)**, nō reira, he tino mokopuna ahau ki a **(inaudible 14:56:35)**. **Hinerangi Himiona is my name. My grandparents were grandchildren of (inaudible 14:56:36) and so, I am a descendant of (inaudible 14:56:39).**

The theme that I'm reading from has been prepared by our niece Jacky, Jacqueline Paul, and it focusses on human rights and Te Tiriti o Waitangi. In the interest of time, I have cut this right down, so, aroha mai Jacky, you will notice that I have cut your kōrero down a bit.

We believe current human rights frameworks can be strengthened by constitutionally recognising hapū rangatiratanga. This would create stronger protection for Ngāti Ruamahue and benefit everybody in Aotearoa.

Here is the core problem we face, current human rights laws are valuable, but they are built upon bias and unsound foundations. They don't include He Whakaputanga and te Tiriti, and they weren't designed to, but these are our foundations. Without them, human rights protections sit on unstable ground, especially for us as a hapū, for Māori, and for Aotearoa, New Zealand. That was envisaged by our tūpuna.

There are two gaps here that Jacky has identified. The first gap are those biased and unsound foundations already mentioned. Crown laws don't properly or adequately include He Whakaputanga or centre te Tiriti and we know many examples of removing te Tiriti obligations under this government.

The second gap is structural barriers that fragment our collective capacity in strength. By far, most of our whānau live away from our kāinga, many for education and employment reasons. Because of those reasons, opportunities simply don't exist here at home and many also have a desire to return home. With proper constitutional recognition, we would be able to establish those opportunities in our rohe, on our kāinga, allowing individual growth and collective rangatiratanga to support each other and strengthen our mana motuhake.

So, what do we need? We need constitutional reform that establishes both He Whakaputanga and te Tiriti as foundational documents. We need mechanisms that give effect to hapū rangatiratanga, limits on Parliamentary sovereignty where it conflicts with te Tiriti and He Whakaputanga, and UNDRIP

implementation through constitutional change. Not reversible policies that future governments can abandon.

To close, when constitutional relationships are properly recognised, human rights frameworks become more effective for everyone. This constitutional foundation becomes most visible in how we relate to our taiao, because our environment responsibilities cannot be separated from our constitutional authorities as tangata whenua.

Tēnā koutou. **Thank you.**

(14:59) RAIHA FREDERICKSON: (WAI 3317)
Kia ora, tāku ingoa ko Raiha **(inaudible 15:00:00)** Frederickson. **Greetings, my name is Raiha Frederickson.**

Te taha o tāku pāpā, he Tukarere no Kenana. Te taha o tāku māmā, tana pāpā, he Tuari no Kaharau. Tana māmā, he Tuari, engari, tana pāpā, he **(inaudible 15:00:26)** no **(inaudible 15:00:27)**. **On my father's side, I'm a Tukarere from Kenana. On my mother's side, her father was a Tuari from Kaharau. His mother was a Tuari, but her father was a (inaudible 15:00:27) from (inaudible 15:00:30).**

Engari, tāku mihi ki a koutou katoa. **I want to thank you all.**

Ko Raureti te kaituhituhi **Raureti was the writer** for theme six, the taiao. You see me wearing the kauri t-shirt and I do that deliberately today. As Hinemoa will verify taking that photo, because it's part of the wider Whangaroa area to make sure that we don't lose anymore kauri. Sorry Laurence, but I know you'll forgive me for doing this, we'll go back to Laurence.

Our taiao is our literal and spiritual connection to our past and our future. It is not merely something only to be profited of or structured for monetary gain as it is with the Crown and its systems. Our taiao is meant to sustain us, support us, teach us, guide us, not drag us down into financial depth, and distress.

Which is often the inevitable outcome of the Crowns systems of increasingly predatory capitalism.

The Crowns policies imposed on our taiao have forced numerous whānau off our ancestral lands, which in turn, diminishes our voice and our presence on the land. While severing those whānau from which sustain our whakapapa since the beginning of time.

I take a little bit of time away from his notes to verify, that did happen in our valley. In the 60s, families left to the point that out of, probably 12 in the valley of Wainui, one of our two kāinga. The other one is Mahinepua, were forced to leave for – both those, there were no jobs, and they weren't able to sustain a sustainable living in the valley.

Also, in order to have a home, because the homes were pretty basic in those times. Māori Affairs decided that, if you wanted a home, you had to move out of our valley to do that. So, that was another thing that was part of the families leaving our valley.

I can recall, in my childhood days, that my father and mother also left the valley and worked in Auckland in order for us to have an education that they thought would benefit us. We were only lucky as children that we stayed in the valley with our grandmother. Other families did not have a grandmother for them to be able to stay.

I go back now to Raureti's notes. He says, it leaves too few behind to keep the house, or the home fires burning, which is what I was just alluding to. Where large māra kai once lay, they are now filled with noxious and often, toxic weeds brought to our rohe by the same Crown policies.

Raureti is an employee of the Department of Conservation, which is why he is working his way back up the valley, up the motu actually. He was down in Wellington, moved out to Kapiti, and he is now out at the Great Barrier, Houturu.

His aim is to come back and look after the little island that we have been able to land bank in the past two years.

So, we have Motueka iti back, one of the islands that we lost back in the early 1800s, 1820 I think it might have been. Part of that was loss of land – okay Hinemoa, I'm just going to make sure that I don't lose my track because it's really important. This is what Laurence is alluding to but so politely, and I'm just trying to tell you the story of why it actually happens, the loss of knowledge to the point that these days now.

Three years ago, I harassed everybody in the marae surroundings that while we were repairing our whare tupuna **ancestral house**, that we also had to start another māra kai **food garden** for us, māra rākau **orchard**. In which they asked, and even though we still get flooded out at least once a year, those trees continue to grow. This is what I'm hoping is what Frances has been alluding to as well. That we will go back and do what we need to do to feed ourselves, to sustain ourselves, but also, to grab the knowledge that is out there.

Now, back to Laurence.

The Crown bears responsibility for the desolation of our whenua and our diminishing seas. Where sea birds once thrived in their hundreds of thousands on our shores, there is now silence. Our kaimoana is rapidly dimishing because of the Crown's insatiable greed for capital, to line the pockets of few at the expense of many.

I come away from Laurence and just point out, in the last few months, it has been quite clear that our moana and our seafood has been, shall we say, rape, certainly is that. When people talk about baron kina, we are **(inaudible 15:07:54)** baron of kina on our coastline. Is that because of that tar seal road that we got and is now a tourist road? I'm sure it is, but there we go, it's something that, as I'm saying Laurence is **(inaudible 15:08:15)**.

Back to Laurence.

A constitutional framework that includes our taiao would hold those responsible for its harm, to be equally responsible for its restoration. The environmental devastation we have described brings us full circle to why constitutional recognition matters. Our taiao, like our authority, predates the Crown and requires constitutional protection to survive.

Kia ora tātou. **Thank you all.**

FRANCES GOULTON: (CONTINUES, #B076

Hei whakakapinga kōrero, kei te tuku mātou i tētahi pātere nā Rawhitiroa i tito, engari i te rap a ia i te pātere nei, engari, me ata haere te kōrero. **To close off, we want to share a chant that was composed by Rawhitiroa, but he rapped this chant, but we must speak slowly.**

Engari, i mua i tērā, we have started to develop our own assertions and codicils. So, we have the paperwork going on there, we just have **(inaudible 15:09:15)**, but anyway, we are going to have a go at our – the map that I had up there previously was of **(inaudible 15:09:26)** where you saw those yellow things. Some of the places we name are those places.

PATERE

CHIEF JUDGE FOX ADDRESSES WITNESSES OF NGĀTI RUAMAHUE – FILE SPEAKING NOTES AND POWERPOINT PRESENTATION (15:11:05)

(15:10) PROFESSOR DAVID WILLIAMS TO FRANCES GOULTON, MEL ROSENTHAL, AWHIRANGI LAWRENCE, TONI ONEILL HINERANGI HIMIONA, RAIHA FREDERICKSON:

Q. Wāhine mā, thank you. **Women, thank you.** Captain Hobson came around with some red blankets, I believe, a little while ago, so, what do your red blankets mean and a bit of Scotch blanket as well, maybe.

A. **(inaudible 15:11:44)**.

Q. So, your choice of red, what's your choice of red?

A. [Frances Goulton] There are more than two or three reasons why we have chosen red. One was because two red blankets were given to the signatories. But it actually, for Whangaroa, it started in 1823 when our first block of land was sold, 50 acres were sold, and it was sold for three red capes and two red blankets. So, our story of the red blankets starts there. Also, we are aware that a lot of rangatira were wearing blankets, because he tohu o te rangatira tērā **that's sign of chieftainship**. There is also a kōrero about, te tohu o te tae whero, he tapu, ērā momo **the colour red is a sign of tapu**.

So, there are lots of kōrero, I have been looking for kōrero as to whether there are any blankets still around and probably, I might have to go to England for that. I know Hongi Hika, when he went in 1820 to England, he had a red type looking cape, so there are some connections and more research to be done. But actually, we use them now as a form of protest, we use them as a form of aroha, we very rarely use them as blankets. But we also use them in exhibitions because sometimes the power of not saying anything and just having it written allows that opportunity. So, you know, using the creative juices that we all have in us to tell a story without having to say too much. Tēnā koe.

Q. Tēnā koe, thank you.

UNIDENTIFIED MALE SPEAKER (MIHI)

HAKA

KARANGA

UNIDENTIFIED MALE SPEAKER (MIHI)

HEARING ADJOURNS: 3.16 PM

HEARING RESUMES: 3.35 PM

(15:36) AROHA RICKUS: (#B045)

Tēnā tātou.

Tēnā takihia, tēnā takitoruahia tātou tahi. Tēnā koutou e te taumata e tauaki nei te haumarutanga o tō whare, tēnā koutou. Huri mai nei ki te pae whiri o te kaupapa *Tomokia Ngā Tatau ō Matangireia*. E ngā ringarau o te Kāwanatanga, e ngā mana whenua, o te takiwā, o te tū, e ngā iwi katoa o Te Whakaputanga, o te rangatiratanga kua haumaru nei ngā rangatiratahi, tēnā takitoruahia tātou tahi.

Waitaha te iwi, respectfully, we seek that post-preliminary Constitutional Kaupapa Inquiry. Themes include:

- Plural Constitutional orders
- Mana motuhake.
- The Tiriti as a key source of Niu Tirini Constitutional framework.
- Tino Rangatiratanga and the Waitaha Iwi ki Te Waipounamu recognition.

Ko Aroha Rickus, tēnā tātou e te whare.

We turn our attention to the task at hand, a settlement of position, the statement of position on Matapono Tikanga and Matapono Matangireia. We stand collectively as representatives of Waitaha Te Iwi bloodlines of tipuna, those wo settled and shaped Te Waipounamu.

Long before the pan-tribal and the Crown existed, a constitutional reality is older than the status of –

The Crown's narrative of no written constitution, we often hear that Aotearoa has no written constitution. That statement only makes sense if one begins history at the arrival of settler government, the Crown. But if one begins history with tāngata taketake, our people, indigenous peoples, with those whose ancestors embedded in this land, in the waves of the oceans for more than several thousands of years, we see things very differently. Our constitutional

agreements and frameworks were already present and preserved long before 1840.

Our system of law and governance are woven into genealogy, landscape, language, descent or orders above and under the lands. Our decision-making structures are grounded in collective ancestral authority, inherited obligation, responsibility through bloodlines and the balancing of spiritual, social and environmental well-being. This is no abstract, it is applied daily in how we relate to whenua, water, to each other and to the natural world.

At this point in the presentation, we place our mōteatea, Te Aho Tāngaengae o Waitaha, a Waitaha Te Iwi. A recitation of ancestral memory and constitutional identity. This mōteatea establishes our origins and identities through Waiariki Aio and Matiti. Our **(inaudible 15:40:32)** took place to **(inaudible 15:40:35)**, an inherited authority carried in blood and our unbroken relationship with the environment. This mōteatea is an emerging structure that carries origin, authority, restoration, relief of law, embodiment of sovereignty, our blood is sovereignty, and we are addressing mātāpono tikanga and mātāpono Matangireia.

AUDIO/VIDEO EVIDENCE – MŌTEATEA (TE AHO TĀNGAENGAE O WAITAHA)

AROHA RICKUS: (CONTINUES)

Tēnā tātou e te whare. Raro timu, raro taki, raro pou iho, raro pou ake. **Thank you everyone.** The deep foundations that ancients supports beneath and above. These are references to foundational genealogical pillars, the supports of existence authority, it signals that what follows is grounded in ancient ancestral frameworks, not recent history.

E taungia, **(Māori 15:45:16)** Uruao ki Kōkō Tangiwai, the anchor of Uruao was fastened at Kōkō Tangiwai. This invokes the landing and anchoring of the ancestral waka Uruao, a physical and spiritual arrival point that binds Waitaha identity to specific locations in Te Waipounamu.

Tēnei au, te Waiariki-a-Aio. Here I stand as a descendent of Waiariki-a-Aio. Declares identity from a premortal ancient source, a specific Waitaha whakapapa line.

Ko te hā o te tipuna a pupū āki nei. The breath of the ancestors rises within me. We stand as the living embodiment of ancestral memory. They speak through you.

Hai aro ora e te rongo kua takihia. To restore and heal the peace that has been trampled acknowledges disturbance and breach but speaks from the healer position, not from the victim's position.

Kia Hohou te rongo. Let peace be restored. A constitutional desire for reconciliation, not submission.

Ka ahai te kāhui taketake a Mātiti. So that their ancient indigenous assembly of Mātiti may stand, refers to ancestral gatherings, councils of old, indigenous governance before the Crown existed.

Ko Mātiti, Mātiti tua, Mātiti ake, Mātiti aro. Mātiti before, behind, within, around. Mātiti is invoked as a temple and **(inaudible 15:46:55)** anchor encircling past, present and future. Our identity and authority exists in all directions of time.

A, kite ana au i te nui o ngā whenua, he whenua, ngā pukapuka a Urutapu, a Ohau. And I saw the breadth of the lands, the sacred archives of Ohau. Ohau, is named as a repository of knowledge, **(inaudible 15:47:25)** histories in the stone. The land itself is the archive, pre-written record, evidence.

Ka riri te ngutu. Hei mana mai tītī, kī, kī, kī. The lips move with a trembling heart, emotion is present, but it is the emotion of ancestral recall, not fragility.

Ka tuku ki te ao marama, released into the world of lights. Knowledge hidden or dormant. Now enters the visible realm, testimony made manifest.

Hei ara ora i te rongo, kāhui maunga. To restore harmony with the assembly of mountains acknowledges mountains as kin and witnesses. Kāhui maunga as legislators, whenua as legal personhood, a kin to modern legal personhood.

Kua mau, kua moe, ī, ī, ī. That have long slept. A dormant truth is being awakened.

Ka ūhia mai te kakahu paepae roa. We are cloaked in the long mantle. The mantle is culturally memory. Cultural memory, authority and tribal continuity, passed across generations.

Nā te komua ngā oriori e kawe ake. Carried by the tender weaving hands of generations. Each generation maintains and renews the knowledge, it is not broken.

Ka mau ki tō mā, ki tau i te toto. He toto, kaua e ī. It settles in the chest, travels in the blood, the blood that carries it. Whakapapa, as embodied proof. Sovereignty resides in DNA, lineage, flesh, inheritance.

Hai huri, tarahai, hai huri pāua tāngaengae. To bind in knots, to fasten here the intergenerational cord. This is the tie in together of ancestors, present generations and future ones. A genealogy contract. A continuous chain of identity that predates the Crown.

Ka ū, ka ū, ka ū. Ī, ī, ī. It will stand firm, it will hold. A declaration of unbroken sovereignty authority that doesn't yield. Ancestral position that remains. Final, legal, spiritual meaning, Waitaha te iwi stands, we have always stood, we remain.

The sound oro carries meaning beyond words, that is the essence of mōteatea. Tēnā tātou e te whare.

Proposal for plural parliament, indigenous and Crown, e te paewhiri, koutou tahi, I now turn to a constructive and forward looking recommendation for constitutional transformation, can a modern nation share sovereignty, the answer is yes and many already do.

For too long in Niu Tirini, the Crown has operated as the sole constitutional authority, a single whare of governance, Parliament presiding over both Crown's, citizens and tāngata Takitaki, us, the indigenous peoples. This structure is inconsistent with the Tiriti o Waitangi and with modern, international, legal developments concerning indigenous rights. We now present a positive vision for a Tiriti based future.

We recommend an establishment of a plural Parliament, a dual house model consisting of Te Whare o Ngā iwi Takitaki representing the indigenous policies of all Aotearoa. Te whare of te Karauna, representing the Crown and general citizenship. This is not separation, this is honouring Te Tiriti. Would mean that no legislation affecting tikanga, whenua, wai or taonga, could pass without the ascend of Te Whare o Ngā iwi Takitaki. This is not symbolic or advisory, it is constitutional and structural. This model acknowledges what has always been true, that iwi and hapū, the inherent ancestral authority over their – our lands, our whenua, wai, tikanga and taonga. Authority never relinquished and never extinguished.

The two chamber system provides share sovereignty, mutual *veto* on matters affecting Te Tiriti o Waitangi rights and so equal legislative standing and co-equal legislative standing. This would mean that laws impact indigenous rights, lands, waters and identity cannot be decided solely by the Crown Parliament. They must be reviewed and affirmed by the whare o Ngā iwi Takitaki. This is partnership in practice, not metaphorical.

Internation comparisons. This evolution is not unfamiliar or radical. We set parallel systems in the Sami Parliaments in Norway, Sweden, Finland. The regional autonomy of **(inaudible 15:52:52)** under Inuit governance, tribal co-jurisdiction in Canada, indigenous autonomies in Bolivia, the

Māori land Court in Hawai'i pre-annexation, the recognition of the First Nation South Government in parts of Australia. Canada is particularly instructive, but New Zealand still clings to the doctrine of absolute Crown sovereignty. Canada has begun to recognise the co-existence of indigenous authority and Crown authority.

Their indigenous land titles treated as inherent, not gift. Indigenous law and oral history are recognised as evidence, not in anecdotes. Decision making is shared, not monopolised. If Canada can take these steps forward, so can Niu Tīreni.

Citizens and those supporting the Crown suggest, 'isn't this unrealistic or impractical in the modern New Zealand.'

Our response, 'With respect, nations like Canada, Norway, Finland and others, have already moved toward dual-structured governance with indigenous bodies of authority." What is impractical is continuing a system that ignores indigenous sovereignty and creates perpetual legal and social conflict. Partnership is far more sustainable than exclusion.

The Crown argues, the Crown holds exclusive sovereignty, and this has been settled law since 1840. Our response, "Sovereignty cannot be required by proclamation. There is no documents in Te Tiriti or elsewhere where iwi or hapū ceded our mana, our tino rangatiratanga or our right of governance. Assertions without consents do not constitute law for sovereignty." If the Crown claims session, I respectfully request the document of session be produced.

Citizens supporting the Crown, and the Crown say openly, "So, your saying Māori should have special political privileges." Our response, "No. We are saying that iwi and hapū, as indigenous **(inaudible 15:55:18)** with tino rangatiratanga, guaranteed under te Tiriti hold a separate constitutional status. This is no ethnic privilege, it is recognition of preexisting sovereign entities, tangata Takitaki, who's authority precedes colonisation."

(inaudible 15:55:37) Crown claim, the current system already provides Māori representation with reserved Māori seats. Our response, "Māori seats function within the Crown system, not alongside it." They are participating, not power. What we propose is co-governance at a structural level, a separate chamber representing indigenous authority equals to the Crown's chamber, not subordinate to it.

The same types of citizens and the Crown's claim they cannot share sovereignty, it must be unity. Our response, in Canada, legal evolution in **(inaudible 15:56:16)** and Scandinavia and Bolivia and elsewhere, sovereignty is increasingly viewed as layered and shared, not singular. Niu Tīreni can evolve similarly. The doctrine of indivisible Crown sovereignty is not sacred, it is inherited from imperial legal tradition. It can be adopted to honour He Whakaputanga and the Tiriti o Waitangi.

Citizens who support the Crown and the Crown have said this would undermine parliamentary democracy. Our response, "On the contrary, it will deepen democracy by ensuring that those of ancestral authority over the land, waters and taonga have an equal voice in governance.

True democracy does not silence indigenous sovereignty, it incorporates it. This issue goes to the core constitutional integrity and Te Tiriti justice. We are presenting a constitutional vision, this is not protest, this is a proposal. What is being asked here is not revolution but restoration, not privilege but parity, not disruption but fulfilment of the original promise of Te Tiriti o Waitangi.

I want to briefly address the importance of language.

The term Māori did not exist as a self-identifier before colonisation. It was imposed from the outside and over time it has been used in a way in a way that collapses many distinctive indigenous nations into a single label. When we were called Māori, we were shifted from being tāngata Takitaki, indigenous peoples without our own sovereignty identities to a homogenous group defined

as an ethnicity. This has diluted and disrupted our mātauranga and obscured the unique identities of different iwi and hapū.

For us, as Waitaha te iwi, and others, that term has flattened distinct nations and constitutional identities into a single category. Therefore, we propose that in constitutional and legal language, we move from Māori to tangata Takitaki or indigenous peoples of Aotearoa because Māori positions us as an ethnic group, tangata Takitaki recognises us as sovereign peoples. This is not a semantic preference, it is a constitutional correction.

We ask that the Crown be dissolved, we ask the Crown to stand alongside us as equal, Te Tiriti partners. We are not asking for privilege, we are asserting parity. The Crown cannot extinguish what was never surrendered. It cannot diminish what stands in whakapapa, it cannot silence what is carried in blood and memory. Waitaha te iwi stands, endures, continue.

Kātahi rā ake, tēnā rā tātou e te whānau. Ko Manakore Putiputi Rickus **(inaudible 15:59:34)** tōku nei ingoa. Te take hoki nā kare au i kī nei ko wai au i mua rā, tēnei te whakaoti au i te wahanga o te kōrero o tāku māmā. Tua atu i tērā, e mihi kau ana, tautoko ana i ngā mihi o tātou kua huihui mai nei i tēnei whare. **I'm Manakore Putiputi Rickus is my name and the reason why I didn't say who I am because I was trying to complete my statement of mother. Aside from that, I want to thank and acknowledge all the – endorse all of the acknowledgements made in –**

Tēnei he raukura o Te Kura Kaupapa Māori o Te Aho Matua, tēnei e whakawhetai atu, he uri o Waitaha te iwi ki Te Waipounamu. Ko tāku hoki i tēnei ao marama he kaipūtaiao te taha o te mana raraunga. Nā kona, ka whakawhiti atu e au ki te taha o te mana raraunga o te mana o Waitaha te iwi ki Te Waipounamu. Tēnei au, te waiariki āio. **I am a graduate of Te Aho Matua, and I am also a descendent of Waitaha te Iwi from the South Island. And in this word of lights I am an Environmentalist and now the mana of data of Waitaha the iwi in the South Island and I am Te Waiariki āio.**

Today is not about proving ourselves, it is about asserting what has always been true, ngā mana motuhake and tino rangatiratanga must be lived and enacted and how our kōrero, our whakapapa and our mātauranga are held and governed because data is not mutual. Korekore rawa te raraunga e noho kūare, e noho kūpapa rānei. **Data is not ignorance or subordinate.**

It is a mirror that either distorts or reflects truth. It is a tool that either empowers or diminishes. It is a platform that can elevate our pūrākau **briefs** or bury them. For Waitaha te iwi ki Te Waipounamu one thing is clear, ko a mātou kōrero, ko a mātou whakapapa, ko a mātou mātauranga, mā mātou anō hoki e tiaki, e ārahi, e whakamana. **All of our – everything we have to say, our heritage, acknowledge and we will empower and take care of those things.**

Our authority over our data is not a preference, it is a birthright. Nō reira, just as whenua anchors us to place, our data anchors us to a past and future. Each record, each story, each demographic count, each wai marker, each holder indicator, he taonga tuku iho, he kakano noa e tipu ake nei **A treasure passed down, it's a seed from the past** This is not a modern concept, it is simply tino rangatiratanga expressed in a digital age. The same rangatiratanga our tupuna exercised with clarity and with purpose.

For generations Crown mechanisms, archives, research institutions, official classifications have overwritten, diminished or blurred the existence Waitaha te iwi ki Te Waipounamu.

Ko te ngaro i te reo ko te ngaro i te ingoa ko te ngaro i te rārangi ingoa. **The loss of the language, the loss of the names**. This **(inaudible 16:02:13)** has real lived consequences and representation in resource distribution and political legitimacy and in cultural endurance.

This is not merely a matter of accuracy, he *take* e pā ana ki te ora tonutanga o Waitaha te iwi ki Te Waipounamu, **issue pertaining to the prosperity of Waitaha iwi** a matter of justice. If the Crown's data about us is flawed, the

decision that follows will also be flawed. A Treaty based relationship cannot rest upon he kōrero hē, he kōrero hapa **wrong information** the Crown cannot make decisions about us using the information gathered without us and held outside of our authority. This is why iwi taketake is essential, and why dual taketake is required so our identity is never again subsumed, reclassified or spoken for, by systems that do not see us. When others interrupt or interpret our data, they do so through the lens shaped by their own histories, values, fears, and limitations.

In general, an analyst does not come emptyhanded, they bring āhua whakapai, kupu huna, the subtle prejudice of their worldview. They bring assumptions about what matters, what is valid and what should be measured and what should be dismissed. What is dismissed becomes invisible, what is invisible becomes irrelevant and what becomes irrelevant is eventually lost. This is a danger of bias towards data.

He hau māku e whakaparahako ana i ngā kōrero o te iwi o Waitaha te iwi ki Te Waipounamu. A damp wind that undermines the integrity of our stories of Waitaha te iwi ki Te Waipounamu. This is why we say, 'Kāore e taea tētahi atu te whakamārama te ao o Waitaha te iwi. Mā Waitaha anō e kōrero mā Waitaha.' **And others are not able to explain their world – describe the world of Waitaha te iwi, it's for Waitaha to speak for Waitaha.** Without our authority guiding the interpretation, our data becomes a stranger to itself. If our identity lives in our data, then our mana must govern it. Tino rangatiratanga must not be symbolic, it must operational.

This claim is not merely about correcting the past, it is about shaping a future where our stories, our people, and our authority are protected through systems of our mana.

HOUSEKEEPING (16:05:04)

(16:05) EMA RORIANA WEEPU: (#B045)

Emma Weepu, co-claimant on Wai 3418.

I want to ask that my evidence given in the Wai 2700 Inquiry be added to this as well, so we don't have to have lots of writing everywhere. It was Wai 1940, was the number. Is that clear? Is that better? Kia ora. Aroha mai. So, Wai Inquiry of 2700, Wai 1940 of my brief of evidence could be added to this, thank you, which talks about mana wāhine which is resident in the tikanga of Waitaha te Iwi ki Te Waipounamu.

I only have a closing statement really. I did tell you my name, didn't I. Ema Weepu, Waitaha Māmoe, Kāti Waiwai nō Te Waipounamu, and with me with me is my daughter **(inaudible 16:06:46)** playing the taonga puoro and my driver, who actually comes from here, Lynn Lambert. So thank you very much Ngāpuhi.

My closing statement.

You as the Waitangi Tribunal have heard many reasons why a constitution needs, should be, must be, can be instituted. You are correct to inquire, there is no constitution of New Zealand. The Parliament of New Zealand has no constitution to operate in these lands.

Te Tiriti, which is written on that **(inaudible 16:07:40)** out there, and which is the document that my tupuna signed, is valid. The Treaty of Waitangi is anality. The contract has been breached and is now void. You were welcomed to this land, and we have tried to work with you, but you do not keep your word, you are not truthful.

We're standing before you, Waitaha te Iwi o Te Waipounamu. Women of kāhui, of kāhui tipuna, of kāhui roko, kāhui mauka, and soon to be kāhui ariki. We have our constitution which is older than 75 generations in this land, carved in the earth and in the rock. Sung, mōteatea, waiata, practices of mahika kai, whakapapa, toka lineage as has been spoken of.

You have heard so many of the kāhui ariki speak to this inquiry e tautoko ana ā rātou kōrero ki a koutou. **I support what they said.**

We, of the south say that Waitaha are the original peoples of this land, to us, that is in the north and the south. We have heard them speaking, they, we, they've all submitted documented evidence to this Tribunal and others, and now at this inquiry. If you have heard us this time then you are hearing that we, kāhui ariki, have had enough. No more of this silly business. Parliament and its Government created bodies from Treaty Settlements are no longer not looking after the people as they attempt this through legal rules and un-constituted representatives within the New Zealand Government.

We have had enough, and we can no longer allow this society to continue to behave in public with such ignorance, arrogance and patriarchal capitalistically corrupt ways as we have seen in Te Waipounamu over the last 30 years, in front of our children and our tamaiti, these tamaiti must live and be taught properly by their tikaka **tikanga** from their constitutional framework, for they are the kāhui ariki of the future and we have had enough.

We ask that you, the Tribunal, the government, the Crown, Parliament, create your constitution that you can live with. We, who already have our constitution begin the conversation and **(inaudible 16:12:01)** with a massive joint wānaka. The Government is 121, whatever number they are now, representatives in the Waitaha ki te iwi kāhui ariki, number to be confirmed because they are out there, our iwi know who they are. They walk amongst us, and we follow them, or we let them have their way.

Should there be no constitution created for you to live in our land, then you will be welcomed to tie your waka beside ours and tied together, we may journey together. Our waka has its constitution, and we look forward to our joint conversation of **(inaudible 16:13:01)**. Kia ora rā.

Okay. We are going to just have a little kōrero about the toka that is sitting at the table, our kōhatu before we go on to the questions because I want you to

know this before we move to the questions, and it gets distracted, and I've got to explain it now.

So, this is a kōhatu that was found four days ago on the Arahura awa. This descendant of Kāpuhi was with me at the time and we drove it here in my waka which, funnily enough, has the number plate Uruao and we drove it through to here so that we could come here. So it has not been touched by anybody, it has come straight from the awa. I knew where it was going when I found it and I saw it. It is its own piece, it isn't split, it is going to be left here at this whare, we will give it to the taumata at the end.

To all those present, there is also a pāua shell wrapped, harakeke wrapped pāua shell and it has some little chips of waitaiki and these are yours, so please, come and help yourself to one. We do this when we have a kaupapa and the stone, the mauri is held by this here, to be at these grounds and those pieces are for you so that you remember this day. Kia ora. And then we will have questions and then we will finish with our waiata. Tēnā koutou. **Thank you.**

CHIEF JUDGE FOX:

Tēnei te mihi atu ki a koutou, te tira wāhine nō Te Waipounamu, nei rā te mihi ki a koutou katoa. Otirā, ki a koe e te tuahine, ahakoa he rangatahi tō āhua, he whakaaro o ō mātua, tēnei te mihi atu ki a koe. **To you, thank you the party of women from the South Island, I want to thank you all. And also to you, the sister, although you look young, but you have the wisdom of a much older person, so I want to thank you.**

QUESTIONS FROM THE TRIBUNAL – NIL

WAIATA TAUTOKO

DEREK FOX:

Kia ora anō tātou.

MIHI (KAUMĀTUA)

DEREK FOX:

We've come to our last speaker for the day, and I am going to ask Hone Sadler to come up.

MIHI (HONE SADLER)

(16:25) HONE SADLER: (#B075)

Kia ririo mā ēnei karakia tawhito o ngā wheinga e wāwāhi ake nei i aku kōrero i te kākarauri o te rā nei ki a tātou. E popo nei i raro i te tuanui o tō tātou tupuna, Te Tiriti o Waitangi, e tū iho nei. Ka haumaru nei i a tātou, e whakaruru nei i tā tātou noho. Ki te whare e tū iho nei, whakatau. Te papa e hora ake, whakatau. Whakatauhia ki ngā pare kawakawa, ko rātou mā e whakawahawaha kei runga i ngā pōwhiwhi. **To this ancient karakia of our ancestors will introduce what I have to say. When we're nearing dusk under the roof of our ancestral house, Te Tiriti o Waitangi standing here which provides us with shelter and safety. To this house, greetings, and to the grounds outside, greetings.**

Ko te hunga kua huri tuarā i ngā rangi kua taha ake nei tae noa mai ki tēnei rā. Kia koutou rā, haere mai haere. Ko koutou rā ko ngā kaiwhatiwhati kī, kaiwhatiwhati kōrero. Ko te aweawe o te rangi, ko te aweawe o te whenua, kia tū pea mai kia piri, kia tū pea mai kia tata. Rawhiti rere a manu ki te paepae uenuku. Tahuri mai o koutou mātakitaki mutunga ki te ao mahua ake nei koutou, ka wheriko, ka nunumi ki tua, haere mai. **And I want to acknowledge those who have passed on and those who have turned – passed away over the recent days till this day. And so to you all, come farewell. And those orators, instruments of the heavens and of the earth, allow the to come closer to calm me. And so, turn your attention to the world that you left behind, beyond, so come and go.**

E oku mātua, e oku tipuna, e tū mokemoke nei. Te ngaromanga o koutou ki tua. Te hunga e amohia ake i tēnei kaupapa, ka riro mā o koutou mokopuna hei whakatutuki. Ki a koutou e moe, e moe i te moenga roa. E mahara atu ana ki tāku tuahine. I ngaro atu, i whakapau tana kaha, i a Titewhai, i tēnei kaupapa.

Kua ngaro ai te tiro a kanohi me te nui o a koutou, e oku mātua, kei te raunga iti, he raunga iti ana te noho ki runga i tēnei āhuatanga, e moe mai rā koutou, e moe mai rā koutou. **To my elders, to my ancestors who stand over. Those of you who have passed beyond, those who shouldered the burden of this kaupapa which was left to your grandchildren to complete. And so to you, rest, rest, the long rest and remembering my sister who gave it everything, her efforts to my sis – Titewhai, on this matter, who's face is lost amongst us.. So many of my elders and so we bereft in terms of these situations, circumstances and so I say, rest, peace, rest, peace to you.**

Ki a koutou rā, e ngā āpiha o Te Taraipiunara e mihi atu ana. Ki a koe rā, e te tuahine, e Caren, e mihi atu ana, e mau haere ana koe i ēnei kaupapa. E whai ngako ko te iwi Māori ki roto i ēnei tawhātanga, ki roto i ēnei pō raruraru. Koinā rā hoki kua tae mai nei, kua tau ki a te Tiriti o Waitangi i tēnei rangi hei whakatuwheratia ai i ngā wahawaha o tēnā, o tēnā, o tātou kua tae mai nei. Nā reira, ka mihi atu rā ki a koutou i haere matara mai, haere tata mai, ki ngā kaupapa e whakataimahangia ana te iwi, nā reira ka mihi, ka mihi. **So, to you, the officials, the Tribunal, greetings. And to you, sister, Caren, greetings. As you uphold these kaupapa to give substance for the Māori people and within these turbulent times and so that's why I come here to Te Tiriti o Waitangi today, to open the – each and everyone of us, acknowledge each and every one of us here and I want to acknowledge everyone who came near and far. And also the kaupapa which cause heavy – onus on people and so to everyone I want to express my love, compassion.**

Ki a tātou katoa, he mihi aroha atu nei ki a tātou i haere mai i tēnei rangi hei whakarongorongo ake nei ki ngā pūrongo a tēnā, o tēnā. E hāngai pū ana ki te kaupapa matua, nānā rā tātou i tō mai, i ko, i ko, i ko, i ko. Kia whakarongo mai ki ētahi pono, ki a whai pānga ai tātou ki roto i ēnei tono, ki a tīmatatia tātou te waihanga, i tētahi kaupapa mā tātou katoa mō te iwi puta i te motu, te iwi Māori, te tāngata Tiriti. Kia noho mārie tātou ako ake nei. **To those of us who came today, to listen to the reports of each and every person which is directly relevant to the main matter that brought us together from different**

areas to listen to some truths so that we find relevance to these truths then we are able to create a purpose for all of us and for the people throughout the nation. Māori people and tangata Tiriti, people of Te Tiriti, so that we can live in harmony in time.

Ka nui ēnei pōraruraru, ka nui ēnei pōhauhau, ēnei pōhēhē, kia **(Māori 16:30:04)** ai ki runga i te iwi. Nā reira, e tika ana ki a kōrero ai tātou ki tēnei kaupapa i tēnei rā tonu. Ko ngā mamaetanga me ngā taimahatanga ka utaina atu ki runga ki te iwi Māori hei mō ake, mō te aha te take. He whakapau kaha, he maumau tāima noiho. Engari, me whakarite tātou ki a mahi tahi ai tātou kia puta ai tātou te ihu ki mua, kia puta o tātou tamariki, o tātou mokopuna, taihoa ake nei, ki tētahi oranga e tika ana kia tae rā ki te katoa. Nā reira, ka nui rā nei pahupahu aku, me hāngai tika atu ki te kaupapa. Nā reira, tēna koutou, tēnā koutou, tēnā rā tātou katoa. **And these turbulent times, these troubles and these assumptions, it's enough – that have been placed upon the people. Therefore, it is only right that we must speak on this kaupapa on this day. All of the pressures and the pain that has been borne – shouldered by the Māori people, where people have given everything and it's a waste of time, but we must prepare ourselves and work together so that we can succeed and prosper, so that our children and grandchildren to come can prosper and so everyone can prosper and so these are enough for my comments, I must address directly the kaupapa and so thank you, thank you, thank you all.**

Me whakamau ai wāku mōwhiti. **I'll just put my glasses on.**

Ko tāku hiahia kia pānuitia ai tāku pepa kia kaua e maumau tāima, kia hāngai pū ki te tino pito o te kaupapa e haere mai tātou. **I want to read my statement so I don't waste time, so that I can address directly, the essence, true essence of the kaupapa that brought us here.**

Ahau? He Ngāti Moerewa, he Ngāti Rangi, he Ngāi Tawake ki te wao kū me ona wehenga, Ngāi Tawake ki te tua whenua, Ngāi Tawake ki te takutai moana. He uri tēnei nā Rahiri, kia hāngai pū ki tēnei marae a Rahiri i moe i a Ahuiti kia

puta ki waho ko Uenuku-Kuare. Ka moe a Karearíki, kia puta ko Maikuku tōmua. Ka moe a Maikuku i a Huatakaroa, kia puta ki waho **(Māori 16:32:54)** ko Te Rā. Ka rere ki muri ko Te Rangi Hikitini. Ahau, ka puta i a Te Rangi Hikitini ki tōku Ngāti Rangitanga. Nā reira, te tupuna kua oti nei te kōrero a Maikuku nō kōnei. Ko tana ama kei tua. Oku tupuna, i a Kūao, Te Mana, Te Whitianga, Te Ringakaha, ko Takurua te Kaipopoa. Me whakamāramatia e ahau oku pānga. Nō roto o Tautoro, ko te pito o te ao. **Myself, I am Ngāti Moerewa, I am Ngāti Rangi, I am Ngāi Tawake ki te wao kū and all of its divisions, Ngāi Tawake inland and Ngāi Tawake on the coast. I am a descendent of Rahiri and I directly link to this marae. Rahiri had a union with Ahuiti and they had Uenuku-Kuare who had a union with Karearíki. They had Maikuku first, the eldest. Maikuku had a union with Huatakaroa and they had, firstly, the oldest, Te Rā. And then afterwards was Te Rangi Hikitini. Myself, I come from Te Rangi Hikitini on my Ngāti Rangi identity side. And so, the ancestor that has already been mentioned, Maikuku, is from here and his cave is not far and my ancestors Kūao and Te Mana, who was strong – he was powerful Takurua – Takurua was – I must explain my interests within Tautoro, the centre of the world.**

Kāhore anō tētahi kia tae mai ki au ki te whakahē i aku kōrero, nā reira e whakapono katoa ana koutou ki ēnā kōrero. **Some one is yet to come to me object to what I have to say so you all will believe what I am saying.**

Engari, ātia, e noho ana ki Tautoro, tō rātou pā maioro i tū mai nei ki Puketona, ki Waitangi nei, ko Te Waiwhariki. I te wā i tae mai a Te Ahurei. Te Ahurei, i haere mai i Ngāti Maru. Ka tae atu rā ka tūtaki i a Tara ki Tapeka, ka puta tāna pātai, 'Kei hei a Kaingaroa? I haere mai te rapu i a Kaingaroa. Ko Kaingaroa te tuakunu, a, o Momini.' Ko te whakautu, ko te whakautu o Tara, pēnei ana, 'Hei aha a Kaingaroa. He purupuru, he taka. Pātāhoho ko Ngāti Rangi. Ko te Purupuru Mārire, **(Māori 16:35:24)** e takoto nei. He tohu a ia ki te Pā maioro, Kūao, Te Mana, Te Whitianga, Te Ringakaha, Takurua, Te Kaipopoa. **However, after living in Tautoro, (inaudible 16:34:22) which is at Puketona, here in Waitangi, Te Waiwhariki. During time when Te Ahurei came. Te Ahurei came from Ngāti Maru and then reached, - and then met Tara at**

Tapeka. And then he posed a question, 'Where is Kaingaroa? I came to look, seek for Kaingaroa who is the elder sibling of Momini.' And his response of Tara was thus, 'Nevermind Kaingaroa, Here's Purupurutaka, Purupuru Marie (inaudible 16:35:22) looking towards the skies, laying here and then pointed towards a bar of Kūao, Te Whitianga, who was a strong armed fulla and Takurua was persuasive.

Aini ake nei, ka whakamāramatia ai te take i hua pēnei ai aku tupuna. Engari ka haere mai, ka motoa a Ngāti Rangi ki kōnei. Ka motoa ko ngā kuia, kaumātua, tamariki, mokopuna anahe i te pā, i te whakaeketanga. Ko tāku tupuna Ngahau, ko te wahine a Kūao i patua kia mate. Ko te wahine a Te Whitianga, i mauria. Ko tōku ake tupuna i a Takurua, tana wahine i huna me ngā tamariki ki te rere i haruru, ki hei kitea. Koirā kua waimarie, kua tū kē a Hōne ki kōnei i tēnei rangi. Nā runga anō i tērā ko aku hono ki kōnei e tū nei ahau te kōrero. **And soon I will explain the reason as to why this occurred with my ancestors but came and Ngāti Rangi was here. All of the elders, children, were the only ones that were at the pā when it was attacked. The wife of Kūao was killed and the women, the wife of Te Whitianga was captured and my own ancestor, Takurua, my own ancestor, his wife, was hidden away with the children, I rere ki haruru and were not found. And so, that's why I'm most fortunate to be standing here today. Those are my connections to here and why I am able to stand and speak to you.**

I want to acknowledge Titewhai and what she fought and help us to fight for and, you know, all us on the sideline and other things, but however, she's – I also want to acknowledge all those kaumātua that used to sit around here. You know, he mokemoke **lonely**.

In the 80s and the 90s and the 2000s, **(Māori 16:37:54)** kua mokemoke, kua rauna. But I call upon their wairua to be here with us ki kōnei as we go through this process and it's not a good process, really. We are up here to show off all our linen and we need to do that so we can get to some truths.

I gave expert evidence in the urgent inquiry into the Treaty Principles Bill. I affirmed this evidence and the linguistic evidence of Sir Pātu Hohepa which was filed in the urgency hearing. And so, these hearings since then have been coming quick fire and this may allude to why we're here.

Currently, the Crown has power beyond its legitimate bounds. This results in the Crown inventing powers as it goes as it goes along and then claiming it has legitimacy to enforce those powers. Now, we know that playbook that's happening over with Uncle Donald. Defined, concrete, limits to the Crown's powers are a necessity to prevent Crown overreach. A written entrenched constitution is necessary. Constitutional transformation is necessary. This is why we are here because of all the various things that are happening in Parliament that are not good for us as Māori.

Underpinning constitutional arrangements is a code of conduct that comes from the people. For example, in most western countries, that code of conduct is the Ten Commandments. We must look for something of that form to inform the constitutional arrangements of Aotearoa.

Setting out the boundaries for a constitutional must include the input of Māori. You know, when these Tiriti principles were contrived, I use that word deliberately, we were at the table so those were imposed on us, and they are telling us this is the meaning and the interpretation of Te Tiriti o Waitangi. I have no **(inaudible 16:41:34)** to say, I don't follow those because my tupuna made it quite clear, our tupuna made it quite clear in this three succinct articles in common language so that we can all understand.

Setting out the boundaries, right on. He Whakaputanga. Accordingly, Aotearoa's constitution must include the boundaries set out in He Whakaputanga specifically. In saying that, here is a rendition of the translation of that is:

> Te Kīngitanga, the Kingdom, the mana within the land of Te Wakamienga –

And we understand who Te Whakaminenga is because our tupuna specifically described who Te Whakaminenga was, ko mātou, ko ngā rangatira. Raro mai i hea? I Hauraki. So, they made it quite clear who they are or who they were

> – And that the land of Te Whakaminenga o Nu Tireni is declared here to be solely and entirely of and with the very – absolute – highest level chiefs at our gathering, and we also declare that we will not permit any other person/grouping, and also any other Governing Entity to be empowered within the land of Te Whakaminenga o Nu Tireni, only persons chosen by us, in terms of our laws enacted by us in our gathering together.

And they said that they will gather in the fall each year and they specifically chose that time to hui and the reason they did that was, plenty kai to feed the people. Kua hua ake ngā māra kai, kua hauhakengia ngā kai e taea te whāngai i ana manuhiri. **They dug up all of the kai, the food from the gardens so they are able to feed their guests.**

A constitution is about the bounds that a people work within. At the moment, we have an unwritten constitution and its set on precedents. So, now that we have the coalition that we have now they are setting precedents. So, if we do not make efforts to transform our constitutional system now, it is likely that the current system, a system that has proven unfit for Māori, will become set in stone as the only extant system. Accordingly, constitutional transformation must occur now. Now. I te mea, enough is enough.

The “unwritten constitution” we currently have has proven itself to be harmful to Māori. It has allowed racism and abuse, yet David Seymour is able to say that how we used to run the country is racist based, based on privilege, Māori privilege. I want to point out to us some of those privileges that we have, incarceration. Māori make up 50 percent of the male incarceration, yet we make up 20 percent of the population of New Zealand. So, a tātou, he Koroki katoa tātou. **We are all crooks.** We have the privilege of dying seven years

earlier than our New Zealand counterparts, what a beautiful privilege we have. Because we are going to set the pathway for them to follow us. In health statistics, we were doing so well that they saw fit to take away our Māori health because we were to privilege.

In the education statistics, we're getting a bit better at that now because we've got Professor Mutu in there guiding the boat. We're doing better. But still, we fall short of the measure. To carry on.

A core issue that is starkly missing from this Constitutional Inquiry is He Whakaputanga. He Whakaputanga is the document that informs the world about the constitutional arrangements of Aotearoa. Further, it informs our understanding of Te Tiriti o Waitangi/the Treaty of Waitangi (te Tiriti).

An important point about He Whakaputanga is that it has often been considered a Ngāpuhi Kaupapa only. A far north or a far, far north kaupapa only. But you know Te Wherowhero signed that document, and Te Hāpuku signed that document, and I believe, even into the early 1900s we were still looking for signatories to sign He Whakaputanga.

So, accordingly, He Whakaputanga is not a Ngāpuhi only or a far, far north document. It is legitimate for all Māori to have a reference point to He Whakaputanga. He Whakaputanga is being acknowledged and accepted by more and more iwi as they view this as a covenant that ties all iwi within the intent of a starting point for a constitutional transformation from iwi perspectives. And I see that as I go around the country, the acceptance by iwi of He Whakaputanga as a foundational document for constitutional change.

Te Tiriti is an international treaty, a type of agreement that requires two recognised States. He Whakaputanga is the document, alongside the gifting of the United Tribes Flag by King William IV, that recognised Māori as a legitimate independent – I don't like that word sovereign and the reason why I don't like that word sovereign because it tells us its unitary which means it comes from one, whereas our political system was multiple base hapū, so it wasn't a

singular so that's why I hesitate to use that term – And so, as recognised the independent, nation that Māori could enter into te Tiriti arrangements.

So, without He Whakaputanga, kei hea te Tiriti. He Whakaputanga is the Matua I stated that in Ngāpuhi Speaks, and te Tiriti is the tama. Ko te matua, ko Te Whakaputanga, ko te tama ko te Tiriti. **The parent document is He Whakaputanga and the son document is Te Tiriti.** Establishing a matua tamaiti relationship and not a teina, tuakana relationship. Without He Whakaputanga, te Tiriti would have been born. It is the existence of He Whakaputanga that legitimises te Tiriti. And Te Tiriti is a legal arrangement.

I go to the Matike Mai Aotearoa Report and I would like to acknowledge Professor Margaret Mutu and also Moana Jackson, and the work that was done on this work that was done right around the country and it was done at the time when the Crown was hesitant to take onboard and still is hesitant to take onboard this kind of work.

So, I was involved in Matike Mai Aotearoa Report for which I wrote the forward and endorsed its findings. For the creation of this report we ran wānanga across the country, not one, two or three, hundreds.

My task was to run the wānanga from the Far North down to Tamaki and I want to acknowledge my partner in crime, Mere, Mere Mangu, that we, I think, did this – and there are familiar faces that I see here that were at those wānanga. For creation of this report, yes, my task – ka pai, let's go.

Throughout the process we made sure to include all demographics, tamariki mā mai, tāne mai, wāhine mai, kaumātua mai, wērā wāhi katoa i whakaotia mātou. **Including children, men, women, the elderly, all those sectors, we included.**

It is important to include all people in a constitutional discussion as a constitution is about everyone, not just choosing your friends but getting the opportunity of your friends only, but getting the opportunity for others and I think

this is where we're great at that, Māori are great at that. Atea, we don't like our friends, we don't like our – sometimes our whanaunga, we still include them just in case they may come across to our way.

I endorse the key constitutional values of the Matike Mai Aotearoa Report:

a) Tikanga. Now, I want to dwell on this word, tikanga, because today I've heard it, whakawaimāoritia to L-O-R-E and I want to explain to you or give you some examples of the meaning of L-O-R-E. Mythology, Myths, legends and I don't think – no, I know for a surety that are tikanga are not those, they were practical. They were in fact the foundation of law in this country. L-A-W and let us not forget that that's what our tikanga is L-A-W, kia kaua e whawaimāoritia kia L-O-R-E, because we are not mythological people, we are real.
b) To the communities;
c) And belonging to those communities and there are a number of communities that we belong to, we belong to our whānau community, our hapū community, our wrestling community, our singing communities, our rugby communities, and all need to be included into this kaupapa
d) .To place is very important and I see the importance that Ngāti Ruamahue has placed upon place and so we must not forget that place is important in our deliberations.
e) Balance, it doesn't mean walking along or it may do, a wire rope. Sometimes you'll balance that. But our people always looked for balance in whatever they did. So, you know there's those muru, and what's the mate to muru? I'm not going to tell you. You should know. Hannah? What's the friend of muru? Muru i ngā hē? No, I'm not going to tell you. I'll come back to that idea.
f) To reconciliation, to conciliation. We knew that despite having our whawhai with each other, there was time to reconcile. I puta tēnei, te kōrero o a tātou tupuna. Riria te riri, whawhai i te whawhai te mutunga, houhia te rongo, houhia te rongo, houhia te rongo. **And our ancestors would say, fight the fight, fight the fight, but in the end make peace.**

The well-being of Ranginui and Papatūānuku. You know, it took our tupuna time to reconcile this. It's not as if they came here to Aotearoa from Moana-a-Kiwa and knew it all when they got here. It was trial and error and some of the errors that they made were drastic, but it didn't mean that after doing that they went back and did it again, it's learning. Otherwise, you see, there would be more but there's no more, all gone.

The traditional knowledge that our people, we tend to place that on a different level, to western knowledge. I think western knowledge is now – knowledge systems are now recognising indigenous knowledge systems and they can work in together and our people knew that.

Kotahitanga. I heard this message as we went around the motu last year, kotahitanga, but we all had different interpretations of what kotahitanga meant and yet with those messages going around, kotahitanga, our Pāti Māori is not a good exemplar of that at the moment. But that doesn't mean that we cast it out, we got to work hard. Remember we've got 10 months, maybe less than that for the next election, might be even closer. Me whakakotahi tātou **we must come together** no matter what the cost is, we need to do that.

Education, health and well-being, they are all the same thing but let's not forget that our education system needs to also cater for our own knowledge systems, that it has a place in today's curriculum.

Te mana motuhake.

The core theme that runs through Mana Motuhake is that of self-governing and authority. Koia tērā ko te mana. **That is the mana.** Mana **(inaudible 17:02:46)** but where is the source of mana? The source of mana is not from the temporal world. The source of mana is atuatanga and I think we've moved too far away as a people from our atuatanga to find ourselves where we are now. Tēnā pea me whakararangitia ai o tātou whakaaro, me pēhea tātou e hoki tika ki aua mātāpono o a tātou matua tupuna. **Perhaps list our thoughts as to how we can go back the right way to those principles of our ancestors.**

The projection and demographic growth mandates that special care must be taken to recognise Mana Motuhake. As the population of Māori grows the place of Māori in Aotearoa's constitutional arrangements will become more pressing, as a constitution is about people. But me, say this, 10 years' time, 1835, 200 years, He Whakaputanga. In 15 years' time, I hope I'm still around, 200 years, signing o Te Tiriti. That is significant because demographic change is likely in our country and that is that approximately 57 percent of the population of Aotearoa will be brown, will be able to whakapapa Māori, but it doesn't necessarily mean that they will be able to hold the same principles that we hold as Māori. So there's a lot of work for us to do.

The term Ariki, and I specifically put this in here, because I don't hear very much the usage of the word Ariki apart from when we refer to te Kīngitanga and we refer to Te Heuheu. We still have our arikitanga amongst ourselves, but we don't know about it because arikitanga comes from your whakapapa.

The term Ariki is for traditional leaders of Māori. An Ariki held their authority through their whakapapa. The original source of whakapapa is the Atua. That's why we have mana atua, mana tangata, mana whenua.

An Ariki will lead the people and make decisions for the people. There is a false understanding that everyone would have input into decisions. They do have input in some decisions. At times they would, but at times they would not. On important occasions, an Ariki alone would make the decisions and within those who are eligible to be Ariki, for example, siblings, the people determine who will be the paramount Ariki. And we saw that happen with Kuini Nga Wai.

This system can look different to a Western approach, such as monarchies. For example, my tūpuna, Kūao Te Ringakaha – taihoa – Kūao Te Mana – this is how we referred to our tupuna, Kūao Te Mana, Te Whitianga Te Ringakaha and Takurua Te Kaipopoa. Kūao was the eldest, and made the decisions. Albeit most times with consensus but when important decisions were to be made it was for him to make. And I descend from Te Kaipopoa and

Te Kaipopoa was the tohunga. Our people were believers. Now, Te Kaipopoa, I want to explain that, Te Kaipopoa.

To lift the tapu from anything, whatever it was, planted the food and that special proper food was tapu and to use that he ate it when there was something – the tapu to be removed, he took that food and ate it and generally that food may be ferns, fern root, ka kainga kia hīkina te tapu **eat it to remove the tapu.** When we have – and I haven't seen this for a while, the opening of a whare hui where the kumara was used to open the whare, where the kumara was opened in this corner here, was eaten here by the – koia ēnā ko ngā kaipopoa. **Those were the tohunga kaipopoa.**

The terminology of Tino Rangatiratanga is contrived. It comes from Rangatira. A Rangatira is a person who earns their authority through their skill and their mana. The mana of a person comes from the people, and can ebb and wane. So, it is how much people look up to you, it increases mana or it can – it can ebb, wane and go away from you if you do bad, naughty things.

So, these three tipuna of mine had three distinct roles, ko te ringakaha, ko Whitianga. He was the warrior, sometimes with an A and sometimes with an O.

Tino rangatiratanga. The terminology of tino rangatiratanga is contrived from rangatira, yes. A rangatira can come from any position in life, but however, a rangatira is of a lower echelon of authority than the Ariki because the Ariki is whakapapa.

So we've heard of Ariki tane, Ariki Tapairu, wahine. For example, when Hongi Hika was asked by a European settler whether he would be the king, he responded "kua paru ōku ringa ki te toto," translated to, "my hands have been dirtied by blood", which means that he was a teina, not a tuakana. So, that was his response. An Ariki would not dirty their hands with blood themselves but to have someone do it for them. So, ko te kaiwhawhai. **Warriors fight.**

Looking at autonomy and self-government.

During the time of Maihi Kawiti and Kūao **(Māori 17:11:49)** my tipuna, we tried to exercise autonomy and self-government through the Constitution Act in 1852 which had provision for recognised self-government for Māori.

> And whereas it may be expedient that the Laws, Customs, and Usages of the aboriginal or native Inhabitants of New Zealand, so far as they are not repugnant to the general Principles of Humanity, should for the present be maintained for the Government of themselves, in all their Relations to and Dealings with each other, and that particular Districts should be set apart within which such Laws, Customs, or Usages should be so Observed:

But that didn't really get off the ground.

However, the promise in the legislation was hollow in practice. The legislative framework had allowed a pathway, but the practice of the Crown prevented its actuality.

I wrote about this in the book and I'm doing an advertisement here, *Ko Tautoro te Pito o Tōku Ao.* An extract of the relevant section is attached as Annex A.

A contemporary transformation of Aotearoa's constitution needs to ensure that autonomy and self-government can be truly practiced by Māori. Māori have the right to develop as we want, to govern ourselves. However, it cannot be unfettered, lest we replace an unjust system with a different unjust system.

Tikanga is what is correct. It is the norm within a society. It is our law. It guides customs and behaviour within given parameters.

The parameters of tikanga should at least remain within the territorial bounds of the people it applies to. For example, Ngāpuhi is bound by Te Whare Tapu. This is supported by the Ngāpuhi boundaries which are – and I won't go through that, you know it.

Kāwanatanga, Constitutional Legitimacy and Sovereignty, Parliamentary Sovereignty and Systems, and Ngā Ture Pākehā.

Kāwanatanga and the Crown's role.

The role of the kāwanatanga must be looked at from the perspective of te Tiriti. The signatories were quite aware of what the word kāwanatanga meant. It comes from the bible, and particularly it is the term used for Pontius Pilate. Now, remember, we've had 40 years of relationship from – or even more than 40 years from Captain Cook's first arrival up until the signing of Te Tiriti and we had, by that time, missionaries here and schooling us here and also in Australia. So, we were quite versed in the Bible because I remember my grandfather, he knew that Bible inside out, back to front.

The signatories of te Tiriti understood that the kāwanatanga was the governorship, and only governorship, not Rangatiratanga, and certainly not Arikitanga.

It was intended that those people who entered into the country, would look after themselves. Kāwanatanga only extended to governance over the settlers, and the lands the Crown had legitimately acquired, and no further.

Contemporary constitutional arrangements need to encompass both tangata whenua and tāngata Tiriti. People who have come in have a right to be in Aotearoa. Accordingly. There must be some form of shared governance.

However, I insist that a special dispensation is required for Māori in terms of the role of Māori in Māori governance. And that may be upper house, I don't really know at this point in time.

The word "sovereignty" is foreign to Māori, and we use the concept of Mana.

The pathway that the Crown has taken to obtaining sovereignty has been an illegitimate one. The Crown's claim to sovereignty has effectively been based

on a numbers game. As the settler population overtook the Māori population it was able to assert its claims to sovereignty through force. However, as the European population recedes, that claim will weaken. In practical terms, it is a numbers game

Fundamentally, a constitution must ensure that people are cared for, and their inherent dignity is upheld. The injustices of the past, including the physical abuse many Māori faced, cannot be repeated. We must find a way forward so that nobody faces those injustices again.

Dual Governance' – The Relationship Between Kāwanatanga And Te Mana Māori Motuhake Including The Way The Two Forms Of Government Inform Each Other.

I support the co-governance model. It is a system where there is a dual structure, with one being tangata whenua, and one being for tangata Tiriti. There has to be a give and take built into this system. But when decisions are made, they must be made by consensus.

An exemplar of this is the Te Hautū Kahurangi which is the tertiary education union. The tertiary union, which has approximately 10,000 members, of whom about 1,000 are Māori, recently voted in favour of co-governance at a conference on May 19, 2023. At that conference there were 131 delegates, but only 2 voted against the motion. So, I believe that that can work but it's hard work.

From the top, this means that there are co-leaders, and all the way down there are dual structures, maybe a cost to it. This is important because decisions are made by the organisation in conference with each other.

Electoral Rights And Systems

For minority groups, democracy without an entrenched constitution, does not work because we will always be in the minority when it comes to decision-making and minorities will always have that.

Full protection and citizenship is included in the te Tiriti. Māori maintain the legitimacy of te Tiriti and affirm those same rights ‘i rite tahi ki ngā mea o ngā tāngata o Ingarangi. **Those rights belong to English.** Those were the arrangements made with the Crown and accordingly they should not be removed.

The reciprocity concerning citizenship rights and equal treatment of Māori *vis a vis* Pākehā has not been the same. Māori must ensure that there are no changes to the Articles of te Tiriti and that te Tiriti is upheld.

If Māori whakapapa to Aotearoa, they have a right to be in New Zealand even if they were not born here.

In conclusion, constitutional transformation is a necessity. As it is carried out, we must be mindful of the past to ensure that injustices are not repeated, nor that we in turn seek retribution, and ourselves heap injustice upon our lands.

Our fundamental constitutional position is that of He Whakaputanga and should be entrenched with Te Tiriti or any other **(inaudible 17:20:12)** that the Court strike down any legislation passed by Parliament which is contrary to Te Tiriti or the Treaty.

The key constitutional issue is that Māori and Crown do not agree on the meaning of Te Tiriti o Waitangi or Te Tiriti or the Treaty. The claimants first preference is for the issue to be resolved directly via engagement between Māori and the Crown in accordance with tikanga, I think we tried that, in relation to the domestic legal system established by the Crown. The claimants rely upon the conclusion reached in the Waitangi Tribunal Stage One Wai 1040 Report, the Ngāpuhi Report, which carried out the first and only in depth inquiry into the meaning of Te Tiriti, the Treaty, and concluded as follows:

> We have concluded that in February 1840, the rangatira who signed te Tiriti did not ceded their sovereignty, that is, they did not ceded

the authority to make and enforce law over their people of their territories. Rather, they agree to see power and authority with the governor. They agree to a relationship, one in which they and Hobson were to be equal, equal while having different role and different spheres of influence. Innocence. Rangatira retained the authority over their hapū and territories while Robson was given authority to control Pākehā.

The Crown has yet to accept this conclusion. If the Crown does not accept the Tribunal's conclusion than it should seek a judicial review of the Ngāpuhi Report.

He Whakaputanga and Te Tiriti are internationally agreements signed between at least two nation states, one being the British Crown and the other being Māori nation or nations. Consequently, the issue should be brought before the International Court of Justice for resolution.

The Crown and Māori should work collaboratively to ensure that the issue is brought before the ICJ. David Seymour raises the issues of race verses privilege, but I've explained that. Te Tiriti is a legal and binding international treaty. Our rights are legal rights and not born out of privilege. Tēnā rā tātou. **Thank you all.**

(17:22) PROFESSOR DAVID WILLIAMS TO HONE SADLER:

Q. Tēnā koe Kara, thank you for that kōrero. I just want to pick up on one word that you use in your written that you don't – you didn't speak about, it's a complicated word, it's a really, really nice word from the Greek origins and Taihakurei, Tā Taihakurei Durie used it a few years ago and no one's picked it up, but you picked it up today. It's actually what Ahorangi Makere was talking about this morning. So, I will just read what you said and let me ask you to say wee bit more about it.

WITNESS REFERRED TO STATEMENT OF POSITION #B075, PAGE 10, PARA 52

"Personally, I use the term autochthonous" – that's the word – "rather than indigenous because my whakapapa tells me that we are an autochthonous people, which means we spring up from the land because our whakapapa tells us that we come from Ranginui and Papatūānuku." So, there we are. Very few people in this room are going to walk home talking about autochthonous but maybe you can just say a wee bit more about it.

A. Autochthonous says that we, rather than came here, that we belong here, because our relationship between Papatūānuku and Ranginui. We find that Papatūānuku, we know that Papatūānuku is above the sea and below the sea. So, wherever we were born. We are tied to Papatūānuku whether we are born in Australia, in England, kua herea tātou ki a Papatūānuku. **We are bound to Papatūānuku.** Where our tikanga comes from and where kaupapa and kawa comes from, is from Papatūānuku. At the fishing up of Papatūānuku as Māui watched Papatūānuku come up through the water, ka ū te kaupapa, ka ū te papa. Ko te papa, ko Papatūānuku. **Grounds, team, and the grounds, Papatūānuku, the land.** And so, the basis and the foundation of our autochthonous belonging is through that act of Māui fishing up Papatūānuku to establish our rights and our ties to Papatūānuku and Ranginui. Because you will see in the Pacific Ocean where our people came from there came a whakapapa that when something like this – ka moe a Papatūānuku i a Tangaroa. Ka moe pūremu ki a Ranginui. **Papatūānuku had a union with Tangaroa, had a union with Ranginui.** An how that happens is that when Papatūānuku is below the sea, ka moe i a Tangaroa. And as the islands come up out of the sea, ka moe ki a Ranginui. So, that construct was brought here because the majority of Aotearoa is out of the sea. And so, the constructs that they had, the belief systems that they had and the cultural systems that they had in the Pacific weren't sufficient for life and flourishing here because then we whakapapa'd and we now how – we delegate, relegated Tangaroa as to be a child of Ranginui and Papatūānuku. Kia ora.

Q. Kia ora, thank you. That's the mātauranga that I hoped my question would sit, ngā mihi mahana ki a koe. **Thanks.**

(17:27) CHIEF JUDGE FOX TO HONE SADLER:

Q. Tēnā koe Hone. Nei rā te mihi ki a koe. **Greetings Hone, thank you.** I have in the past followed an argument that Article 3 i roto i te reo Māori **Te reo Māori,** promised Māori they'd be treated the same as British subjects, ōrite tahi ki āna mea nō Ingarangi **equal to those from England** I think are the words, but not that they would become British subjects.

A. Quite correct.

Q. Quite correct?

A. Quite correct.

Q. So, -

A. He rite tahi – just like.

Q. Yes. So, on that basis, if they were to be treated the same then they – what is the flow on effect of that without me answering the question myself?

A. Okay. What will be the flow on effects? We wouldn't be how we are now. The flow on effects was, we would have been prosperous, we would have been – I think, equal, because it's moving from equity, where we saw something, to get to equality, and we haven't been resourced, there has been no equity to allow us to grow into equality.

(17:29) DEREK FOX TO HONE SADLER:

Q. This question is in danger of being completely off track here and not any part of this discussion, but you talked earlier on about the rankings that we have here, we have rangatira and we have ariki. In one of our last stopping off points back in the Pacific they have a third ranking. In the Cook Islands they have a mata'iapo who was below a rangatira but – above the rangatira but below an Ariki. Now, have we ever had that ranking here?

A. Not to my knowledge, not to my understanding.

Q. It's irrelevant to what we're talking about anyway. But they still have in the Cook Islands 19 functioning ariki and those ariki, they appoint mata'iapo and it could be any number of mata'iapo that they appoint, but they usually come from certain whakapapa, lines, and then they also have ariki, who are really, you know, they are sort – you know, like if you've got

a big hui coming on, you say to your rangatira, “Now, you make sure that you’ve got plenty of kumara.” And someone else will get the fish and someone else will do the rest.

A. No, I can’t recall that. But in terms of – the term rangatira can come – a rangatira can be or can arise from being a slave. Can arise also from being a tutua, a commoner. But unlike Ariki, it’s whakapapa.

DEREK FOX:

Kevin, have you got a question?

KEVIN PRIME:

Āe, he pātai kē tāku. **Yes, I have a question.**

(17:31) KEVIN PRIME TO HONE SADLER:

Q. It follows along similar to what Derek was asking, like the term Ariki – firstly, I go to the question straight away. Kei a wai te mana ki te whakatau te arikitanga ki runga i tētahi, tua atu i te iwi, tua atu i te whakapapa. Koia anō? **Who has the mana to determine someone is an Ariki?**

A. Tēnā kōrero mai. Me tata atu au ki a rongo ki tau. Kia tata atu kia rongo, kīhai ahau? **I want to step closer so I can listen. (inaudible)**

CHIEF JUDGE FOX:

Kōrero mai anō.

HONE SADLER:

Pātai ano.

CHIEF JUDGE FOX:

Pātai mai anō. **Ask again.**

KEVIN PRIME TO HONE SADLER: (CONTINUES)

Q. Ko tāku pātai e pātai kē ana ahau ka mea atu ki roto i tō pepa, kei te whakataua te ariki, ko ia kē, a, ka tau ana te – he aha te – whakahokinga atu ana te kaupapa. Ko tāku pātai tuatahi e pā kei a wai, i tua atu i tēnā

me te whakapapa, kei a wai atu te mana ki te whakatau i te arikitanga ki runga i te tangata? **My question, in your paper that – where the Ariki is determining – so my first question is in relation to – aside from whakapapa, who has the mana and authority to place – say someone is an Ariki?**

A. Kei te iwi kē – kei te iwi tērā. **That's for the iwi.**

Q. Āe.

A. Pērā i a mea, nē, pērā i a Nga Wai Hono i te Po, i te tana tohunga atu hei kuini, nā tana iwi, ā ia i tohua, atia rawa ia te tane. **Like Nga Wai Hono I Te Po, when she was named the queen, and it was her people who chose her, aside from the male.**

Q. Mārama ana tērā. Taku pātai tuarua – **I understand that. Now, my second question.** Āe.

Q. He tangata tino hōhonu koe mō ngā tikanga Māori me ngā āhuatanga katoa, ko tāku pātai, i tāu mōhiotanga ko wai te Ariki whakamutunga nō roto i Te Tai Tokerau? **Your very famous, knowledgeable about tikanga Māori and so question, to your knowledge who is the final Ariki in the North?**

A. Ko Hone. **Hone.**

(17:34) DR GRANT PHILLIPSON TO HONE SADLER:

Q. Tēnā koe Mr Sadler. I did have a question. I was just wondering, so the term tino rangatiratanga that occurs in Te Tiriti, was that term also used in He Whakaputanga, and if not, is that significant?

A. I don't think – not too sure now, but I know that mana was used in He Whakaputanga and I am not sure whether, I don't think that tino rangatiratanga was used.

Q. So, the follow on is, can you – you talked about Ariki and rangatira, can you just explain what your understanding of tino rangatiratanga.

A. Well, tino rangatiratanga for me comes from the interpretation in the Bible, in the Lord's Prayer, "…Nau hoki te rangatiratanga, te kaha me te Kororia…" So in that context they were trying to translate the Bible so that they can get the best equivalent to a translation, and I think that's why rangatiratanga for me wasn't in the realm of Atua, it wasn't in the

realm of arikitanga. They are on different echelon, and they are on a lower echelon, the rangatiratanga is on a lower echelon than that of Ariki.

DEREK FOX:

They use tino just for emphasis.

HONE SADLER:

Yes, just for emphasis.

CHIEF JUDGE FOX TO HONE SADLER: (CONTINUES)

Q. Sorry, I do have one more question, it's me again. So, if – going back to my question which was about the meaning of Article 3. If Māori were to be treated the same as British subjects but not necessarily subjects, were they then – did they remain, then, as members of their hapū and iwi, subjects of their iwi and hapū?

A. I believe that to be treated the same as English was only to be treated by the Pākehā, but they still retained their status with their people.

Q. Sorry, my question then is, so are they members? Is that how you would classify them or are they –

A. Well, the belong.

Q. They belong.

A. They belong.

Q. So the whakapapa determines their link to the iwi.

A. Te whakapapa, yes.

Q. Or the hapū?

A. Yes.

DEREK FOX:

Well Hone, I think I might get away with speaking for my colleagues and saying it was a wonderful presentation this evening and I am sure the people out here will say that too. Nō reira tēnā koe. Pai rawa atu te kite i a koe me te rongo i a koe e kōrero ana engari kotahi taku inoi ki a koe ināianei, māhau e whakakapi tō tātou hui. **Thank you. Wonderful to see you, to hear you speaking. I only have one question right now, you will close our …**

HONE SADLER:

Kia pērā i te roa i tāku kauwhau? **Should it be as long as my presentation?**

KARAKIA WHAKAKAPI (HONE SADLER)

WAIATA (HE HONORE)

HEARING ADJOURNS: 5.42 PM

HEARING RESUMES ON WEDNESDAY 3 DECEMBER 2025 AT 9.00 AM

WAIATA

KARAKIA

(09:05) CHIEF JUDGE FOX: (MIHI)

Mōrena, mōrena tātou katoa i tēnei ata ātaahua, nei rā te mihi ki a koutou. Koutou e manaaki mai i a mātou, te wā kāinga, koutou hoki ngā kaikerēme, ngā rōia, tēnei te mihi atu. Ata mārie.

HOUSEKEEPING – TIMETABLING (09:05:53)

(09:07) HONA EDWARDS: (MIHI)

KARAKIA

Te tuatahi, e te whaea, tō tātou kaikarakia, e mihi ake ki a koe. E mihi atu ki a koe i tīmata tō mātou rā i mua i a tātou i runga i te mana o Ihoa, mō tō tātou ariki. Heoi anō, e mihi atu ki a koe. **I want to acknowledge our minister who recited our prayers and began our day under the power Jehovah, of our lord. So, I want to thank you.**

E te taumata, e mihi atu ki a koutou. Ngāti Kawa, Ngāti Rāhiri, Matarahurahu, e mihi atu ki a koutou, e mihi atu koutou. E mihi atu ki a koutou e te haukainga e whāngaihia mātou i runga i ngā kaupapa i tēnei wiki. Tēnei te tu hei mihi aroha ki a koutou. **To the leaders, Ngāti Kawa, Ngāti Rāhiri, Matarahurahu, greetings to you. I want to thank and acknowledge the local people who have fed us during the matters that we have been addressing this week. So, I stand to express my love to you all.**

E mihi atu ki tēnei o tātou nei whare tupuna. E mihi atu ki ngā ringa aroha, ki ngā ringa rangatira e hangangia ngā whakairo i runga i tēnei whare, nā, ko te rangatira a Lani Apiata, tēnei te mihi atu ki a koe. **I want to acknowledge this**

ancestral house and those noble hands and compassionate hands that fashioned the carvings in this house, and also, the chief, Lani Apiata. So, I want to acknowledge that leader as well.

Heoi anō, e ngā Kaiwhakawā, e te Taraipiunara, e mihi atu ki a koutou. Tō koutou taenga mai i waenga i a mātou ngā hapū o Ngāpuhi-nui-tonu. Haere mai koutou, peka mai tō koutou maunga, tō koutou awa, tō koutou kāinga i waenganui i a mātou i runga i Ngāpuhi. E mihi atu ki a koutou. **To the Judge and to the Tribunal, I want to acknowledge you, greet you. For coming here amongst the hapū of Ngāpuhi. Come forth and bring forth your mountains, your rivers and your homes amongst us, the people of Ngāpuhi. So, I want to greet you.**

E mihi atu ki tō tātou tupuna ki waho, a Tangaroa, e kite tēnei i a koe i tēnei ata. A Tamanui, a Tāwhiri, i ngā atua Māori katoa, e mihi atu ki a koutou. Heoi anō, anei anō ko Hona Eruera tēnei e tu atu nei i mua i a koutou. **I also want to greet our ancestor, Tangaroa, I see you this morning. Tamanui-te-rā, Tāwhirimātea, and all of the Māori gods, I want to acknowledge them. This is Hone Eruera speaking, standing before you.**

Tu atu tēnei i te tīmatatanga o tō tātou kaupapa i mua i tō mātou rōpū i tēnei ata. Ko tēnei taha, e whānau mā, ko tō tātou rangatira a Hone Szarich tēnei, ana, kei konei hoki a Chantez Connor-Kingi, tēnei hoki a Grace Hoete, tēnei taha. Tērā taha a Hera Rewi, tērā taha a Grace Le Gros, a, tērā taha, a Kelly Retimana. **Aside from that, at the commencement of our matter, on behalf of our panel this morning. On this side, whānau, is our chief, Hone Szarich, and here is Chantez Kingi, and this is Grace Hoete. Beside her is Hera Rewi, and alongside her is Grace Le Gros, and on the far end is Kelly Retimana.**

Heoi anō, tō mātou rōpū e tu atu, tō mātou kaupapa i tēnei rā, ngā kōrero e pa ana ki ngā rōpū Māori o Te Tai Tokerau. I muri mai tēnā ko ngā kōrero o whatitiri, i muri mai tēnā ko ngā kōrero e pa ana ki ngā citizens, citizenship. **Nonetheless, our group appearing and the matter we are addressing**

today is information pertaining to the Māori districts in the north. After that we will address information pertaining to whatitiri and also after that, addressing issues to citizenship.

Heoi anō, e huri au i roto i te reo tuarua. **So, I will speak in my second language now.**

Just acknowledging our kaikarakia this morning, taumata, our haukainga **local leaders**, our hapū of these lands and our tupuna whare **ancestral house** and the rangatira that carved the whakairo **carvings** in this whare, who we just lost this week. Acknowledging our rangatira, Lani Apiata and the hapū that have come this week.

Then, our Kaiwhakawā **Judge**, and our Tribunal panel. Welcome amongst the hapū of Ngāpuhi-nui-tonu. Heoi anō, mihi atu ki a koutou. **Nonetheless, I want to acknowledge you all.**

So, we are going to deliver some kōrero in relation to the Te Tai Tokerau District Māori Council, of which, three representatives are presenting today. We are going to deliver some kōrero on the position of whatitiri and then we are going to deliver a paper, a kōrero on citizenship, Māori citizenship in that context.

Heoi anō, e mihi atu ki tō tātou kaiarahi, tō tātou rōia, Donna, me tō rōpū, **(inaudible 09:11:55)**, e mihi atu ki a koutou e arahi mai i a mātou i tēnei wiki. Heoi anō, ka hoatu tēnei wāhanga, e te Taraipiunara, ki tāku hoa, Chantez Connor-Kingi. Ko tēnei te mea i tīmata tō mātou kōrero i tēnei wā. **So, I want to thank our lawyer, counsel, Donna and her team, and I want to thank you for guiding us this week. Nonetheless, I have been given this opportunity – Tribunal, pass it on to my friend, Chantez Kingi to begin our presentation at this time.**

(09:12) SARAH REWI: (WAI 3352)

Tēnā tātou katoa. Tēnei te mihi ki te mana whenua o tēnei rohe, kei te mihi ki a koutou. E mihi kau ana ki ngā rangatira, te Taraipiunara, ngā mihi ki a koutou.

Greetings everyone. I want to acknowledge the local people of this area. I want to acknowledge the esteemed members of the Tribunal, greetings.

I would just like to acknowledge, Tuhipo Kereopa, his photo sits in the back. My uncle, Ringa Heihei and Mane Heihei, I see my uncles on their photos on the walls.

WITNESS REFERS TO SEVENTH STATEMENT OF POSITION FOR WAI 3352

I'm a ring in from the Hokianga, from Ngāti Hau me Ngāti Kaharau, me Te Piiti marae, Omanaia, born and raised in the Hokianga. But I also sit as, on my kuia's side, as the co-chair of Aotea waka, Rangitikei, in a little Māori committee called Mangaweka. But today I am here to tautoko, like I said, I have brought onboard to tautoko Chantez Kingi and the rest of our whānau here.

This is the seventh statement of position for the New Zealand Māori Council to be presented at today's wānanga. The statement of position, of course, like we said, it is being presented, prepared by Chantez for Ngāti Kahu o Torongare. It will speak to issues under the theme of Mana Motuhake.

The starting point is that without first strengthening Māori self-governance, rangatiratanga and rights to self-determination, there can be no working arrangement within Crown models of governance. Although mana Motuhake is unique to Aotearoa, there are models in overseas jurisdictions of indigenous autonomy/governance arrangements within nation-states that could be considered when exploring how Māori self-governance can be strengthened.

So, of course, mana motuhake, our position is grounded in the lived realities of our hapū and the promises of Te Tiriti o Waitangi. In 1840, rangatira signed te Tiriti explicitly on behalf of their hapū described in the text as "ngā rangatira me ngā hapu", and they were assured they would retain tino rangatiratanga their independence and full chiefly authority over their lands, people, and taonga.

For a constitution or governance model to be legitimate for Māori, representation must be determined by Māori ourselves, in accordance with our own tikanga and preferences. The United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP") affirms this right. Article 33 declares that indigenous peoples have the right to determine the structures of their institutions and to select their representatives as they see fit. Applying this to Aotearoa, it means that the Crown cannot unilaterally decide that "iwi" or any single format is the sole legitimate form of Māori political representation. The reality is that Māori society is diverse, and while iwi identities are important, the hapū and in some cases, other kin-based or community-based groupings remain the critical locus of identity and decision-making for many of us.

Our position is that Māori representation and constitutional recognition must be grounded at the hapū level, with iwi or larger structures built up from a foundation of hapu consensus, rather than imposed from the top down.

The Crown's emphasis on iwi-centric structures has distorted the authentic constitutional structure of Māori governance and undermined hapū mana motuhake. Crown policy, especially in Treaty settlements and development legislation, has focused almost exclusively on iwi organisations or post-settlement governance entities PSGEs as the default "Māori voice."

We have witnessed instances where a PSGE or iwi trust has agreed to an arrangement, for example, over natural resources or governance structures without truly consulting the hapū on the ground sometimes claiming to act for "the iwi" while hapū concerns are pushed aside. This is especially problematic when "the iwi" is an amalgam created by Crown policy, rather than a traditional decision-making collective. The net effect is that hapū self-determination is diminished: our people feel that decisions are made in their name, but without their full participation or consent, and often without respect for the mana and kaitiakitanga of the hapū most directly affected.

Kia ora.

(09:17) CHANTEZ CONNOR-KINGI: (WAI 3352)

Mōrena koutou. Ko Chantez Connor-Kingi tōku ingoa. Ngāti Kahu o Torongare ngā hapū, me Ngāti Hine, me Ngāti Hau, me Te Waiariki, Ngāti Kororā. **(Māori 09:17:40)** kāinga.

The bit I'm going to read of my position of statement is the living experience of my own. But I have to acknowledge our tūpuna that fought this, 28 years prior to my time and into the future we had to relive it. Unfortunately, I was the appellant on the name of that application.

I'm just wanting to acknowledge that, as well as, you know, they call us the appellant in the Environmental Court because we had to apply to appeal the commissioners hearing on this particular statement I'm going to read. Sometimes I would get the word mixed up with appellative care, because that's how it felt. You were drained, you were emotionally drained, physically, the whole process is not for us as tangata and Māori.

So, whoever has endured that environmental process, you know, you come out the other end a bit worn down. So, I'm just wanting to acknowledge that and show that this is my lived experience with my hapū, uri, of Ngāti Kahu o Torongare.

WITNESS REFERS TO SEVENTH STATEMENT OF POSITION FOR WAI 3352, PARA 9

Our hapū struggles to exercise self-determination is not abstract it is woven through decades of lived experience. Time and again, Te Tai Tokerau hapū have faced barriers in trying to protect our lands and fulfil our kaitiakitanga guardianship responsibilities. We highlight these experiences not merely as historical grievances, but as ongoing injustices that demonstrate the urgent need for change. They include the burden of navigating complex legal processes, the neglect or undermining of hapū voices by local authorities, and the relentless requirement for our communities to prove and re-approve our rights in order to have them respected.

One emblematic example is the case of Ōnoke/Waitāua, an area of great cultural and spiritual significance to Ngāti Kahu o Torongare and Te Parawhau hapū in Whangārei. In 1996, our hapū fought to protect Ōnoke from a proposed development, and the Environmental Court at that time acknowledged the sacredness of the area noting that it contains ancient burial sites, sacred trees, places for burying whenua afterbirth, and a wai tapu sacred creek historically used for healing. The land was effectively recognised as wāhi tapu, too tapu or sacred to be disturbed. On that basis, the development did not proceed. Despite this legal recognition nearly three decades ago, the system failed to lock in protection for the hapū or the whenua. Instead, the local authorities later rezoned the area for residential subdivision, without adequately accounting for the earlier findings or the ongoing opposition of mana whenua. As a result, 28 years later in 2024 our hapū found ourselves back in a resource consent battle over Ōnoke, forced to once again defend the whenua from essentially the same threat that we thought had been resolved. This is *environmental injustice* in real time, a poignant illustration of flawed local governance and systemic neglect of hapū rights.

In the recent 2024 case for Ōnoke, a private company, Onoke Heights Ltd – that really got to us as a hapū, because they took that name as a business. They are all tauiwi, there's not one Māori person that represents on that board, and that was another insult to us. – Applied for consent to build a large housing development adjacent to Hurupaki maunga and the Waitāua stream. The site in question sits within Ōnoke, an area our hapū have long identified as culturally significant and spiritually unsafe for occupation due to historic events. From the outset, hapū members made it clear that no development on this land was acceptable. As kaitiaki, we carry the obligation to protect our sacred places and uphold the mana of the whenua and waterways.

This was expressed in the hapū Cultural Impact Assessment as evidence to the consent hearing:

> *"Ōnoke and the Waitāua are taonga and are identified as an 'Area of Significance'. The hapū are obliged to fulfill their kaitiakitanga*

commitments which includes protecting the whenua, people, all waterways, and the environment from harm. The active protection of Ōnoke, [the] surrounding whenua including all waterways is integral to Hapū wellbeing. Historical customary cultural activities carried out on the whenua and within the Waitāua render the whenua and the awa as unsafe and inappropriate for the living."

So, we were asked in the court hearing, for an example, so my aunty Waimarie Kingi gave an example. The KFC on Bank Street, that was an undertakers, now its tapu fried chicken. Those weren't consulted to us, we would have said, don't go there, so we use that as inappropriate for living.

The other thing for Ōnoke, it was a place where our tohunga did things for our Ngāpuih soldiers. So, you know, they either came to him living, or dead, and he would prepare them for them to be taken back to their people. So, it was not quite appropriate for living.

But they said, could you give an example of today's world. The only example we could give was most probably an undertakers, or potentially a hospital. Well, Whangārei is well known, you are going to go in with something and not possibly come out. So, you know, we gave those as examples, because they wanted to really narrow us down on which part of Ōnoke was actually tapu, in our eyes, it's the whole thing.

This statement encapsulates our lived reality: the well-being of our hapū is inseparable from the well-being of our environment. The land remembers our tūpuna or ancestors' battles fought, ancestors buried, ceremonies performed, and thus certain places are imbued with tapu that demands respect. Our opposition to the Ōnoke development is rooted in this intergenerational knowledge and responsibility.

Despite the clear cultural evidence and the prior 1996 decision upholding the area's protection, the hapū had to expend enormous effort and resources to participate in the Resource Management Act ("RMA") process. We engaged

in council consultations, provided historical research, produced a Cultural Impact Assessment, and presented expert and oral testimony. This places a significant resource burden on hapū in terms of time, money, and emotional strain simply to have our voices heard and our taonga respected. It must be stressed that our participation in these processes is often unfunded, relying on voluntary contributions by kaumātua, kuia, and other members, whereas developers and councils have access to full-time professionals and funding. Such imbalance is inherent in the RMA system as it stands.

The outcome of the 2024 Ōnoke hearing at the time of this Statement was still pending.

I can tell you whānau, we won this. But if you had to ask me, what did we win, because we didn't own the land. All we won was the protection of what was already done in 1996. So, you know, people think, yay, you won, would have been great if we also won the land back. Because when we think about, you know, future proofing, well, this is a great example that future proofing does not work.

The very need for the hapū, regret – it had already been established decades prior highlights a systemic failure. When local government planning frameworks like district plans were updated, the mātauranga knowledge and decisions achieved in 1996 should have guided them. Instead, the Whangārei District Council and other authorities appear to have prioritised development interests, effectively sidelining the hapū perspective until we forced the issue through formal objections. This is a breach of the Treaty principles of active protection and demonstrates how current governance fails to uphold hapū mana motuhake. It's a system that makes hapū continually fight to protect ancestral land often against repeat proposals on the same site is not a Treaty compliant or just system.

What happened at Ōnoke is not an isolated incident, indeed it typifies the struggle of hapū throughout Te Tai Tokerau and Aotearoa. In October 2023, two hapū of Ngāti Kahu on the Karikari Peninsula Whānau Moana and

Te Rorohuri resorted to occupying a wāhi tapu site, a dune system at Whatuwhiwhi, to halt a landowner's plan to bulldoze an access road through it.

In only giving these examples, whānau, because they are happening around us in Te Tai Tokerau, and they are not new news to us.

These hapū had earlier made over 300 submissions to the Far North District Council's new District Plan, urging the council to formally protect the dunes as a wāhi tapu. This was a herculean effort for a small community, reflecting an extraordinary level of engagement with the prescribed planning process. The hapū believed they had achieved a measure of protection through this proactive planning input. Instead, the council's actions were woefully inadequate as it granted the landowner an easement for the very road that would desecrate the dunes. The hapū were given mere days of notice before bulldozers were due to arrive, forcing them to physically mobilise, establish a roadside occupation noho whenua, and confront the situation directly. Ancestors are buried in those dunes, and the hapū simply could not allow further disturbance.

The Karikari case underscores several critical issues. First, it shows how hapū must double-handle issues engaging in good faith with formal processes like plan submissions and then, when those processes fail to yield justice, taking direct action to safeguard their rights. Second, it reveals an ongoing pattern of local authorities giving insufficient weight to hapū concerns. In that instance, a council-sanctioned easement was granted without hapū consent, directly contravening the principle that our taonga must be actively protected. Third, it highlights how hapū capacity is stretched thin: preparing 300 submissions is an enormous task, likely involving wānanga, research, writing and co-ordinating all unpaid illustrating the hidden cost hapū bear to participate in Crown systems.

The Crown's default approach has required hapū to prove their significance and fight for their status in every new context, rather than embedding hapū authority as a given. This is fundamentally at odds with the Treaty partnership and with UNDRIP Article 18, which affirms indigenous peoples' right to participate in

decision-making through representatives chosen by themselves according to their own procedures. Article 19 of UNDRIP further requires States to obtain the free, prior, and informed consent of indigenous peoples before adopting measures that affect them. A standard that, in our view, current local governance and RMA processes frequently fail to meet.

(09:31) HONA EDWARDS: (WAI 3352)

WITNESS REFERS TO SEVENTH STATEMENT OF POSITION FOR WAI 3352, PARA 19

In contrast to the above examples that Chantez has just described, an example of hapū-led self-determination in practice is Ngā Kaitiaki o Ngā Wai Māori, of which, I am the last of the founding members, 13 years ago. A collective made up of five hapū, Ngāti Kahu o Torongare, Ngāti Hau, Te Uriroroi, Te Parawhau and Te Orewai. Who exercise their mana motuhake by protecting the tuna eel populations in the upper catchment of the Wairua and Hikurangi Repo wetlands. This rōpū embodies the partnership between mātauranga Māori and Western science, combining ancestral knowledge of the waterways and tuna migration with modern ecological monitoring to safeguard this taonga species. Our kaupapa is both cultural and political: by asserting kaitiakitanga in our own rohe, they are also challenging local government practices that have long endangered the tuna.

Our group has taken a leadership role in exposing the impacts of local flood control schemes and pump stations, which during flood events kill migrating tuna as they pass through the pump blades. Through persistent monitoring, data collection, and engagement in resource consent processes, Ngā Kaitiaki o Ngā Wai Māori have built a strong evidence base to support their advocacy. This includes filing a section 128 application against the Whangārei District Council, seeking a review of consent conditions for the swamp drainage scheme that contributes to these deaths. This action reflects both technical capability and cultural authority demonstrating how hapū can operate at the interface of science, policy, and tikanga to uphold the life of their waterways, our waterways. By doing so, Ngā Kaitiaki o Ngā Wai Māori

exemplify the living expression of mana Motuhake. We act independently on our own terms, informed by both ancestral knowledge and empirical data. Our work shows that hapū are not only capable of participating in environmental governance but of leading it. It also underscores the need for systemic reform so that hapū like these are resourced and recognised as legitimate decision-makers, not simply consulted stakeholders.

The way forward lies in re-centring hapū in the governance framework of Aotearoa, guided by our own tikanga and the insights of Māori-led reports like Matike Mai Aotearoa and He Puapua. Both of these significant reports, produced after extensive Māori engagement, call for transformative thinking about constitutional arrangements by 2040 – the bicentennial of te Tiriti/Treaty.

For Māori political representation to be meaningful, it must reflect the way Māori choose to organise ourselves. At present, the Crown tends to engage with a limited set of entities often iwi-run or pan-tribal organisations and sometimes assumes these can speak for all. We reiterate representation must come from the hapū up. Both the Matike Mai report and He Puapua recognise this.

(09:35) KELLY RETIMANA: (WAI 3352)

WITNESS REFERS TO SEVENTH STATEMENT OF POSITION FOR WAI 3352, PARA 23

The 2016 report of the Independent Working Group on Constitutional Transformation, emerged from hundreds of hui with whānau, hapū, and iwi across the motu. A key finding of Matike Mai is that the imbalance in current arrangements with Crown sovereignty dominating and Māori rangatiratanga minimised is fundamentally unjust:

> *"A more fundamental imbalance existed between the Crown's exercise of constitutional authority and the constitutional powerlessness of Māori."*

In other words, despite formal recognition of Treaty principles, Māori and especially hapū have had little real power in the State's constitutional structure.

To address this, Matike Mai recommended inclusive dialogue towards new models, including constitutional arrangements where Māori make decisions for Māori, in a way that upholds our own values and structures.

One of the models discussed in Matike Mai is a hapū/iwi assembly that works alongside Crown institutional form of rangatiratanga sphere of governance. The working group did not prescribe a single model, but it stressed that any model must emanate from the people bottom-up rather than from the Crown top-down.

If a national Māori assembly or upper house were to be formed as some have proposed, our stance is that delegates to that body should be selected at the hapū or community level, not simply appointed by iwi CEOs or Crown officials. This bottom-up approach ensures accountability of representatives back to the people: a representative would carry the mana and mandate of their hapū and could be recalled or redirected by those hapū. It would prevent the disconnection that currently occurs when representatives are too insulated from those they purport to represent. The Sixth Statement of Position presented at the Tribunal's Palmerston North wānanga echoed this point, concluding that embedding hapū in the constitutional framework, "would restore balance to the constitutional relationship between Māori and the Crown and it would strengthen the legitimacy of the framework by ensuring it reflects Māori society accurately." We fully endorse that conclusion.

Critically, Matike Mai and related kōrero highlighted historical precedents where Māori created structures to express a unified voice without extinguishing hapū autonomy the Kotahitanga movement's 1892 Paremata Māori Parliament is one such precedent, which respected hapū mana within a collective decision-making body. We draw inspiration from these kupu tuku iho, inherited teachings. They show that unity and hapū autonomy are not mutually exclusive. Any constitutional reform must allow for Māori unity when needing kotahitanga while upholding hapū mana motuhake at all times. This is in stark contrast to the one-size-fits-all iwi corporate model the Crown often assumes instead, it is a pluralistic, whakapapa-based approach to governance.

He Puapua 2019 was the report of the Working Group on a plan to realise the United Nations Declaration on the Rights of Indigenous Peoples in Aotearoa. It provides a blueprint of what genuine Treaty and UNDRIP implementation could look like by the year 2040, also known as: "Vision 2040".

Similar to the findings made in Matike Mai in above paragraph [26] was the observations made in He Puapua: that while there are references to Treaty of Waitangi principles, and some recognition of tikanga in case law, the rangatiratanga sphere of influence is very small and mostly exists outside of state law and recognition.

Instead, they envision a future where Māori exercise authority over Māori matters as agreed by Māori, including having exclusive or shared jurisdiction over our lands, resources, and taonga, with our own tikanga functioning across Aotearoa.

He Puapua's conceptual framework draws explicitly on Matike Mai which introduces the idea of three spheres of governance authority: a rangatiratanga sphere of Māori governance over our own domains, a kāwanatanga sphere of Crown governance, and a joint or relational sphere where both work together on matters of mutual concern. In order to progress towards a full expression of mana motuhake it is imperative that Māori rights to self-determination be strengthened. This requires a reorientation by the crown towards kāwanatanga/governing responsibilities subject to ensuring mana motuhake as envisaged in Te Tiriti o Waitangi. We suggest the term 'Responsible Kāwanatanga' may be appropriate.

Under te Tiriti, kāwanatanga governance can exist, but not as an absolute sovereignty that extinguishes Māori rangatiratanga. Both spheres must coexist, with overlaps managed in the joint sphere. For hapū, the rangatiratanga sphere is essentially the realisation of our mana motuhake. It means our hapū governing our marae, our whenua, our communities, and contributing to regional and national decision-making according to our own structures. It could

manifest in local hapū councils or assemblies with statutory authority, or a strengthened role for kaupapa Māori entities in delivering services and managing resources in our rohe.

The He Puapua roadmap includes building the capacity of Māori to exercise rangatiratanga and acknowledging that after generations of exclusion, there is a need for significant investment in Māori capacity and institution building. This is a critical point: restoring hapū governance is not simply changing a law, but also of resourcing and supporting hapū to develop their own governance capabilities such as drafting their constitutions, developing management plans, training up new leaders, and so on.

A logical consequence of strengthening Māori self-governance would see Māori at the decision-making table in the joint governing sphere where policy matters concern them, as well as accessibility and application of tikanga.

This would be important in being able to apply tikanga in policy domains such as health, emphasising holistic wellbeing under te ao Māori/Mātauranga Māori **Māori worldview/Māori knowledge** frameworks; education; the criminal justice system; natural resource management regimes, environmental policy; including in decision-making related to culture and taonga such as language, data sovereignty, intellectual property, to ensure compliance with treaty obligations expressed in the Wai 262 report.

(09:43) GRACE LE GROS: (WAI 3352)

Tēnā koutou katoa. I did ask for a block, but they never put one. First of all, ko Tokatoka te maunga, ko Wairoa te awa. Ko Naumai me Kapehu ngā marae, ko Te Uri o Hau me Whānau Moana ngā hapū. Ko Ngāti Whātua, me Ngāti Kahu ngā iwi. Ko Grace Roimata Le Gros ahau. **Tokatoka is the mountain, Wairoa is the river. Naumai and Kapehu are the marae, Te Uri o Hau and Whānau Moana are my hapū. Ngāti Whātua and Ngāti Kahu are my iwi. Grace Roimata Le Gros is my name.**

Before I start, I just want to acknowledge our kuia, Emma Reeves, who now lays at Kapehu marae as of last night and I just want to acknowledge our whānau of Whānau Moana who have gathered down there today. Nō reira, tēnā koutou katoa. **So, greetings all.**

WITNESS REFERS TO SEVENTH STATEMENT OF POSITION FOR WAI 3352, PARA 36

When considering the issue of strengthening mana motuhake, there is a place for learning from other indigenous governance models from different countries. As we heard yesterday by Jade Kaki, if she's in the room, ngā hapū o Whangārei. As stated in He Puapua, "shared authority and jurisdictional arrangements are not novel". Aotearoa may believe itself a leader in indigenous rights, but there are other countries who are making greater strides than we are. The report considered New Zealand to be less advanced comparative to other countries with regard to recognising Indigenous authority over indigenous places and spaces.

As indicated in the above paragraph, tikanga should be able to apply, where relevant, to Māori as a matter of policy, tikanga and law. There are international examples where indigenous law in other countries are accorded the same weight and authority as national law.

For an example, in Canada, the Nisg̱a'a Nation is a self-governing First Nation. The Nisga'a Nation under their Treaty with Canada and British Columbia provide that their specific law either meets or exceed the existing provincial and federal states in areas such as education, resource management and child and family services.

Canada is also an example of a nation-state that is incorporating UNDRIP into domestic law. It is in the process of both implementing how that would operate, has committed to international reporting to the UN in adherence to UNDRIP, and working on shared jurisdiction arrangements with First Nation and Inuit peoples in Canada.

The Sámi Parliament is a non-territorial model of autonomy as the Sámi live dispersed across the countries of Norway, Sweden, Finland and Russia. While the Sámi Parliament does not hold legislative or fiscal powers like a national parliament, it plays a key role in shaping policy, distributing cultural and educational funding, and managing programs related to Sámi heritage. This model emphasizes, "relational autonomy"—working within state structures to indigenize governance through formal agreements and consultations, rather than secession or territorial independence.

The Tribunal's attention is also drawn to the need for ongoing accountability mechanisms to ensure the Crown follows through on these changes. We support the idea mentioned in He Puapua of establishing an independent monitoring or accountability body to track progress on Treaty and UNDRIP implementation. For example, a permanent Tiriti/UNDRIP Commission could be created, possibly akin to the Human Rights Commission, tasked with auditing legislation and practices for compliance with Te Tiriti and indigenous rights. Such a body could report to Parliament and the UN, providing transparency and a check on Crown action. We also see a stronger role for the Waitangi Tribunal or a successor tribunal in the future constitutional regime, perhaps with expanded powers to make binding recommendations or to vet proposed laws for Treaty-compliance, similar to how some countries have constitutional courts. These are mechanisms to ensure that once hapū rights are recognised, they cannot be eroded or ignored by unilateral Crown action in the future. The Crown's accountability to hapū needs to be formalised it should not take another 180 years of petitions and claims to have our voices respected.

Kia ora.

SARAH REWI: (CONTINUES REFERRING TO SEVENTH STATEMENT OF POSITION, WAI 3325, PARA 42)

In light of our kōrero, the New Zealand Māori Council, Ngāti Kahu o Torongare and our allied, Te Tai Tokerau hapū urge the Waitangi Tribunal to support a set of recommendations that will lay the groundwork for meaningful change. Our recommendations focus on structural reforms, support for hapū development,

recognition of tikanga, and realignment of Crown-Māori relations to be consistent with hapū rangatiratanga. We see these not as radical departures, but as necessary corrections to fulfil Te Tiriti's promise and to meet the standards of justice and human rights in the 21st century.

Constitutional transformation must recognise hapū in governance.

We call for a formal process of constitutional transformation, building on Matike Mai and He Puapua, to design governance models that formally recognise hapū authority. We recommend that the Tribunal endorse the concept of distinct governance spheres rangatiratanga, kāwanatanga, and relational. We urge the Crown to engage with Māori in co-designing the specific form these spheres will take. Importantly, any such design must be ratified by hapū themselves through hui-a-hapū and other tikanga processes to ensure its legitimacy at the flax-roots level.

Specifically, the outcome should provide for a rangatiratanga sphere of authority for example, a national Māori representative body or assembly constituted by hapū and iwi representatives, with defined powers over certain matters such as Māori education, culture, lands, and resources governance. It should also explore regional or local hapū assemblies or authorities that can exercise mana whakahaere authority to manage in their rohe on matters like environmental management, heritage protection, and community development.

Strengthening our hapū capacity and resourcing them is most important.

The Crown must invest in hapū capacity-building as a priority. We recommend dedicated funding and support for hapū to develop Hapū Management Plans, resource management expertise, and local institutions. For example, government could create a fund to support hapū and marae committees in drafting environmental and development plans for their territories, which councils would then be required to integrate into their planning strengthening existing RMA provisions that require councils to take iwi/hapū plans into account. We also seek support for training and mentoring hapū members in

governance skills, policy, and technical fields. For example, planning, law, and environmental science, so that hapū can effectively engage, not just in submissions, but in decision-making roles that they should have.

Additionally, resources should be provided to ensure hapū participation is not hindered by cost. This could include legal aid or a Treaty-based fund for hapū engagement in environmental court cases, planning hearings, or other processes that affect their rights. It is unacceptable that hapū volunteers have to mount bake sales or drain personal savings to cover legal fees to defend taonga, when those taonga should have been protected by the Crown in the first place.

Kia ora.

CHANTEZ CONNOR-KINGI: (CONTINUES REFERRING TO SEVENTH STATEMENT OF POSITION, WAI 3325, PARA 47)

We recommend a systematic audit and amendment of legislation to recognise tikanga Māori and hapū authority in decision-making processes. In the resource management context, as the RMA is replaced or reformed, new law must guarantee hapū a decision-making role over matters in their rohe, for example, through hapū nominees on planning committees, joint management agreements that truly share power, or even transfer of powers to hapū entities under existing RMA provisions which have been seldom used.

For example, section 33, transfer of powers, don't be fooled by that whānau, because it's a function, it's not an ownership.

Tikanga Māori should be given legal weight, for instance, if something is wāhi tapu under hapū tikanga, that status should have binding effect to prevent certain activities, rather than being one factor weighed against economic considerations.

Beyond environmental law, embedding tikanga and hapū authority must also occur in social and economic spheres. For example, hapū should have

recognised roles in education such as governance of local schools, development of curriculum content relevant to our history, in healthcare designing and delivering services that meet our people's needs, and in justice applying marae-based or tikanga-based restorative practices. There are international precedents for this.

Some of this is already happening through flax-roots innovation, but often despite the system rather than because of it. We seek formal recognition of kaupapa Māori solutions. A practical step would be legislation enabling local or regional hapū councils or rūnanga to be established with powers delegated in certain domains, should hapū in an area desire that.

Another step is to legally mandate co-governance arrangements for natural features of great significance such as a major river or forest in Te Tai Tokerau where hapū are equal partners with the Crown or councils, drawing on models like Te Urewera or the Whanganui River settlement but ensuring hapū not just iwi corporates hold the seats at the table.

GRACE LE GROS: (CONTINUES REFERRING TO SEVENTH STATEMENT OF POSITION, WAI 3325, PARA 51)

We recommend a policy shift at all levels of government to engage with and empower hapū directly, rather than defaulting solely to iwi or post settlement governance entity structures. This does not mean doing away with iwi organisations where they function well, but it means correcting the imbalance we described.

For the Crown, this could include directives that, in consultations or decision-making that affect Māori, representative input must be sought at hapū level, for instance, by ensuring hapū are invited and resourced to participate in policy forums, not just national Māori bodies or iwi leaders.

In Treaty settlements or other negotiations, the Crown should facilitate internal Māori decision-making processes so that hapū are comfortable with mandates. If hapū say a settlement model needs altering to reflect their rangatiratanga, the

Crown should not force a “one size fits all” approach, and I'm talking about large natural groupings. As a matter of principle, no settlement or law that affects a hapū’s rights should proceed without that hapū’s consent.

For us over in the north Kaipara region, we have taken the initiative to look after our own whenua in terms of protecting our repo, ngā repo o Te Wairoa **lands of Te Wairoa**. So, our first pilot has been on our own tupuna whenua land at Kapehu and we are about to engage with our whānau at Waihaua and elsewhere within the north Kaipara rohe.

Kia ora.

KELLY RETIMANA: (CONTINUES REFERRING TO SEVENTH STATEMENT OF POSITION, WAI 3325, PARA 54)

We recommend that the Tribunal urge the Crown to officially commit to the Vision 2040 goal of full rangatiratanga, and to do so in partnership with hapū. This could be through a high-level agreement perhaps at the 2025 Māori-Crown summit or similar affirming that New Zealand will, by 2040, restructure its governance to honour Te Tiriti in both letter and in spirit. Setting this shared goal would align with the Declaration plan and gives all parties a timeline to work toward. It is important that hapū are not just beneficiaries of such a plan but co-authors of it.

In addition to the above recommendations, the New Zealand Māori Council further proposes that a Commission or Independent Working group should be established for: “Governance for Responsible Kāwanatanga enabling Mana Motuhake”, with attention given to the governance interface between te Tiriti partners. The primary objective would be to develop Constitutional principles in reference to kāwanatanga and mana motuhake that are aligned with Te Tiriti o Waitangi.

A Commission or Independent body would be different from inquiries arising from breaches of the Treaty through the Waitangi Tribunal. It is not intended to be adversarial in the sense of the Crown defending its position

or denying its responsibilities under te Tiriti. Rather it is to give shape to the aspiration for the full expressions of mana motuhake within crown governance.

Such an inquiry has relevance to constitutional matters and would include reference to existing constitutional principles and how these need to be developed or amended, and principles of mana motuhake which are tikanga derived, tino rangatiratanga which are Treaty derived. Notably the 2023 Cabinet Manual includes a Principle of Collective Responsibility for the system of Cabinet government. This is a limited view of collective responsibility, with tremendous scope for this principle to be developed to express te Tiriti responsibilities.

To date, development of Constitutional principles has been driven by the need for recognition of Māori interests, and little on constitutional principles of Kāwanatanga in relation to mana motuhake.

An examination of Constitutional principles of Te Ao Māori and the crown show remarkable differences, for example: The rule of law, and parliamentary sovereignty in contrast to hapū (ground-up) authority, whakapapa and ancestral obligations.

A Commission of inquiry would start with recognition of these fundamental differences and then develop new and aspirational development of principles of governance, or constitutional principles, recognizing and respecting differences, and common ground. For example, Climate Change might be an agreed area for constitutional provision, while the approaches to climate change may be different.

The Commission would consider Kāwanatanga as conditional on ensuring provisions for mana motuhake and explore potential for creative development for Kāwanatanga to align with principles of te Tiriti. A representative membership would need to be designed to include hapū, Māori organizations,

Crown, civil society organizations, and include expertise attuned to this aspirational endeavour. The Commission would report by 2040.

The NZMC considers it is well placed to have a leadership role in preparing for such commission through its statutory mandate which includes self-governance and engagement with Crown and civil society.

CHANTEZ CONNOR KINGI: (CONTINUES, WAI 3325)

Anō whānau, this is my conclusion in regards to my position of statement and I just want to acknowledge the Vision 2040 in the He Puapua and Matike Mai. I'd like to acknowledge Moana Jackson and Margaret Motu, and Annette Sykes, and the rest of his team that are not in this room, that helped format that document, and the 253 hui that were mentioned yesterday. I would have loved to have been, either a fly on the wall, or in that room. Even the 50 hui that Margaret only attended that she mentioned yesterday. So, I would like to acknowledge your mahi in this space, in that we are still reading this mahi that needs to be implemented.

So, bringing it home whānau, this is the last bit of my statement.

CONTINUES REFERRING TO SEVENTH STATEMENT OF POSITION, WAI 3325, PARA 63

Vision 2040 in He Puapua and Matike Mai is ambitious but achievable, and our hapū are eager to contribute to its realisation. It aligns with Article 4 of UNDRIP, which affirms indigenous peoples' right to autonomy or self-government in matters relating to their internal and local affairs. It also aligns with Article 5, which upholds our right to maintain and strengthen our distinct political, legal, economic, and social institutions. By implementing He Puapua's recommendations, Aotearoa would move toward a constitution where hapū and iwi governance structures are not only acknowledged but play a decisive role in the nation's governance.

We have a clear kaupapa: Hapū must be at the heart of any constitutional transformation and any system of Māori representation. The future we seek is

one where our hapū are empowered to make decisions for our own people and lands, in partnership with not subordination to the Crown. This will require dismantling the monocultural notion of sovereignty that has persisted since 1840 and embracing a truly bi-cultural or multi-sphere arrangement. It is a bold step, but one that is justified by both Te Tiriti o Waitangi and international law of UNDRIP, and one that is long overdue in light of the experiences outlined above.

For the constitutional transformation to be meaningful, and this is to the Crown, it must address a question that sits at the heart of hapū experience. Who will fund the fundamentals of this position? Hapū can be expected to carry burdens of governance, environmental protection, legal engagement, cultural assessments, and community leadership through unpaid labour.

The solution is not just Treaty claims, as we did not cede our sovereignty.

Tēnā koutou, tēnā koutou, tēnā koutou katoa. **Thank you, thank you, thank you all.**

(10:06) DR MONTY SOUTAR TO NEW ZEALAND MĀORI COUNCIL:

Q. Kia ora koutou katoa. **Greetings to you all.** Just a point of clarification. In paragraph 5, where you speak strongly to the importance of hapū. But in the second to last line of that paragraph, you talk about other kin based or community-based groupings also remain critical to the locus of identity. I wondered if you could give us some examples of what sort of groups you are talking about.

A. [Chantez Connor-Kingi] If you want to look deep within that, we have like, hapū have gone and used other entities to create different pathways of negotiation. Then you have mana whakahono, that sit within the regional council, where iwi and hapū and other entities are creating themselves to be legitimate to those mana whakahono. So, like, as much as we speak hapū, we have many hapū entities that are created, that are doing the similar mahi but in different spaces. So, it's also including those into that space. I hope that makes sense.

Q. Have you got some examples in Ngāti Kahu?

A. For Ngāti Kahu o Torongare, we have – there's many because we are an urban hapū of Whangārei and we are landless. So, we have Ngāti Kahu o Torongare, we are a hapū and marae based whānau at home. Then we have our hapū iwi trust that we set up for the Tribunal, to have an entity in that space so they could seek the funding. Then we have Te Parawhau iwi, and then we have Patuharakeke iwi for the mana whakahono. So, there are many of those little entities within our urban status of Whangārei.

Q. I see. Now, you are here on behalf of the New Zealand Māori Council?

A. Yes.

Q. How does the hapū voice, how is it reflected through the council?

A. So, within the council, we have hui, we talk about our issues at home, and to be honest, we are still trying to make ourselves align better with the model that was built for this kaupapa. It's a bit like those tūpuna put this model forward in order to have a space for us as tangata to carry forward. I guess, it's a bit lost in translation over time, as our spaces have evolved, and our Māori committees have gone out and made different committees. We are trying to bring that in so we can help each other better in our spaces as hapū. Because, if you look at how we do our mahi, the common goal is the same, it's just, how do we get there together, yes.

Q. I was just thinking about the upper house that you spoke about and trying to give representative voice to all hapū. How would you do that given the amount of hapū in the country?

A. I guess it's, and this is another one where we have sort of been lost in translation, have learnt behaviours that has lost trust in some of the leadership. So, we lack leadership, but I guess, if we gathered the leadership into positions where they can feel like they have the support of their people, then you know, we must – would be more empowered that way. But we don't do that enough, I know we are trying to in that kotahitanga space and we could if we get on the waka together. But we have so many different risk factors around us that mislead trust.

Q. Thank you, I appreciate your answers.

(10:10) PRUE KAPUA TO NEW ZEALAND MĀORI COUNCIL:

Q. Kia ora. I just wanted to clarify one of the things in your example you gave about Ōnoke.

A. [Chantez Connor-Kingi] Yes.

Q. In terms of what happened between 1996 and 2024, were you involved in any of the processes in relation to plan reviews, for example?

A. Kahore. So, when they put out the district plan in 2014, it was sent out in an email, it was 100 and something people, and even the Judge couldn't suffice what it was that the council were trying to send out. Apparently, that was the notice of the district land change. So, we weren't apart of that because when hapū don't respond it's taken as a yes, that we agree. If you saw the email that was presented in the Court, to the Judge, from Whangārei District Council, because when we **(inaudible 10:11:48)** it, they couldn't find it. But on the say of the hearing, it popped up and he said he couldn't even understand if this was the notice that was getting sent out publicly. So, no, we weren't apart of the 2014 district plan review.

Q. Just in terms of your structure, I guess, that you are referring to in terms of moving forward. Do you see the structure working within existing processes, because you talk about commissions of inquiry, you talk about changes to the legislation having a greater, or do you think there is more likelihood of recognising a Māori voice by having something entirely separate?

A. I think, if we are being given the opportunity to do a reset, and it's not about reinventing the world, because some of the things do work and some don't. The reset will encourage us as tangata, if we are given the opportunity as hapū, to do a reset, and what does that potentially look like. But if we are not given that opportunity, then we don't essentially have a timeframe, we meet and we are wasting each other's time if we are not collectively there for a good purpose. So, if we get the opportunity to reset, then some of those existing entities, or existing models have some value, but not all of it.

Q. Do you have a preference?

A. I think, a lot of the – not really, because for example, when we got put into the tuhono nuku space, hapū had to get ourselves together to not just tick

boxes, but to understand what we were ticking. So, that was a good understanding and our group that was here on Monday, that presented, Ngā Hapū o Whangārei. Nicky and Huhana Lyndon really engaged that space to say, it's not just a yes for tuhono nuku, there are other factors that we had to consider. So, in that process, I think it taught us as hapū, what we really needed to think about, because even though the model structure was there, it still gave hapū an unfair process at the bottom.

Q. Kia ora. The last issue is about your reference to the He Puapua, and the accountability mechanisms. With the, and I think has already been discussed, the issue about the emphasise on hapū. Would, in the accountability mechanisms, or the governance, or the oversight moving forward in terms particularly of implementation of UNDRIP. Would you see that the base for that governance group is hapū based and if so, where do you see the role of national Māori organisations or statutory bodies and so on? Groups that aren't specifically hapū based.

A. Kia ora. I guess the intent of He Puapua and Matike Mai was the intent for hapū, and it came from a space of hapū spec, so, the model is about hapū. So, I guess the other things that, in regard to other entities that are already established, it's not their mana and their process, because at that time, that was an offer that they took. Their tūpuna and ancestors at that time did a lot of work in that space, so I don't want to disregard anything in that space. But I do feel like there are things that could have been implemented that could have made that process a lot better. I can only come from a hapū lens, because that's what I'm imbedded with at home. Is if we are given the opportunity, we would implement the He Puapua recommendations and Matike Mai and implement those things because they pretty much come from a hapū space.

Q. Kia ora, thank you.

(10:16) DAVID WILLIAMS TO NEW ZEALAND MĀORI COUNCIL:

Q. Ngā mihi o te wā ki a koutou katoa. I just want to sort of add to the questions you have had from the other panel members and just put it more bluntly. So, when your hapū centric, authentic constitutional

structure is in place, there is no place for the iwi leader's forum and there is no place for the New Zealand Māori Council. Is that right?

A. [Chantez Connor-Kingi] Well, I have to disagree in some sense because the New Zealand Māori Council is set up for marae, hapū. That was the foundation model of what it was set up. So, if you look at the marae hapū throughout the whole of New Zealand, there's a model there that was way before my time and I'm not saying I'm old.

But what I'm saying is that the model was there for a purpose, and I guess, we haven't really had a good run and good go at the model because we are so displaced and disconnected in some ways. It's because the environment we live in has so many different elements that take us off track as hapū. But then we are required in all these different rooms to be able to fight all these different things.

So, if we got a team to focus on those one things that would imbed and bring those things to one space, it would make our job a lot easier at home. Whereas, on the hapū, opposed to going into councils every second day to fight for our whenua and our waterways being polluted and so forth. So, I do believe that there is a model from the New Zealand Māori Council and from the iwi's perspective. I don't want to disrespect any iwi that sit in this room because I can only speak from a hapū lens, we don't even sit on that table because we haven't had a settlement. We have a lot of sediment, but not a settlement.

So, you know, I don't want to disrespect that, but that model doesn't work for us at home, because we don't get the opportunities about what they talk about in those forums, because we are not a settled iwi. So, I only hear about where they're going to be held and usually, they're like two days out from the Waitangi Day, and then you hear all the goss afterwards. But yes, it doesn't work for all of us.

Q. Tēnā koe.

(10:19) KEVIN PRIME TO NEW ZEALAND MĀORI COUNCIL:

Q. I have a similar question that Monty asked, but I'm not sure if I got the answer that was, how do you deal with the representation from all the iwi

or hapū around the country, how would they be selected. There's a whole lot of issues and I wasn't sure what your answer was.

A. [Chantez Connor-Kingi] Kia ora, uncle. I guess that's – we are not trying to reinvent the wheel, what I'm trying to say, if hapū are given the opportunity and there is a space for us to pick the leaders that we need in that leadership role, those are hapū wānanga that need to take place. We know exactly how those role, sometimes not necessarily – they are robust, that's the word, they are robust. But you know, good robust discussion is good, it's not all taken negative, the whare are built for that robust kōrero. So, that may take time, but at least, if we are given the opportunity to create that mechanism, it will be dealt with in a way that it's a real thing, opposed to another thing –

Q. Kua pai tēnā –

A. Sorry, uncle –

Q. No, that's a lot clearer now, I understand better, kia ora.

A. Okay, thank you.

(10:21) HONA EDWARDS: (WAI 3352)

Mō te mutunga o tērā kaupapa, ko ngā hapū te mana ka mutu. **This is the presentation, the hapū have the mana, that's the end of that.**

E te Kaiwhakawā, e te Taraipiunara, koutou ngā hapū, **Your Honour, Tribunal, to the hapū** we will go into our next paper.

Ko Hona Eruera tēnei. **Hona Eruera speaking.** We are going to present our next paper, the eighth statement of position.

Heoi anō, ko Whatitiri te maunga, tu te ao, tu te po. Ko Waipao te awa e rere, rukuhia. Ko Maungarongo te marae. Ko Te Uriroroi, Te Parawhau, me rātou hoki ngā whānau Te Mahurehure ki Whatitiri maunga ngā hapū. Ko Ngāpuhi-nui-tonu te iwi. **Whatitiri is the mountain that stands in the day and the night. Waipao is the river flowing. Maungarongo is the marae. Te Uriroroi, Te Parawhau, and the whānau of Te Mahurehure Whatitiri maunga are the hapū. Ngāpuhi is my iwi.**

Heoi anō, I stand today, as the chair of the trust Whatitiri Māori Reserves Trust. I hand over this time to our kōtiro who is going to stand and present on our position in Whatitiri.

Kia ora.

(10:22) SARAH REWI: (WAI 3352)

Kia ora mai tātou e te whare. **Greetings to the house.** Ko wai au? Ko Sarah Rewi tōku ingoa, he uri tēnei nō Ngāi Tahu, Ngāpuhi, Te Uriroroi, Te Parawhau, Te Mahurehure, nā reira, nō te naughty nōta ahau. **Who am I? My name is Sarah Rewi, I'm from Ngāi Tahu, Ngāpuhi, Te Uriroroi, Te Parawhau, Te Mahurehure, so, I'm from the naughty north.**

Just to correct there, we are jumping to the nineth statement of position and then we will return to the eighth statement of position.

Ka pai, while the paperwork is getting sorted out, I will just have a bit of a kōrero.

Tu nei ahau i tēnei whare i runga i ngā pokowhiwhi o ōku matua, o ōku tūpuna. I tēnei wā e maharatia e au ngā karanga maha i waenga i a tātou, nā reira, ki te haukainga, nei rā te mihi nunui ki a koutou, ki te whare nei, tu tonu, tu tonu, tu tonu mai rā. **I stand on the shoulders of my ancestors. At this time, I remember all of our people, many people amongst us. So, to the local people, I want to thank you very much, and to this house that continues to stand and endure.**

Our ninth position of statement is something that we gathered together as a people, of Whatitiri maunga, and when my uncle Hone here, introduced us in a practice that we as Māori know so well, as pepeha. I'm preaching to the choir here, but today I didn't want to bring out anything new, but to remind us of those core practices.

That our pepeha, they're words I've known my whole life. They are words that we use to tell the world who we are, where we come from. Who our neighbours are, and the stories that we have to tell. So, when I speak these words in front of people, ko Whatitiri te maunga, tu te ao, tu te po. **Whatitiri is the mountain which stands in the day and at night.** I draw from the pride of my maunga and how that is a grounded source of my identity.

Ko te oranga o tāku iwi, ko te wai o Waipao. **The prosperity of my people lays in Waipao.** It's from the ancestral waters of Waipao that we as a people draw our collective identity and our lifeforce. He wai tuku kiri, he wai rukuhia, i inumia e ōku matua, e ōku tūpuna. **The waters where we wash and bath, and the ancestors (inaudible 10:25:15).** It's a kōrero tuku iho to which we connect with both our mokopuna and our tūpuna at the same time.

Pepeha is an intrinsic to our hapū worldview and the way that we engage with the kōrero today, to do with sovereignty and mana motuhake. It's always been our position at Whatitiri that our sovereignty was never ceded. But when it comes to mana motuhake, we perhaps have a slightly different conceptualisation about how we view our autonomy on the marae.

WITNESS REFERS TO NINTH STATEMENT OF POSITION FOR WAI 3325

According to the oral traditions that I have been taught, we have a close relationship with four different types of mana. Our mana tangata, mana atua, mana moana and mana whenua. **Mana of the people, mana of the gods, mana of the seas and of the land.** When I consider the practice of pepeha, it's clear to me that as a people, we draw our identity from our whenua, mana whenua. It's from our whenua that our marae draws its authority and therefore, any consideration of sovereignty must also be drawn from our whenua.

I think this is an important discussion to have because when we discuss concepts like tino rangatiratanga, mana motuhake, sovereignty, governance. They are at the end of the day, overarching abstract concepts that guide our values in this space. But it's our whenua that keep us grounded, and when we

see the struggle to practically implement our values of sovereignty, our values of governance for every hapū, that's where it must begin.

Our self-determination at Whatitiri, we see, is expressed through our right to autonomously manage our resources and our people within our rohe. We draw on our whakapapa and our connection to whenua as rights of first occupants to validate this claim.

It's so often spoken about on my marae, throughout the north, throughout the motu, our sovereignty was never ceded. But when I examine our sovereignty through this definition of autonomous resource management, I found our sovereignty lacking. We have no ability to govern ourselves and our resources, because there are endless systematic and hegemonic obstacles that oppose us at every turn on our own whenua within our own waters. This is not the sovereignty that our tūpuna imagined.

This is exemplified to us through our Treaty claims process, which is one of the only forms of resistance that has been left to us to fight for our whenua and for our people. Specifically, our Wai 2024, we are trying to reclaim management over our ancestral waters of Waipao from a colonial management regime.

Thus, any form of sovereignty that we speak about must engage at the marae level, because Wai 2024, our approach to our fight for our sovereignty is ours alone. But it is not in isolation, it is diverse, but not different, and so, every marae and every hapū throughout the motu must have the chance to have their voices heard.

Strengthening our governance as Māori should always be based upon the kawa, tikanga, and mātauranga of our marae. Until our governance of ourselves and our whenua can move forward unopposed, we cannot claim to maintain our sovereignty. We agree with all statements prior given on sovereignty. This is merely our own conceptualisation from Whatitiri, drawn from the authority of our marae, of our whenua, where the voices of our people are not only heard, but absolute. Sovereignty must find its grounding in whenua

if we are ever to see its practical implementation, it cannot be homogenous, but it must celebrate the diversity of all our marae.

So, I leave this as a provocation, not only to ourselves, but to all marae and hapū. We need to internally examine, what does sovereignty look like to us. Outside of the definitions and mandates that have been provided. Outside of the system that has been enforced upon us.

To the Tribunal, we recommend that you ensure that any framework of sovereignty, that each marae and hapū comes forward with, is not only accepted within the system, but the diverse approaches are systematically upheld and actualised.

Nā reira, hei kapia e au tēnei kōrero, you know, ka hoki ai au ki ngā kōrero o ōku tūpuna i tēnei **(Māori 10:30:30)**. Nā reira, tēnā koutou, tēnā koutou, tēnā rā tātou katoa. **So, I will conclude the presentation remembering what my ancestors said, so, thank you, thank you all.**

WAIATA TAUTOKO

(10:31) DR GRANT PHILLIPSON TO NEW ZEALAND MĀORI COUNCIL:

Q. Tēnā koe, and thank you, all of you. But I just wondered, and I understand what's being said. But if Māori self-government is to be hapū representatives and marae based, what happens to all the Māori who are disconnected from their hapū and their marae. I mean, I'm wondering, this is going to be a small minority of a minority. So, how is that going to work?

A. [Chantez Connor-Kingi] There is a realm within – aroha mai, I'm tautoko on this one – within the Community Development Act. The New Zealand Māori Council has a realm there where disenfranchised Māori are able to form their own Māori committees within the Committee Development Act. Therefore, allowing themselves a voice to be heard. So, there is that support there for them.

Q. I still don’t see how they would fit into, say, a hapū parliament, where you know, there a hapū representatives.

A. [Sarah Rewi] I think this is a bigger kōrero to have, and these thoughts are merely what comes from our marae and everyone else will have their whakaaro. But to be grounded in whenua is not just to be grounded in your whakapapa, we have whāngai, tikanga. We have, you know, ngā karanga maha, the many connections that draw between us.

I, for myself, I'm from Te Taitokerau, I live in Tamaki, and so, our Māori that are disenfranchised still have relationships with the whenua through which they grow and are looked after. So, I see that there's opportunity for them to still engage with that relationship of whenua.

Q. Okay, it just occurred to me that if you get the resources, there could be a massive outreach to reconnect people to their whenua and to their marae and hapū.

A. [Sarah Rewi] Koia, koia.

Q. Okay, thank you very much.

A. [Hona Edwards] Could I just add to that. From home, and I'm sure a lot of other hapū do. We go to places like Auckland three times a year to do exactly that, reconnect with our people. Very often, it's because the heads of our families have passed away and their children, their uri don’t have somebody to lead them home. So, our role, our mahi in our marae is to go and have hapū hui in those places, and I know that a lot of other hapū do, do that.

But alongside of that is, sometimes you have to save up for three months to get one trip down to Auckland because it's expensive and it all comes out of, you know, fundraising and things like that. You know, people who work putting in a koha for us to be able to reconnect with our people. A lot of our people have been gathered up by outfits like the Waipareira Trust and those sorts of things, because it's convenient where they live. So, there is a lot of work by hapū being done to reconnect, not only in Aotearoa, but even over in Australia and places like that.

CHIEF JUDGE FOX:

I want to mihi ki a koutou, tēnei rōpū rangatira, i haramai nei ki te whakaatungia o koutou whakaaro. **Thank you, this esteemed panel who came to present your views.**

HOUSEKEEPING – TIMETABLING (10:34:55)

HEARING ADJOURNS: 10.35 AM

HEARING RESUMES: 11.02 AM

DEREK FOX ADDRESSES TE MINENGA – FINANCIAL ASSISTANCE (11:02:38)

(11:03) GRACE LE GROS: (WAI 3352)

Tēnā koutou anō **greetings once again**. Like in my first pepeha, ko Tokatoka te maunga. Ko Wairoa te awa. Ko Te Uri o Hau me Te Whānau Moana ngā hapū. Ko Nau Mai te marae. Ko Kapihi te urupā, wāhi tapu o ngā mātua tūpuna. Ko Grace Ngāroimata Le Gros rāua ko Kelly Te Retimana. **Tokatoka is the mountain. Wairoa is the river. Te Uri o Hau and Te Whānau Moana are the hapū. Nau Mai is the marae. Kapihi is the burial grounds of the ancestors. I'm Grace Ngāroimata Le Gros and Kelly Te Retimana.**

Kelly is going to speak this morning on the citizenship that has affected his whānau living and born in Australia and other parts of the world. I must say the citizenship affects not only us in Taitokerau from the Cape down to Ngāti Whātua and Central Tāmaki but also all our whānau throughout Aotearoa and beyond. So I'd just like to hand it over to Kelly. Tēnā koutou **thank you all**.

(11:04) KELLY RETIMANA: (WAI 3352)

Mōrena. Kelly Retimana taku ingoa. **Morning. Kelly Retimana is my name.** For clarify, once again, I speak on Māori citizenship in Aotearoa and overseas. Every city, town, village, and community, every iwi, every hapū, every whānau is affected by migration. We leave for new opportunities whether financial,

social, or environmental. Arriving in a new country, we find and develop these opportunities, often with new families resulting. Those new families receive citizenship at birth in the new country, but there is a price to be paid for foreign citizenship.

WITNESS REFERS TO EIGHTH STATEMENT OF POSITION FOR WAI 3325, PARA 12

So this is all starting at number 12 at the personal statement.

The concept Māori today, Māori tomorrow, Māori forever is difficult to embrace when you are Māori overseas, because what does it mean to be Māori in another country when you're not tangata whenua? Growing up in Australia for example as a Māori is already challenging but then we come back to New Zealand and we are treated as foreigners in our own whenua.

New Zealand is a relatively new nation shaped by migration. However, countries like England have centuries of migration history and allow double descent rights even through great-grandparents. The Citizenship Act needs to be updated to reflect modern realities and uphold Treaty obligations.

We now have many whānau working overseas. In places like Indonesia, Middle East and even places in Africa where New Zealand does not really have strong relationships with these countries so this makes it even more difficult for them to get citizenship because of where they were born, even though they actually whakapapa to Aotearoa.

Australia may be less difficult for citizenship rights because you can get dual citizenship. But if you were born in Australia and are citizen by descent that means your children cannot get automatic citizenship here in New Zealand.

In the 1960s my parents had migrated to Australia. During the 1970s and early 80s, my brothers, my sister and myself were all born in Brisbane, Queensland. My tuakana's daughter is currently studying her first year of medicine and in

six years' time we will proudly welcome Dr Retimana to our family but not to practice here in New Zealand.

My nieces would have loved to have spent their overseas year here in Aotearoa with their grandfather. However, to study, it is difficult as even marae learning often uses NZQA equivalent certificates and for that you need to be a New Zealand citizen or you pay a very high price.

We are also missing the current generation of high vis, highly qualified, extremely highly well paid nephews and nieces who will soon require OIA permits to purchase tūpuna whenua. Both of my brothers' children and my sister's children are ineligible for New Zealand citizenship. My sister's grandchildren of which she has five currently including one born this month are ineligible for New Zealand citizenship.

Equivalency to British laws for Māori as per Article III would allow double descent (i.e., their grandfather's birth place would automatically allow dual citizenship). Special circumstances also allow British citizens to claim their great-grandparents birth rights, so generationally it just carries on. This is hard if you want to keep yourself Māori and if you want to come back to here.

So that's the end of that insert and I take the rest as read. Okay, kia ora koutou. Thank you very much.

(11:08) PROFESSOR DAVID WILLIAMS TO NEW ZEALAND MĀORI COUNCIL:

Q. Tēnā koe. I was on that panel that produced *He Tangata Whenua* report and your experience you just outlined there now, or the facts of your ineligibility for your mokopuna to come. So, one of the big issues that will need to be sorted out, which I'd like to ask you what you think the solution is, what we thought as a panel was that Crown officials in either Immigration or the Department of Internal Affairs are not the right people to ask: "Are you Māori and what does it mean to say you're Māori?"

A. [Kelly Retimana] Yes.

Q. So who should it be? Is it a hapū body that assesses your desire to take New Zealand citizenship of Aotearoa New Zealand? Who would be making the decisions about giving that citizenship? Presumably not the Crown so who?

A. [Kelly Retimana] Okay. To start with our iwi and our hapū when they are going through their registration processes all come back to our marae and our marae have a taumata who must authorise that and acknowledge it. It's not just a simple I as an individual put my thing in and you must accept it as read. There is a formal process within our processes which ensure that there is a recognised authority within our iwi and within our hapū to give those processes. Yes, that's as far as I can.

[Hona Eruera] Can I just respond as well?

Q. Yes.

A. It's the kāwana ture that's stopping us from coming home. It's the kāwana ture that's stopping our people from coming through the borders. We've got to get them through the borders first to acknowledge their whakapapa to their whenua that will be done at the marae within their hapū.

CJ FOX TO KELLY RETIMANA – COPY OF CITIZENSHIP REPORT

A. [Grace Le Gros] But just to your question, the other thing is that whakapapa doesn't lie. It's going to filter out who shouldn't be there. So that's unique to us as Māori. But also just taking it back to your own whānau, they're going to know who should be entitled to their own DNA. But the key is whakapapa doesn't lie. Kia ora.

(11:12) DR MONTY SOUTAR TO NEW ZEALAND MĀORI COUNCIL:

Q. Āe, kia ora Kelly. We've all got whānau in Australia and other places so we understand what you're saying. It just made me think about multiply owned Māori land. At some point as the shares are inherited by grandchildren and great-grandchildren who have long gone from the country, because we have that experience now we're trying to find owners who don't live in the country, they're actually owners of Māori land but based on what you've told us may not be citizens.

A. [Kelly Retimana] Yes.

Q. It's quite a strange situation that we're moving into.

A. Yes.

Q. The other thing I was thinking in Gisborne Tūranga we've got a Māori Battalion Memorial Museum it has a thousand men's photographs on the wall and the museum who sort of opens and closes it get people coming in wishing to take a photograph of their tīpuna and they're all forever asking us who are volunteers how do we manage that. Because our policy is as long as you're a descendant of the person who is on the wall you're welcome to take a copy. But it works. Even without going back to the whānau, there is enough of us who know who is who in our community to say yes let them do it.

A. Yes.

Q. So I can see that Māori would figure out how to do this if you allowed them to.

A. I would hope so, yes.

(11:13) DEREK FOX TO NEW ZEALAND MĀORI COUNCIL:

Q. Is the arrangement that so if someone is born in Australia – and I've got mokopuna who were born in Australia –

A. [Kelly Retimana] Yes.

Q. – and presumably in order to travel they need a passport –

A. Yes.

Q. -- and so do they get a New Zealand one or an Australian one?

A. Okay. I moved back here permanently seven years ago. I travelled on an Australian passport and I applied for dual citizenship here. So that's how I had to do it. There was a process. I did investigate in Australia but there was a difficulty because there was an age limit of 21; it was easy. Over 21 it was harder. When I came back here though, I was able to go and talk to people and visit different offices and that would allow me to go through the process a lot quicker. Obviously everyone knows kanohi ki te kanohi is faster, easier, but with the High Commission's only in certain places in Australia it's a very slow process over there.

CHIEF JUDGE FOX TO UNIDENTIFIED SPEAKER – DISCUSSION

WAIATA TAUTOKO

HONA ERUERA ADDRESSES CHIEF JUDGE FOX – WAI 1040 STAGE TWO REPORT, MIHI, ACKNOWLEDGEMENT (11:17:28)

(11:18) DONNA KERRIDGE: (#B043)

Tēnā koutou katoa e huihui mai nei i raro i te maru o Te Tiriti o Waitangi. He mihi mahana ki a koutou mō tō koutou kaha i te wānanga i ngā kaupapa o te wā. **Greetings everyone gathered here under the mantle of Te Tiriti o Waitangi. Warm greetings to you and thanks for these discussions of current matters.** Before we begin, we would like to acknowledge Kingi Taurua, Merehora Taurua, and Lani Apiata. Thank you all for the opportunity. Thank you the Tribunal for the opportunity to co-present on behalf of Ngā Toki Whakarururanga and our Wai 3342 claim.

Ko wai au? He uri au o Waikato o ngā hapū Ngāti Mahuta, Ngāti Tahinga hoki. Nō Kāwhia me Te Pūaha o Waikato ahau. Ko Donna Kerridge tōku ingoa. **Who am I? I'm a descendant of Waikato and of the hapū Ngāti Mahuta, Ngāti Tahinga. I also come from Kāwhia and Port Waikato. My name is Donna Kerridge.**

I would also like to acknowledge Annette Sykes and Co for their support in our efforts to bring to bear this claim before the Tribunal. My role here today is as one of the Wai 3342 claimants and as Kaihautū for the Ngā Toki Whakarururanga, or one of the Kaihautū.

I will take my notes as being read by the Tribunal. However, I would like to reiterate that Ngā Toki Whakarururanga was established through a binding agreement between the Crown and Wai 2522 claimants. In that agreement both parties recognised Ngā Toki Whakarururanga as an independent Māori-led Treaty partner in trade negotiations. Our role is to uphold the Māori rangatiratanga and the mana of taonga Māori, lands, resources, and cultural heritage in all areas of international trade and economic policy. We strive to work alongside the Crown as an equal partner advancing trade opportunities

for Aotearoa while strengthening and protecting Māori intergenerational rights and responsibility within trade agreements.

Māori had always been successful traders and entrepreneurs, and we are in it for the long game, caring for the mana and the mauri of both whānau and whenua. Māori economics are clear one is not sustainable without the other. Historically, we have proven ourselves to be some of the best strategists the world has seen not only in warfare but also in trade.

Māori have actively resisted Crown control over trade across generations whether in agriculture, rongoā, kai sovereignty, the care and protection of taonga species or international commerce. We have consistently affirmed that tino rangatiratanga includes economic sovereignty.

Examples of Māori resistance to Crown control in trade goes back to the 1850s when the Crown imposed custom barriers and sought to divert Māori trade through colonial channels. Māori resisted by establishing and building our own flour mills, purchasing ships, and refusing to recognise colonial customs and authorities, an unequivocal assertion of economic independence.

In 1870 at Parihaka Te Whiti and Tohu led peaceful resistance not only to land confiscation but also to Crown encroachment on Māori economic life. Parihaka sustained its own food production trade and distribution systems directly challenging colonial authority.

In the 1990s the Wai 262 claim resisted Crown control over Māori trade relating to taonga species, genetic resources, and mātauranga Māori. Claimants argued that the Court could not determine who commercialises taonga derived from whakapapa.

In 2015 the 2522 claim challenged the Crown's practice of entering trade agreements and establishing intellectual property and regulatory systems without Māori authority or participation directly affecting Māori rights over taonga species, mātauranga Māori, and our own economic futures. The claim

made clear that the Crown cannot negotiate away Māori rights in trade or IP without Māori consent.

Recent legislation or more recent legislation attempts, including the Plant Variety Rights Amendment Act, the Therapeutic Products Bill, the Genes Technology Bill, the Treaty Principles Bill, the Regulatory Standards Bill, were all strongly challenged by Māori for the risk they posed to constraining control and protection over the economic use of whenua, taonga species, including rongoā Māori and mātauranga Māori. Together these frameworks attempted to centralise Crown or corporate authority over land use, plant genetics, seeds, therapeutic systems and gene technologies. They would weaken the standing of te Tiriti in economic decision-making and shift regulatory power away from Māori towards a state controlled system. These attempts undermine Māori autonomy in determining how taonga, knowledge, and the indigenous innovators participate in domestic and global trade.

Māori must exercise kaitiakitanga by retaining authority over our resources, knowledge, and systems that underpin economic life for the benefit of the whole country. The New Zealand Government have limited negotiating power internationally. It negotiates for crumbs and Māori receive even less.

Māori intergenerational responsibilities and our rights to protect taonga and mātauranga Māori become even more vulnerable in these agreements. Our trade agreements are effectively unenforceable for a small nation like us. They create the false perception of equality with our trading partners. New Zealand lacks the scale to sustain trade agreements long term because on price, or should I say tariff management, trade agreements create the opportunity for large privately owned monopolies to bankrupt small governments like ours for non-compliance and then assume government assets and even rights that properly belong to the citizens of small nations like ours.

Trade succeeds where there is trust, respect, and reliability. That is why Māori have historically excelled in trade and why Māori are continually showcased at

trade events and discussions albeit with limited influence and decision-making authority.

The two most valuable global commodities are natural resources and knowledge associated with their use, care, and protection. The government's only legitimate mechanism for protecting these for future generations is its obligation to te Tiriti. Weak Treaty clauses result in indefensible trade agreements. Our country is not for sale.

Technology and MIA, sorry, I just have to get back to my place. Sorry about this. Aroha mai, nearly there. Before I hand over to Jane who will do the heavy lifting for us at Ngā Toki Whakarururanga, I just want to remind us of Rangiaowhia near Te Awamutu. Pre-1864 Rangiaowhia was one of the most prosperous Māori farming and trading centres in Aotearoa with extensive wheat fields, orchards, market gardens and water powered flour mills. The community was exporting to Auckland, Sydney, and Melbourne and owned their own ships and transport networks. Māori agricultural output often exceeded that of the settlers but in 1864 the colonial government shot and burned the people of Rangiaowhia, mostly women and children. They destroyed crops, homes, and the livelihoods of the whole community and the government went on to confiscate 1.2 million acres of Waikato whenua.

Destroying Rangiaowhia achieved several Crown objectives. It collapsed the Māori agricultural economy in the Waikato and removed Māori trade advantage. It shifted economic dominance to settlers who then became principal suppliers to colonial markets. It marked a turning point from Māori-led agricultural trade to settler controlled farming on confiscated land.

The Rangiaowhia massacre remains one of the most devastating blows to Māori economic independence. It has taken Māori almost 200 years to recover but recover we have. Once again, some people are feeling threatened and repositioning to repeat history albeit using different mechanisms to achieve the same outcome that we saw at Rangiaowhia.

The lesson today is a warning. Controlling Māori economic and failing to acknowledge the intergenerational rights and responsibilities of Māori agreed to by our collective ancestors in He Whakaputanga and Te Tiriti o Waitangi would be akin to cutting off our nose to spite our face. If we fail to leverage our Treaty of Waitangi obligations and secure robust protections for this in our trade agreements Rangiaowhia will repeat itself.

Like Rangiaowhia, the citizens of Aotearoa are a peaceful people thriving virtually in an undefended economic hub vulnerable not to muskets but weak economic trade protections agreed to in international treaties where larger communities with their commercial monopolies pressure us into surrendering advantage through IP control over taonga species, genetic modification, land use rights, the ownership of horticultural and agricultural assets, and the associated knowledge economy. Challenges about authority and rights under such trade agreements may not be met with invasion but punitive trade provisions. See the recent debacle between Mexico and the US around the rights or lack thereof of the Mexican Government to refuse importation of GE modified corn into its own country earlier this year.

Ultimately, small nations like us risk government assets, if there are any left, being transferred to privately owned mega corporations for non-compliance eroding our economic base and our capacity to care for our people and the whenua that sustains us all. In a nutshell, weakening indigenous protection clauses weakens the Crown's position in trade agreements. It makes it easier for commercial powerhouses to cease national collective assets and it undermines our collective ability to self-determine our future. Weakened trade agreements will collapse the New Zealand economy, shift ownership of our trade capabilities to our trading partners and mark a turning point in New Zealand economic history where it will be our trading partners that control our futures built once again on confiscated land.

In my view, Aotearoa must protect natural resources, taonga Māori, and the knowledge, economy, including mātauranga Māori by strengthening Treaty compliant frameworks within trade agreements. Māori are rising again as a

joint economic force alongside the Crown. The recent announcement of a $100 million Kotahitanga Fund is clear evidence of this growing collective strength and the international interest in Māori economy. Strong, non-negotiable Treaty protections give New Zealand an opportunity to lead globally, honouring both its obligation under He Whakaputanga *and te Tiriti*, ensuring Māori rights to self-govern in trade, influence legislation, and institutionalise equity and co-governance while also protecting itself and its resources.

As Kahurangi Pania Tyson-Nathan expressed at our Ngā Toki Whakarururanga meeting with the Indian delegation earlier this year, trade for Māori is not about commercialising our culture but culturalising commerce. Te Tiriti protection is not just for the Māoris. It is the most effective tool our government has available to it against economic cannibalism by larger global trading monopolies. Nō reira, tēnā koutou katoa **so thank you all**.

(11:34) JANE KELSEY: (#B043)

E ngā rangatira me ngā mana whenua o tēnei marae me tēnei rohe tēnā koutou. E ngā mema o te Taraipiunara tēnā koutou. **To the leaders and the local people of this marae and of this area greetings. To the members of the Tribunal greetings.** My name is Jane Kelsey. I am a Pākehā. I am very aware of being a Pākehā in this context. I am a technical advisor, a pūkenga for Ngā Toki Whakarururanga, and they have asked me to present the heavy bits of the statement of position in this claim. I'll try not to be too heavy and I'll try to get the clicker right. I've retired as an academic so I'm a little bit out of touch.

Ngā Toki Whakarururanga, as Donna said, was created out of the Wai 2522 claim inquiry in the Waitangi Tribunal on the Trans Pacific Partnership Agreement. Some of you will remember the protests that there were back here on the TPPA. There is a very clear kaupapa which is that this is a Treaty driven entity. The moemoeā is he whenua rangatira. We are an independent and sovereign nation in terms of – as I said I'm the only Pākehā in this, so when I say 'we' it's Ngā Toki Whakarururanga – our duty and responsibility is to protect and advance Māori rights, both the economic rights

that Donna's talked about and those that are impacted upon by these agreements according to Te Tiriti o Waitangi me He Whakaputanga. Our goal is to achieve radical transformation through Māori leadership in trade related spaces that sets the bar to ensure that te Tiriti is imbedded in trade policy negotiations and agreements.

In relation to the Tribunal's terms of reference, we are looking at: theme 1 mana motuhake, theme 2 kāwanatanga, and theme 7 international Treaty-making and rangatiratanga.

Fundamental position from Ngā Toki Whakarururanga rangatira never ceded their mana to the Crown in the international domain just as they never ceded that mana within Aotearoa, and the whānau of Robyn Kahukiwa have authorised the use of this picture of Robyn's to convey that message.

The fundamental argument in the statement of position the exercise of mana in both the domestic and international domains was and remains an intrinsic and inseparable element of rangatiratanga that the authorised representatives of the British Crown affirmed in He Whakaputanga o te rangatiratanga of Niu Tireni and in Te Tiriti o Waitangi. That guaranteed the continuance of their authority and responsibilities including in the making of treaties. The authority of the Crown was expressly limited, as I am sure Professor Mutu made very clear yesterday, but the Crown has repeatedly overstepped that authority including in the international domain.

Māori have repeatedly challenged the claim of exclusive powers of international Treaty-making as a breach of Te Tiriti o Waitangi. Internationally that's included in the United Nations in the development of the work of the working party on Indigenous Peoples and the UN Declaration, in the World Intellectual Property Organisation, Convention on Biological Diversity, in climate change and the COP amongst others but also within Aotearoa. Some of us and some of you probably are old enough to remember the protests against the Multilateral Agreement on Investment allowing big corporations to claim

enforceable rights over the whenua and other taonga, the TPPA, and in a number of the Waitangi Tribunal inquiries.

There have as well been initiatives to step outside the Crown controlled space to have indigenous to indigenous treaties based on mana, tikanga, and whanaungatanga. Again, many will remember the work that was done on the Mātaatua Declaration, on cultural intellectual property rights of indigenous peoples back in 1993 with 150 delegates from 14 countries presented to the United Nations in the year of the indigenous peoples in the United Nations. More recently, one of our kaihautū along with Donna have been developing the Mana Wahine Declaration for Hineahuone, for seed and soil, which has now been included in the Mana Wahine Inquiry. So there are initiatives outside the Crown space.

Some of what I'm going to present today and the more dense stuff is in also a booklet that Ngā Toki Whakarururanga has developed which unfortunately the one that was circulating here is a draft; we wanted to get it out in time. But the full one is available also on the website. So if you want to read some more in-depth about this you are welcome to find that there.

Okay, so into the more substantive parts. I want to emphasise that much of what I'm going to talk about now is drawn from the work of Dr Moana Jackson in the various affidavits that Moana developed in Wai 898 Te Rohe Potae, in the Wai 1040 Paparahi o Te Raki, and Wai 2522 Trans Pacific Partnership Agreement inquiries. Dr Jackson and I had many conversations about this as we worked through these arguments. So, his starting point in typical fashion, treaties and the power to make treaties the power to treat did not suddenly fall out of the sky on unaware or ignorant Māori polities in 1840. The authority and understanding of treaties was an integral part of tikanga as law. The very nature of mana as a taonga meant it could not be alienated to another authority. No matter how powerful rangatira might presume to be, they never possessed the authority nor had the right to give it away or subordinate to some other entity, especially the Crown.

So again to quote Dr Jackson, the right to treat to make international treaties is fundamental to political authority. In all societies, the ability and the right to conduct negotiations and to enter into relationships with other polities has always been among the foundational realities of diplomatic and political authority of that polity, such as a hapū. If co-operation in co-existence with others is seen as the reason for internation or international relations, then the right to enter into treaties is fundamental to both independence mana motuhake and the necessary interdependence of those nations with others.

So the Crown claims that Te Tiriti o Waitangi is the source of its exclusive authority to make international treaties. That kāwanatanga is the authority to make treaties and that the rangatira gave away that authority to the Crown when it recognised Crown kāwanatanga. It relies in particular on Wai 262 and of course, Wai 262 predated the finding of the Tribunal in Wai 1040 that there was no cession of sovereignty. Question, would Wai 262 have said something very different from this after that report? The Tribunal there did say, and this is the small part that the Crown relies on: “International Treaty-making is an exercise of kāwanatanga,” but it also said that: “Decisions on some kaupapa should be jointly made and that some matters are so important that the Crown should delegate those internationally to Māori.” So, even Wai 262 had lots of conditions attached.

Ngā Toki Whakarururanga however relies on Wai 1040 that there was no cession of sovereignty. That the Crown’s role in the international domain was to protect Māori independence consistent with He Whakaputanga and not that rangatira and hapū would relinquish their sovereignty to the Crown in the international space.

Wai 2522 TPPA inquiry said the Wai 1040 Stage Two and the Constitutional Kaupapa Inquiry should be the place to decide what Wai 1040 Stage One means for Treaty-making authority today.

So, Wai 262 what did it actually say? This is set out in some more detail in this booklet. It said: “Māori interests in trade and economic development, natural

resources and protection and transmission of Māori culture, traditional knowledge, indigenous rights and environmental protection are all profoundly affected by international instruments." So, a lot of the kōrero around constitutional transformation is domestic but the international space impinges directly and extensively on those interests. The Tribunal said: "We expect international engagement over those same matters human rights, environment, biodiversity, global warming, trade, conflict and diplomacy and indigenous rights will increase in the future rather than tail off," so will be even more important.

It said: "In the Treaty of Waitangi the Crown acquired kāwanatanga (the right to govern), pre-1040, which included the right to make foreign policy and to represent the new bicultural nation on the international stage." So that's what the Crown relies on. In return, the Crown promised to actively protect Māori interests and tino rangatiratanga – a slight contradiction there – or full Māori authority over their own affairs. In the modern international arena, the Tribunal said that is no small obligation. The Crown must work out a level of protection for Māori interests as identified and defined by Māori. That is, reasonable when balanced where necessary against other valid interests. Difficult set of issues. And in the sometimes constrained international circumstances in which it must act, but it is for Māori to say what their interests are and to articulate how they might best be protected. In this case, in the making, amendment, or execution of international agreements.

There are times when the Crown's position on matters of core importance to Māori must be developed by consensus and preferably by a negotiated agreement with Māori. There may even be times when the Māori interest is so overwhelming and other interests by comparison are so narrow or limited that the Crown should contemplate delegation of its decision-making powers or delegation of its role as New Zealand's one voice and international affairs.

Now I want to emphasise that Wai 262 is the weak version of the interpretations that Ngā Toki Whakarururanga takes. It is putting conditions on how kāwanatanga operates.

If we go to Wai 1040 and we look in the Stage One Report at the translation of He Whakaputanga in relation to international powers, the translation of the text says: "We ask the King to remain as a protector mātua for us in our inexperience statehood tamarikitanga lest our authority and leadership be ended." "Lest our authority and leadership be ended," I knew I was going to trip on this: "Kei whakakahoretia tō mātou rangatiratanga." And then the Tribunal says: "The description of the King as mātua in our view did not imply British superiority except in international affairs." There, the request was not for Britain to usurp Māori authority but to foster it and protect it from foreign threat. So, if we go to 1835 the foreign threat is France. It's not international trade and investment treaties and other kinds of international instruments.

Wai 1040 on Te Tiriti o Waitangi again says: "The rangatira appear to have agreed the Crown would protect them from foreign threats and represent them in international affairs where that was necessary." Again, what was the context in 1840? Wai 1040 Stage Two, the first part of the report quotes from Te Mana Whatu Āhuru that: "Signatories to te Tiriti in Te Rohe Pōtae wanted a governing power that could be used to control settlers and protect them from foreign threats by protecting Māori and bringing mutual advantage." So, this international power was all about foreign policy in relation to threats from other states.

It continues: "The Treaty negotiations provided the rangatira with further reassurance that Britain's intentions were peaceful and protective. The government would be a powerful rangatira to control Pākehā and protect them from foreign powers but would not undermine their authority or exert power over them. The rangatira may well have consented to the Crown protecting them from foreign threats and representing them in international affairs where necessary, if so, however, the intention of signatory rangatira was that Britain would protect their independence not that they would relinquish their sovereignty." Now that's very different from what we now see when we are dealing with the constitutional authority claimed by the Crown that is exclusive authority to make all international treaties.

So, Moana Jackson in his erudite way talked about different levels when we are dealing with constitutional authority. There is the concept of the power that exists in a constitutional authority. There is the site of where that power is located and then there are the specifics of how that power is exercised.

Concept of Power

The idea of political and constitutional power. The philosophical base that a people develop about what government should be and the values upon which the will of the people should be manifest.

Māori concepts of power, he says, known generically as mana. Some iwi and hapū described it as mana motuhake, mana taketake, or mana tōrangapū. More latterly it was called rangatiratanga or tino rangatiratanga. The concept of power being mana or rangatiratanga.

For the Crown, the polities in Europe developed their own culturally distinct concept of power which they called sovereignty. Based on a hierarchy of progress from societies of a political barbarism, as they called it, to their civilised order. That hierarchical concept of sovereignty still underpins the concept of power exercised by the Crown today.

The site of power the governing institution through which concept of power is given effect is the institutional place where governing and constitutional decisions are made. As we have been hearing throughout this and other hearings in this inquiry, for Māori both prior to 1840 and subsequently, the site of power was the collective of rangatira or ariki who were acknowledged by each iwi and hapū as having the skills and ability and the mandate to govern. So, hapū-based. Moana puts iwi in there but fundamentally hapū-based.

The Crown site of power is the inalienable and absolute authority and dominion held by the sovereign over the land and its people modified over time to be the King or Queen in Parliament.

Quite fundamentally different sites of where constitutional power rests. Concepts of power, he says, are made up of different but inseparable specifics of power.

For Moana Jackson's specifics of power, of mana or tino rangatiratanga the power to define, the power to protect, the power to decide, the power to reconcile, the power to develop, and the power to treat, to negotiate, and commit to formal collective agreements with other polities fundamental to that concept of power.

For Māori, the very nature of mana meant specific power to treat could not be alienated to another authority such as the Crown. But for the Crown the specifics of power, the constituent parts of its sovereignty are all inalienable by it including the authority to treat.

Treaty-making is seen as a fundamental element of the Crown's authority. The Crown therefore claims a prerogative Treaty-making power that is sourced in its sovereignty. The Crown asserts the exclusive power to make international treaties on behalf of the state of New Zealand sourced in the royal prerogative of the King or the Queen of England/New Zealand derived from imperial law that denied and still denies the legitimacy of tikanga as first law and of rangatiratanga as sovereignty and justifies the exclusive application of English common law and sovereignty.

So, what's English law say? English law is what's natural, civilised, universal. It is absence. It is anarchy, an untamed nature. There is a presumption that indigenous peoples by their very nature are an inferior other who can be legitimately dispossessed because of that inferiority and resistance to that could legitimately be disciplined by colonial power as Donna has explained. Likewise, as those of you who are familiar with both Dr Jackson and Tina Ngata's work on the Doctrine of Discovery, this notion that entitled Europeans as a superior civilisation to seize discovered lands and impose their own constitutional systems in law on others. The Crown has not renounced that, despite the fact that there was work done by Te Kāhui Tika Tangata in preventing a Cabinet

paper that the Solicitor-General did not in fact advance through to the Cabinet to seek to renounce that.

This Doctrine of Discovery is founded on a belief, at what he calls, a petty capacity to treat existed. That indigenous peoples only had the capacity to give away their sovereignty and their ability to make treaties in Te Tiriti o Waitangi to the coloniser not that it would remain an intrinsic part of mana and tikanga. This underpins if you look at the Crown's statement of position in this claim its principles of constitutionalism. It claims constitutional legitimacy comes from a constitutional monarchy within a parliamentary system of government under the Constitution Act passed by the Crown's parliament. Representative democracy is sourced in majority which it describes as the underlying principle of New Zealand's constitutional conventions. The Treaty of Waitangi *not Te Tiriti o Waitangi* is *a* founding document and *one* of the sources of New Zealand's constitution, along with legislation, English common law, constitutional conventions and parliamentary customs, as if there is no inconsistency. The Treaty of Waitangi it says affects in various ways and to various extents, which it doesn't explain, how public power is exercised in New Zealand.

This also underpins the Crown's principles of constitutionalism in international Treaty-making. The Cabinet Manual sets out this prerogative that in reality vests in the Cabinet as the executive which is responsible for negotiating international treaties. It recognises that these treaties now have a growing reach and that these reduce the domestic pollical capacity, but it nevertheless defends that the executive or the Cabinet has the exclusive power to make those treaties.

So when we're dealing with international trade and investment treaties which is what Ngā Toki Whakarururanga does, we are told that the Crown, the Cabinet has exclusive right to negotiate sign and ratify treaties to make them binding on New Zealand. These are usually negotiated in secret by the Cabinet, by the executive, and the Ministry of Foreign Affairs and Trade. Not made public until they're concluded. They're complex and technical 20 to 30 chapters. They are based on a western capitalist worldview not the kind of arguments of trade that

Donna was talking about but also commodification of nature, commodification of knowledge, commodification and profit-making and exploitation of everything. Even parliamentary participation doesn't occur until the deal is done. Yet it restricts what law and policy can be adopted on culture, digital, IP, organics, rongoā, health, tobacco, et cetera with weak or no protections for the Crown's attempts however diluted they are to claim it is complying with Te Tiriti o Waitangi and Māori have no seat at this table.

There is a strategy that applies to engagement with Māori on these treaties. It was develop 24 years ago in 2001 after the big protests around the MAI and others but officials get to decide what's necessary on a sliding scale of how relevant the issue appears to be to Māori, how important it is, what level of engagement is required, what is reasonable, how to weigh it up with other interests which assumes that the officials actually understand there are issues – and in the Wai 2522 inquiry of digital they didn't think that there were any issues for Māori in relation to mātauranga in relation to the digital space. They have the political will to engage and they're actually prepared to act on what Māori say. So that is the extent to which the Crown currently considers that it is required to engage.

The Crown refused two years ago to actually revisit that strategy. It's been called for in many different situations, including Wai 262, Wai 2522, Trade for all advisory group report. Te Puni Kōkiri urged an urgent review of this so there could be some Treaty compliant approach, however TPK says it, to dealing with international treaties. MFAT rejected that.

Ngā Toki Whakarururanga in the mediation agreement has this kind of privilege space here. There is supposed to be genuine and meaningful influence over trade policy and negotiations. But the Crown remains in total control of all information. To access that, we have to sign confidentiality agreements. That means that other Māori can't be told what's actually been negotiated. The other negotiating state has to agree to that.

In the current India FTA negotiations, India said: “No, you can't see what’s on the table,” even if you signed the secret squirrel deal. The Crown then decides what action to take on the advice, if any, and what protection is required for Tiriti responsibilities, obligations, and rights vis-à-vis other interests such as Fonterra and others.

All of this criticism led to a review conducted within the Ministry of Foreign Affairs and Trade under Minister Mahuta between 2021 and 2022. But that review was secret. Not even Ngā Toki Whakarururanga with its mediation agreement was told this was going on. They decided rather than looking at the constitutional questions that this would be an incremental and pragmatic approach to identify the best balance to address recommendations and improve outcomes for Māori and the public while “avoiding the need to consider proposals that would require significant constitutional change which could be challenging to navigate”.

The Cabinet paper says: “The Crown does not seek to substantially change the Crown’s prerogative or address fundamental issues of constitutional balance of the executive’s role in negotiating or concluding treaties with Māori interests as a Treaty partner. This would require a first principles review which I am not proposing at this time. This process…,” the Cabinet paper acknowledged: “…may elicit calls from civil society and others to go further and provide a greater role for parliament.” And then they said: “It is also likely the changes proposed in this paper will not fully meet the expectations of some Treaty partners who advocate for a systemic constitutional change.” But even this incremental and pragmatic paper never got to Cabinet because of the fuss around Three Waters, He Puapua et cetera.

To conclude, what might a tino rangatiratanga mana-based approach to the international sphere look like? The Crown says quite correctly that the state has to speak with one voice internationally because that’s the way that negotiations between state polities work, but there is absolutely no reason why the state of Aotearoa New Zealand has to be spoken for by the Crown. There is no reason why it cannot speak with one voice that reflects the rangatiratanga,

kāwanatanga relationship envisaged in He Whakaputanga me te Tiriti. So that's what constitutional transformation in the international space would look like.

Now Professor Mutu and I were just having a wee chat before about how does Matike Mai's structures address this question because it's an elephant in the room. What does a kind of federalised structure look like? That's a part of the challenge I think that Ngā Toki Whakarururanga is putting before this inquiry. There are indigenous to indigenous relationships, Mātaatua declaration et cetera. But the power currently rests with the international institutions, in particular in the trade and investment space in places like the World Trade Organisation that embody a worldview that is antithetical to the worldview that Māori anticipated would operate antithetical to the operation of tikanga, antithetical to the wholistic approach to understanding what the political economy means in a genuinely mana enhancing way. So there is a really big set of challenges as to how to think that through.

Just a final comment on that, MFAT is about to consult on a strategic foreign policy assessment that it does every few years and one of the key elements of that assessment is going to be New Zealand's enduring interests and values including the Māori-Crown relationship and the Crown's obligations under Te Tiriti o Waitangi. Now if we look at where the Crown's thinking is at present and where MFATs approach has historically been what it is going to write in that and how is there is going to be a response to that because that response needs to connect back to the hapū levels that we were talking about today, what does hua parakore mean, what does rongoā mean, what do economic relationships mean that are imbued by Māori values, that is not going to be what's in MFATs interpretation. Ngā Toki Whakarururanga wanted to kind of bring that kaupapa that take to this space and hope that. The process against TPPA weren't all in vain, yes. It put on the agenda some of these questions and we need to now work out how to take them further. Kia ora.

(12:10) DR GRANT PHILLIPSON TO DONNA KERRIDGE, JANE KELSEY:

Q. Tēnā kōrua. I actually have a very pragmatic question though that may be a dirty word. I'm just wondering if those Cabinet papers that you referred to in those documents are they all online?

A. [Jane Kelsey] No.

Q. Are they publicly available the one that the Solicitor-General did and the other one that was done under Nanaia Mahuta?

A. Yes.

Q. Because of course I want to go and read them now.

A. Yes, very good. On the ngatoki.nz website, which is a little bit of a mess, there is a tab Kaupapa under that is Constitutional and in there, you will find a variety of those documents I have to say that the only reason we found out about that Cabinet document and the secret review that MFAT conducted was through a reference to something in an Official Information Act request that I did and then we had a whole series of to and fro getting that. The analysis of the whole two years' documents is on that website. Summary of it is on here. The Waitangi Tribunal Climate Change Inquiry has a summary document that was the initial one. You don't have to wade through all of the documents but they are there. In the most recent climate change document, the Cabinet paper has been attached. Ngā Toki Whakarururanga is a party to that and that was filed last month, was it?

Q. Thank you.

A. Okay, cool. In relation to the Doctrine of Discovery one that document I'm pretty sure is also there as well. But we can provide it because it's referred to in there. But Tina Ngata forwarded it to me as well, so we can make sure both of those are on the record.

Q. Okay, thank you very much and thank you very much for your very illuminating presentation. Kia ora.

A. Kia ora.

(12:12) DR MONTY SOUTAR TO DONNA KERRIDGE, JANE KELSEY:

Q. Yes, I agree too thank you very much. I just wanted to make sure Donna that some of your notes weren't – yes, that they are filed because there's some good stuff in there.

A. [Donna Kerridge] I do have them written but we'll pass them on.

Q. Kia ora, thank you.

A. Thank you.

DEREK FOX ADDRESSES DONNA KERRIDGE, JANE KELSEY – MIHI, ACKNOWLEDGEMENT (12:12:54)

WAIATA TAUTOKO (PEOPLE OF AOTEAROA)

MIHI TAUTOKO (OWEN KINGI)

(12:15) IAN MITCHELL: (#B048)

Te whei ao, te whei ao ki te ao mārama, tihei mauri ora. Tēnei te mihi ki te haukāinga, ngā kaikarakia, ngā rau rangatira, ngā mihi ki te atua te tīmata, te mutunga o ngā mea katoa tēnei te mihi. Tēnei te mihi hoki ki o mātou kaumātua kua ngaro te pō e noho ki tēnei wānanga rua tekau tau pea a kua ngaro te pō a Aunty Emma Gibbs, Aunty Rose Strongman tēnei te mihi. Tēnei te mihi ki o tātou tūpuna kua ngaro te pō. Āpiti hono tātai hono hunga mate ki te hunga mate, āpiti hono tātai hono ngā kanohi ora tātou ki a tātou. **To the world of light the daylight, behold the breath of life. I want to acknowledge the local people, to those who recited the karakia, to the assembled leaders, and I pay homage to god the beginning and the ending of all things. I also want to acknowledge our elders who have passed on who participated in wānanga for 20 years and have passed on like Aunty Emma Gibbs, Aunty Rose Strongman. I want to pay homage to them and to our ancestors who have passed on. We join together and pay respect to the dead, and as we join together and pay respect to each other the living.**

Ko Pihiriri, ko Kareariki ngā tūpuna ka puta ko taku tupuna ko Erana Kareariki ka moe ki a Arthur Edmonds ka puta ko Matilda Edmonds. Matilda ka moe ki

a Davis Strongman ka puta ko Robert Strongman. Robert Strongman ka moe ki a Esther Robinson ka puta ko Amelia Strongman. Amelia Strongman ka moe ki a Ernst Cartwright ka puta ko Esther Tattersall. Esther Tattersall ka moe ki a Kevin Cavanagh ka puta ko ahau te kaikōrero o tēnei wā. Tēnā rā koutou. **Pihiriri, Karearikі are my ancestors who begat my ancestor Erana Karearikі who married Arthur Edmonds who had Matilda Edmonds. Matilda married David Strongman and they had Robert Strongman. Robert Strongman who married Esther Robinson and they had Amelia Strongman. Amelia Strongman married Ernst Cartwright and they had Esther Tattersall. Esther Tattersall married Kevin Cavanagh and they had me the speaker at this time. Greetings.**

Te taha o taku māmā ko Te Ahuahu te maunga. Ōmāpere te roto. Ko Te Kerekere te awa o ngā rangatira, te awa ki te tai tamāhine. Ko Hokianga te awa ki te tai tamatāne. Ko Te Uri Taniwha, Te Hikutu ngā hapū. Ko Ngāpuhi kōwhao rau, Ngāpuhi taniwha rau, ko Ngāpuhi kai tangata e te iwi. Tēnā rā koutou. **On my mother's side Te Ahuahu is the mountain. Ōmāpere is the lake. Te Kerekere is the river of the chiefs, the river going to the assistance. Hokianga is to the west. Te Uri Taniwha, Te Hikutu are my hapū. Ngāpuhi of a hundred chiefs and a hundred hau is my iwi. Greetings.**

My mum's descended from Ngāpuhi here. Aroha taku reo te reo o te kāinga **apologies for my language of home**. I'm going to move in and out of the reo rangatira **noble language** and the reo Ingarangi **English language**.

I stand as a humble man before you all. My lawyer got me out of my garden, sent a taxi to my house in Waima for goodness sake, and brought me today. I stand before you as a humble man who would prefer to be in the garden. Ko te mahi nā te mahi o tātou tūpuna nē. Te mahi tuatahi, yes, te whakaora the whānau, the hapū. Te mahi o ngā tūpuna ko Rongomatāne, ko Haumie-tiketike hoki, wai Māori, kai Māori a tēnei taku mahi, tēnei taku mahi. **So we're still practicing what our ancestors. Firstly, is to provide for the whānau and for the hapū. The practices of the ancestors in line with Rongomatāne,**

Haumie-tiketike the gods of natural water, natural foods and those are what I practice.

On my father's side, I'm Irish, descended from a Sinn Féin. My mother's father is a Welsh rebel. On my mother's side, I descend from Uenuku and Kaharau. As far as I can see, I'm the Crown's worst nightmare. Tēnei te rawe o Ngāpuhi, nē. Tēnei te rawe o Ngāpuhi. **That's how awesome and wonderful Ngāpuhi is.**

Aroha mai taku ngākau ka tangitangi nā te mea ngā **apologies, I share emotions from my heart because of** generational trauma, nē . How is it that today I can stand before you? How is it today that I can stand before you and know that my children are no longer sustainable in this land? The thing, the one thing guaranteed by the Treaty that our people remain sustainable in their own land. All you other fullas can go home. But we, our back is to the wall here and we got nowhere else to turn. We stand on an island.

So you can take my submission as read. I just want to speak just a few things of my reality of what I live and have lived and my experience. I speak my truth as best I can. Tēnā rā koutou e ngā rangatira **thank you to the assembled leaders**.

So that first point, how is it that we're no longer sustainable in our own land? How is it that my child can't afford to pay the power bill next week so that my mokos can eat? How is that? Kāhore e pai. Kāhore e tūturu ki te Tiriti, kāhore e tūturu ki ngā mahi o ngā tūpuna. **It's no good. It's not true to te Tiriti and to the practices of the ancestors.** Ahakoa ka tū ana ahau tēnei rā ka kōrero **although I stand today and speak**, I guess I speak all of the things that my kaumātua have passed to me. Ahakoa **however**, my starting point is I was adopted at birth, nē. This little taniwha, this little silver belly taniwha found his way home. So that now I can sit with my kaumātua and my kuikui ka kōrero te reo o ngā tūpuna te reo rangatira **elders and speak in the language of the ancestors in our noble language** and that I can express some of the things that have been expressed to me.

I don't stand here representing anybody but myself and my children. Nobody will sign for me except myself. Nobody will sign for my children except myself and then in their own right when they're ready.

All of these fullas that have signed our Treaty rights away. You know the kaumātua o Hokianga **elders of Hokianga**, Dick Dargaville stand up you know in his arrogance I would say: "E Ngāpuhi, I signed all your fullas rights away in the Treaty and the fisheries settlement." I couldn't help but stand up and say: "Well, matua, you signed for your own whānau, you and your whānau, you didn't sign for me." How is it my kaumātua still don't have a fish, eh?

So, I take my hat off to those beautiful ladies who stood and spoke before me with those beautiful words. But for me too many words for too long, eh. You know we know keep churning over these words and turn them over and then Crown come along and just push them aside and carry on.

And sorry if I offend anyone here. If I swear, it's not in disrespect. It's in emphasis. And I'm sorry if what I say may offend you. Ahakoa tēnei ngā mea **although these things,** these are the things that have been handed to me and I speak as best I can to them.

Te mea tuatahi, tūturu ana He Whakaputanga, te mea tuatahi o tēnei whenua a tātou tūpuna o ngā rangatira anake o ēnei whenua. Ka kōrero tōku kaumātua ko te ara kua horahia ngā tūpuna haere tonu tō hīkoi. **Firstly, I am true to He Whakaputanga, the first document of this nation our ancestors said that this land belongs only to the chiefs. My elders said that the pathway has been laid out by the ancestors. You must continue on your journey.** Our tūpuna already laid the path, all we've got to do is walk it.

My reality at home is that the Crown don't come to door. My reality at home Westminster law don't touch me. I watch the political news. I watch elections come and go. They may or may not have any influence on my life. But where I live at home ko te hand shake, ko te kanohi ki te kanohi anake te ture, anake

face to face over the law! Tēnei te tikanga o tātou tūpuna **they are the traditions of our ancestors**.

Te Tiriti tuatahi **the first Tiriti** was between my rangatira me te Kuini **chief to the Queen**. Kei hea a Charlie? Kei konei a Charlie? Kāhore. **Where is Charlie? Is Charlie here? No.** King Charles not in the room. And when these clever fullas of the settler persuasion create a constitution rewrite that agreement that's not how contract law work. My agreement on my rangatira remain rangatira ki te rangatira **chief to chief**.

Aroha mai, I'm just going to sit down for a minute. The first report said: "The undeniable conclusion of the Waitangi Tribunal is that Northern Māori never ceded their sovereignty." And the report two which is about that thick details the lies, the skullduggery, the fraud, the murder, the rape o tātou whenua, o tātou taonga katoa **of our lands, of our treasures**, undeniable.

How is it that four people signed away a block of land that run from Kerikeri Inlet to Kawakawa where tens of thousands of my tūpuna lived, of our tūpuna lived? Because a settler holding that so-called sovereignty rewrote the law that said that could happen and they rewritten it a hundred times to tell us: "It's okay Māori, we'll just rape your taonga one more time and we'll give it another name this department." Today it's Department of Conservation. Yesterday it was called Lands and Survey. The day before that it was called Forest Service or something like that, nē. But department after department raped our taonga, i te katoa **all of it**.

I started my life on the end of a slash hook cutting down tea tree $40 an acre and now I'm watching my whānau replanting those same mānuka on those same whenua. I spent most of my life self-employed, probably that rebel nature, eh. The last 15 years, except the last five, I worked as a māngai o te Karauna **a representative of the Crown**, a Relationship Manager of Kauri Dieback programme. I've travelled throughout Aotearoa to look at kauri trees and talked to the Māoris about their kauri trees.

Imagine 99.7% of those old trees were taken. Of that 99.7% of old trees that were taken about 90% of them went to the match. About half of what came down the river in a flood was smashed into a match stick. So, those few that remained could be a mast or a house or something of value in that world. We recover a little bit, we recover a little bit. Ahakoa if there's such a thing as genocide well that's one, before that the tohora **whales**.

Now for 50 years the kauri was the main export of Aotearoa. This country built on the back of the kauri on a bridge, on a road, on the moni that was generated from the kauri. Next year the government cuts any funding to the kauri tree and its health. Āe, not of economic value anymore. It don't sit in the picture of economic value anymore, except maybe as a tourist destination ā Tāne Mahuta who by the way is struggling to survive. He rākau, he rākau **it's a tree, a tree**.

So I don't know very much about anything at all but know a little bit about some things and kauri is one of them, hauhake tohora **cutting whales**. Matua Hori Parata e toru ngā tohora kua hauhake koe **there are three types of whales that you cut**, then you get the badge, nē. When you've harvested three whales you get the badges and I've been part of that revival where we put in place some protocols around those things. Because when you're standing on the beach and you're watching a digger and a bulldozer push around your taonga split his guts open: "Hurry up and bury it before the Māoris get here," a 50 foot paraoa **whale**.

I've been up inside that paraoa for five days. You've got wait about three days for him to break down and start to melt off the bone and then you climb up inside him and you bone him. Like boning out 50 cows at once, a 50 tonne whale. It took us five days. E toru ngā iwi **there were three iwi**, Te Rarawa, Te Aupouri, Ngāi Takoto all fighting about how owned the whale. The whale got a name as we do with our taonga Waimoho, look at yourself, Waimoho.

In my experience, I see our taonga almost taken to extinction and yet we still hold on. In that same sense, us and our blood lines the mōrehu we're like those endangered species. Our blood line we're like those endangered species.

Some of those names that I see, signatories He Whakaputanga they're not names you hear anymore kua ngaro **it's been lost**. Toitū te Tiriti **honour te Tiriti**, they say. Toitū te kauri **honour the kauri**, they say. Kāhore, toitū te whenua anake, kua ngaro te katoa. **No, only the land endures and everything else has been lost.**

What is it that we hold onto? What is it that we have left? What sovereign right do we have in our land? In my experience, the cow got more sovereign right in this land than we have. He can go anywhere and he never gets accused of anything or prosecuted of anything.

And I find it hard to find a tuna in my creek. My mokopuna cry: "E papa, kāhore e pai kia kai te tuna aini **Papa, we can't eat eels now**." How do we uphold our mahi o ngā tūpuna **of the ancestors** when those things that are so integral to us are no longer practiced? The harvest of a whale, the harvest of a tuna.

I don't mean to offend anybody again but I've watched this process now for 20 years for Ngāpuhi or somewhere about there. I sat in the room in I think it was Waitangi Copthorne with my kuikui **elders** at Te Paparahi o Te Raki te tuatahi **at the first Paparahi o Te Raki**. My kuikui said: "We don't want these fullas money. We don't want anything to do with those fullas. Give us our land back. Ko te tāhae o te whenua te mea nunui ki a tātou **the theft of the land was most important to us**." That is the blow. With the whenua hei aha ai **what's the purpose**, with the whenua o te rākau **the land with the trees**, with the whenua ko te tai **the land on the coast**?

You know I watch on behalf of my tūpuna I got to write a report to Heritage New Zealand. Now Mr Heritage, he know more about my tūpuna than I do now. Mr Heritage is holding my story. And also when the white man is telling my story back to me better than I know it myself, it starts to hurt just a little bit.

For me, the thing I want to emphasise why I stand here today, why I chose to come out of my garden to stand here today, two or three things that I just want

to emphasise from my statement. Our tūpuna laid the ground work called He Whakaputanga. The British made a law to keep their rebel under control as per the Preamble for the keha, for the parasite that never stopped. The keha never stopped; he go until there's nothing left is the nature of the parasite and I still see that around me today.

So, while I write a report that says: "This site Mr Heritage was something special to my tūpuna." He said: "Well, that's all right but you're going to have to take that to the Environment Court." So I got to the Environment Court and I say: "E Mr Charlie, e toru ngā Tiati **three judges**, hey, Mr Judge and Mrs Judge, this is my story, this is our whenua." "Well, you're making that issue too big, we're only looking at this narrow framework. It was just too big for us consider." But I write that report about a little piece of whenua somewhere.

When I sit at home, I sit in the gardens of Taumahurihuri. Ngā mihi ki ngā pakeke, ngā kaumātua hoki o Taumahurihuri e noho mai nei. Ngā mihi. **I want to acknowledge the elders of Taumahurihuri sitting here. Thank you.** When I sit in my whenua and I do my gardening, I look this way and I see Whakatere, nē. I turn and I look this way and I see an urupā tawhito **old burial ground** Maungatapere. The kāinga a Kiriputia **the home of Kiriputia**. How many of you fullas and know who lived there a thousand years ago now? So this knowledge it goes every day. That other piece of land, it goes every day. Open up the government book on a website somewhere, I'll show you a thousand pieces of land for sale in Taitokerau today, today. While these laws from the past took thousands and thousands of acres. I suspect what you offer Ngāpuhi in settlement be about the value of two blocks of land, coastal land.

From the time that Tainui settled, how many years ago now, how many times has the value of land doubled and doubled and doubled and doubled again. And tomorrow they want it to double again so they can sell it to the China man for $2 million not $1 million.

The economy of this land has been running on speculation and exploitation and rate of our whenua and our taonga from day one. Written in the (inaudible

12:43:47) of parliament. Continues to this day. When are we going to grow up out of that as a nation? Ahakoa ka tangi taku ngākau, ōku tūpuna, te whenua, toitū te whenua anake, anake. **Although I cry from my heart, the land belonged to my ancestors. Only the land remains, just the land.** Forget everything else, give us back our land. Don't wait until tomorrow, give it now. Put embargo all land sales in Ngāpuhi today so that it may be returned.

Tāhae whenua te katoa. Hoki mai te whenua. Tini ngā kaumātua e tū nei ka kōrero tēnei kōrero. Kua ngaro aini. Ahakoa tēnei kōrero tūturu ana. **Give the land back. Many elders have stood and shared this kōrero said the same thing. They have passed on now. Although this is through genuine kōrero, one in the same.**

You know in a show of good faith, in a show of recognition the extent, the width of the divide of what's been lost to what you offer back to us today, the width of that divide is so great embargo all lands in Ngāpuhi and give them back today. But don't put them in a Pākehā trust, a trust kotahi of te nunui o Ngāpuhi. Cousin Shane reckon "one trust for all of Ngāpuhi" good luck with that one.

Whenua got a tātai, tātai got a whenua. And we haven't been around that long that we can't find a tātai from the time of the Turton deeds and the gains that have been played all the way along to this day. You know the tātai. We know the tātai. Give it back! It came to you as freehold Māori land, give it back as freehold Māori land to the tātai.

Not to the trust, hōhā, hōhā. Why? Because on that trust that fulla he got no connection but he's sitting there as some expert in corporate finance or something like that. Because that's what we've been fed.

Kua mutu taku kōrero. I thought I had 20 minutes when I started and that seemed like a long time to me; a long time and now I'm told that's already run out. Ahakoa, tēnei taku tangi, tēnei taku kōrero, tēnei taku kōrero tūturu. Tihei wā mauri ora. Kia ora mai tātou**. Although this is my cry of what I have to say and it's genuine. Thank you.**

QUESTIONS FROM THE TRIBUNAL – NIL

MIHI TAUTOKO (KAUMĀTUA)

WAIATA TAUTOKO

HEARING ADJOURNS: 12.48 PM

HEARING RESUMES: 1.29 PM

DEREK FOX ADDRESSES TE MINENGA – TIMETABLE UPDATE (13:29:53)

(13:30) RAEWYN KAPA: (#B046, #B046(a))

Tēnā tātou e te Taraipiunara. Ko te mea tuatahi me mihi atu ki a koutou. **Greetings to the Tribunal. Firstly, I want to acknowledge you.**

I understand that the submissions made have been read. This presentation would be an adaptation of those submissions made. Tēnā tātou **greetings all**.

WAIATA PAO

Aroha mai ka pakaru ana taku technology. Heoi anō, he pao tērā mō taku kaupapa. Āe, he aha te mahi i tēnei? Aua hoki. Me tīmata anō. **Apologies, the technology broke down. However, that's a song in relation to my kaupapa. Yes, what's going on here? I'm not sure. I'll start again.**

I'll read it. Me tīmata anō tērā **I'll start again**. I tārerarera mai tōku tinana. I tārerarera mai i taku taha. I **(Māori 13:33:26)** mai i taku wāhinetanga, tōku mana nui, tōku hōnore, tōku hākoakoa. I tāhaetia tōku ngākau, i tāhaetia tōku hinengaro, aku tamariki, aku tama, aku mea katoa. I whakakahore taku whaeatanga i kīkī e te Pākehā, i kīkī e te tangata, i wahangūhia e te ngākau kino ana ka mau. Kāore rātou i te Māori, ehara rātou i āu. Hūtia te rito o te harakeke, kei hea te kōmako e ko. Kī mai koe ki ahau: "He aha te mea nui o te ao? Māku e kī atu he tangata, he tangata, he tangata." **…my femininity, my great mana, my honour, my heart and mind. My children, my sons and**

all things were stolen. My identity was stolen by – it was named.. They are not Māori and they are not mine. Remove the heart of the flax. Where will the bellbird sing. And you ask me: "What is the most important thing in the world? It is people, people, people."

Ko te mea tuatahi ki a koutou, e mihi ana e huihui mai nei i tēnei rā. He uri ahau mai Te Taitokerau. Ko Te Aupouri te iwi o taku pāpā. Ko Ngāpuhi hoki te iwi o taku māmā. Nō reira, he hōnore māku ki te whakatakoto tēnei kaupapa ki a koutou katoa. **Firstly, I want to acknowledge everyone gathered here today. I am a descendant of the north. Te Aupouri is my father's iwi. Ngāpuhi is my mother's iwi. This is an honour for me to present this kaupapa before you.**

E te Taraipiunara tēnei te mihi nui ki koutou. He hōnore ki te kōrero tēnei kaupapa i tēnei rā. Ngā mihi nui. **The Tribunal thank you very much. It's an honour for me to speak on this kaupapa today. Thank you.**

Āe, konei tonu. Ko Raewyn Kapa tōku ingoa. Ko ahau te kaiwhakahaere o Te Rito Foundation. He kaupapa tēnei e pā ana ki ngā tamariki mokopuna o Oranga Tamariki. E mahi ana au ki Tāmaki Makaurau mō ngā whānau i raro i tērā mahi o Oranga Tamariki. **Yes, it's still here. My name is Raewyn Kapa. I am Manager of Te Rito Foundation. This is an initiative in relation to children in Oranga Tamariki. I work in Auckland for whānau under the work of Oranga Tamariki.**

So thank you for your patience with the technical previously. I'm going to past the notes because they're not coming up. I'm just going to go with our slides here. A slight digress.

My kōrero today was based on two parts of our statement of position in terms of the Constitutional Inquiry. The first part will look at constitutional matters, sovereignty and electoral defects, international law, and Waitangi Tribunal limitations, comparative models and constitutional solutions and Tribunal's mandate and constitutional reform imperative and small summary. And then I'll

move into part two which is our kaupapa of Te Rito which is we have a constitutional vision that I'll discuss and Māori child welfare as a constitutional matter and structural context for recognising Māori authority. I'll have a closing summary as well.

Moving on to part one. Again, thank you for your patience without my notes. But to put it briefly, the first part of our kōrero, – I might just come over here – our first claim is that contend that sovereignty.

TECHNICAL ISSUE – MICROPHONE

Kia ora tātou. As we have all have contended here and we all potentially agree that sovereignty was asserted by the Crown. The Crown claimed sovereignty over us without our consent and that was found in Stage Two of the 2023 report that we did not cede sovereignty. There was the findings in there that we agreed to share authority and what that looked like. We take the view alongside others that Māori leaders expected Governor Grey to oversee his British subjects and protect Māori interests while Māori would retain their self-governance. Of course, we have seen differently with the historical exclusion where Māori have been excluded as equal constitutional partners with authority limited by Crown established boundaries and Pākehā institutions and of course, the ongoing restrictions in terms of custom systems that continue to filter Māori representation and authority through these same structures. So that impact on participation clearly outline that there are constitutional flaws that restrict genuine Māori partnership, representation, and the ability to exercise authority in Aotearoa's political system.

Moving our lens to an international perspective. We just affirm the various articles pertaining to this. My apologies for my notes taking us to digress on that. But UNDRIP affirms our indigenous people's rights to self-determination and governance and IMRIP as well calls for States to align their national laws accordingly. Aotearoa is meant to endorse UNDRIPs commitment in 2010 but we continue to see that the key rights and protection for Māori remain unmet, so that gap between international standards and local implementation is still

evident which we are all aware of. Respectfully, we find that the Waitangi Tribunal currently lacks its binding authority so it cannot enforce Māori constitutional partnership outcomes that depend on political will instead, and fulfilling international obligations and Māori rights requires a constitutionally empowered body with binding decision-making powers.

Alongside that international lens, our discussion includes a comparative model and a constitutional solution pertaining to welfare laws. In this case, indigenous welfare laws of the United States that are relevant to our tamariki here and bringing it into the constitutional space. For example, the United States Tribal Sovereignty, for them they're constitutionally recognised and have tribal councils that have enforceable authority, and they have jurisdiction under the Indian Child Welfare Act which is upheld by various decisions of the US Supreme Court that endorse that. Our equivalent here in Aotearoa for hapū organisations and iwi and so forth, we have similar structures to the US tribal councils, but we lack constitutional protection and any enforceable authority.

We have Māori partnership status. Various organisations have that partnership status with Oranga Tamariki for example. But that's restricted authority compared to the international standards that are available for indigenous rights. Thus, our recommendation in terms of the Tribunal is that we need constitutional empowerment as a potential Court. We suggest a Court because of the jurisdiction that we could realise as an indigenous grouping similar to that of the United States and its tribal councils and its legislation that gives that jurisdiction to the iwi equivalent for their tamariki is what we seek. And that in doing so, that empowerment creation would provide us a binding authority Tiriti based as well as Te Whakaputanga for our tamariki in that space.

Moving to our next slide. We move our discussion to the kaupapa about the Tribunal mandates and electoral reform. Our discussion point there is that at present there's little, if any, obligation by the Electoral Act to te Tiriti. No legal duty for parties to honour te Tiriti or tikanga Māori and the impact that this has both on constituents in and under of that Act.

Māori protections and representation are weak. For example, we have parties that use Māori concepts without iwi, hapū authority and/or accountability. We end up having a quasi-representative group of te Tiriti principles but lacks in application in various forms through our political parties some. We know that through recent events that show a system allows Treaty obligations to be ignored. Furthermore, that those same western rules often override whakapapa and Māori endorsement and these policies also erode Māori partnership rights.

Māori Wards also in local government are vulnerable as we know and see. That systemic problem lacks Treaty-based oversight where Māori voters face disenfranchisement. The urgent constitutional reform is needed in that regard and all parties must be required to honour Māori authority and representation with robust protections needed for true partnership.

Moving forward. I might just skip the summary due to time if that's okay. We'll just skip the summary there, but I understand this will be available elsewhere if you need to see it.

We're just going to skim over our second kaupapa which is the Te Rito constitutional vision. In brief, Te Rito Foundation's vision is that our tamariki are our rangatira and they are the rito of our harakeke. I named it Te Rito Foundation based on my Te Aupouri roots. If there is going to be an organisation based on an indigenous framework for tamariki mokopuna, then it comes from that space whakapapa-wise, and we all know where that whakatauki comes from. So that responsibility for whakapapa and continuity lies with what we deem the bond of the parents that align to the legislation, grandparents and its wider extended whānau and anything that undermines these familial roles jeopardises Māori constitutional integrity. We contend that a Māori constitutional framework must be included there in terms of entrenchment. We seek entrenchment in our kaupapa of those values, dual authority, kāwanatanga, tino rangatiratanga, jurisdiction based on tikanga, customary law pertaining to rūnanga, having that mandate, and whakapapa and kawa.

I'm just mindful of the time given the technicalities. We might just skim through it to the end parts. There is much discussion there on welfare. There is a part case you might be interested to see and in your own time *Harland v Bracken* which was a key case in the United States that was supported by the Supreme Court in having Indian tamaiti come out of a whānau and placed with an Indian family, even though they were placed by State law which indicates the federal difference and power and authority that we'd seek as Māori. That would really work for us to have something similar. So that's that discussion there.

Just moving through that there. I think the other point I want to make as well is that in having this entrenched view pertaining to Oranga Tamariki the welfare of our tamariki is really important in terms of you become politicised with you're either in the law or not. With the removal of 7AA that we saw that becomes politicised and it's devoid of the Treaty obligations that is meant to be afforded of our tamariki and whānau in that space.

No reira, kua mutu aku kaupapa mō tēnei rā. I'm mindful of the time so thank you to the Tribunal. If there's any questions I'll avail your podium. Kia ora.

(13:47) DR GRANT PHILLIPSON TO RAEWYN KAPA:

Q. Tēnā koe.

A. Kia ora.

Q. Thank you very much for this.

A. thank you.

Q. So where you mention up there that there are Tribal Courts operating alongside the Federal Courts and holding binding authority –

A. Yes.

Q. – is that just in that space of that Child Welfare Actor is it more generally?

A. So in that case, the tribal councils have the jurisdiction of the placements. In our case, depending on what tribal iwi they belong to it would go to that rūnanga or that tribal council to discern its placements. They have their own rules and regulations as to how that child is managed. It is done in

a corporate sense whereby it isn't an ad hoc regime within the tribal councils but it is one that the ICWA prescribes for the tribal council in administering under jurisdiction here.

Q. How are those tribal councils funded?

A. I didn't go into the funding part of them. But I understand that they're recognised by the federal law so they may well receive federal resource.

Q. Funding from the Federal Government, okay.

A. Yes.

Q. Thank you very much for your kōrero.

A. Kia ora.

(13:49) CHIEF JUDGE FOX TO RAEWYN KAPA:

Q. Kia ora. I wasn't going to say anything but given this topic. Tribal councils are usually elected bodies that have a federal recognition in the United States. They also have Tribal Courts. They're an associate and attached to land so the reservations essentially –

A. Yes.

Q. – and beyond that their jurisdiction doesn't flow. It's State law that flows beyond that, except in the case of Indian children where the jurisdiction of the tribe follows the child which I've always thought is fascinating.

A. Yes.

Q. So it doesn't matter where they live in the United States, if they're Navajo the Navajo Tribal Council can take responsibility for that child. Thank you for bringing that to our attention. It's a good model and thank you.

A. Thank you. Kia ora.

(13:50) DR HOPE TUPARA: (#B081, #B081(a))

Tēnā koutou **greetings**. I'll say it first, my name is Hope Tupara. I'm the National President of the Māori Women's Welfare League.

WITNESS REFERS TO SPEAKING NOTES #B081(a)

E timu ana te tai, e pari ana te tai. Papaki kau ana te tai ki te ākau aroha. Papaki kau ana ki te tai o mihi. Koia kei waho rā ngā matimati o Tangaroa e pupuri ana ki te panekoti o tōna māmā ko Papatūānuku te tūranga ka mau tonu.

Ko ngā whakahaere ki runga ki a ia koia ngā kawa me ngā tikanga e kōrerotia nei e tātou. **The tides ebb and flow. The waves crash on the beach of love and acknowledgements. Out there are the fingers of Tangaroa clasping the skirts of his mother, Papatūānuku, who maintains and she controls. That is where kawa and tikanga are derived from that we are talking about.**

Tēnā koutou ngā uri e whakairingia ana ki runga i ngā pakitara o te whare nei, ka piri tahi ki ngā mate e kawea ana e mātou, haere koutou oki atu. Huri noa ki te ora, ko ngā hapū o konei, te wai o rua e pupu ake i ngā kokonga o tēnei whare. Kai tērā whare manaaki ki te taha, te tuanui o tēnei whare ko Te Tiriti o Waitangi hei whakaruruhau mō te katoa, tēnā koe, tēnā koutou. **Greetings to the descendants of the ancestors hanging on the walls of this house and we add them along with our own dead, so rest in peace. Returning to we the living, the hapū, the spirits within the four corners of this house. I acknowledge the roof of this house, Te Tiriti o Waitangi, which is providing shelter for all and thank you, thank you all.**

Ki te Taraipiunara koutou ngā rangatira tēnā koutou, te Kaiwhakawā Matua tēnā koe. Koutou ngā rōia, koutou o te taha o te Karauna ka aroha ki a koutou. Otirā te hunga e tau nei, ngā kaikerēme, ka tūohu ahau i a koutou rārangi kōrero i puta ana i te rangi kua pahure tēnā koutou. **To the Tribunal, to the esteemed panel members, to you Chief Judge greetings. To the legal counsel, and Crown representatives, I sympathise with you. To everyone here, the claimants, I bow my head before your history and the kōrero that you have showed over the past few days.**

Before I start, I want to acknowledge the whakapapa of the Māori Women's Welfare League. Te tuatahi ka tīmata ahau ki ngā pou whakaruruhau ko Te Ariki Te Puea Herangi I, kātahi Te Arikinui Dame Te Atairangikaahu i tēnei wā Te Makau Ariki Atawhai Paki, ko Kīngi Tūheitia ki te rangi, Te Arikinui Kuini Nga wai hono i te po ki te whenua. Rire, rire hau, Pai Mārire. **Firstly, I begin with the original pillars, first Te Ariki Te Puea Herangi, secondly, Dame Te Atairangikaahu, and at this time Te Makau Ariki Atawhai Paki**

and King Tūheitia is in the heavens, and Nga wai hono i te po is on earth. Goodness through peace.

Kātahi ki te perehitini o mua a **I want to acknowledge past presidents** Dame Whina Cooper, ko Miria Logan, Maata Hirini, Ruiha Sage, Mīria Karauria, Dame Hine Potaka, Dame Miraka Szászy, Dr Erihapeti Rehu-Murchie, Violet Pou, Marae Te Kawa, Dame Georgina Kirby, Dame June Mariu, Dame Aroha Reriti-Crofts, Dame Areta Kōpū, Druis Barrett, Jacqui Te Kani, Kitty Bennett, Linda Grennell, Meagan Joe, Kataraina O'Brien, kātahi ko Prue e noho nei **and then Prue sitting here**. Ko ahau te ūpoko o te rōpū ināianei. **I am the head of the league now.**

He uri ahau i a Uenuku, heke iho ki a Te Whareumu tōku rangatira o Ngāti Manu, heke iho ki a Pahau taku ariki o Ngāti Korokoro. E mea ana ko Te Waina tōku tohunga nō roto o Pakanae. Ko ia taku kāwai i tōku pāpā nō tēnei takiwā. Tētahi anō nō Tauranga Moana ki roto o Mātaatua. Ko Ngāi Tamanuhiri, ko Rongowhakaata ngā iwi ki Tūranga-nui-a-Kiwa ki te taha o tōku kōkā. **I am a descendant of Uenuku down to Te Whareumu my chief from Ngāti Manu, and I descend from Pahau the chief from Ngāti Korokoro. Te Waina is the tohunga from Pakanae. That is my lineage on my father's side from this place. I have lineage to Tauranga district in Mātaatua. Ngāi Tamanuhiri, Rongowhakaata are my iwi on my mother's side in the Gisborne district.**

Ahakoa ahau kua whakarārangi i ngā ūpoko me ngā kaiwhakaruruhau o tēnei rōpū, kāre e kore, ko te mana o Te Rōpū Wahine Māori Toko i te Ora kei ngā wahine katoa i ngā peka puta noa i te motu. He puku mahi ngā wahine Māori. Mai i te tīmatanga kei te waimarie te rōpū nei i ngā pūkenga, i ngā mātauranga, i ngā ngākau o ngā mema katoa, pērā ki a Pae Ruha, ki a Dame Iritana Tawhiwhirangi, ki a Rangimārie Hetet, ko Kahu Durie, ko Anne Delamere. Ko ērā reanga ngā wahine rangatira o te motu e pūmau ana ki tō tātou ake ao. Hāunga i ngā mema te waimarie o te rōpū nei i ngā whānau katoa e whai ana i ngā tapuwae o ngā kuia, o ngā kōhine rānei hei awhi, hei tautoko. Nō reira, tēnā koutou. **Although I have named the leaders of this**

group, no doubt the mana of the Māori Women's Welfare League lies with all the women and all the branches throughout the country. All of the Māori women are hard workers. From the start, this organisation has been fortunate to have the skills, the talent, the hearts of all the leaders like Pae Ruha, Dame Iritana Tawhiwhirangi, Rangimārie Hetet, Kahu Durie, Anne Delamere. Those generations of the female leaders who were totally committed to our world. It was the members who were most fortunate to follow in the footsteps of these matriarchs to help and support them. Greetings.

At the last count, the league has 146 peka or branches across Taitokerau, Tāmaki Makaurau **Auckland**, Tainui, Aotea, Waiariki **Bay of Plenty**, Tai Rāwhiti **East Coast**, Ikaroa, and Te Waipounamu **the South Island**. Taitokerau rohe just voted for their new regional executive, and you've got the president of the region kei konei **here**.

Our league constitution, because we've got our own, recognises the articles of Te Tiriti o Waitangi. We got 10 purposes or objects of our league from transformational leadership to holistic health, the mana of tamariki, creation of employment (which is kind of funny because the majority of our work is voluntary), revitalisation of te reo Māori, a preservation of our arts and crafts, assisting victims of crime and rehabilitation of offenders and to promote understanding between all women.

Our peka across the motu support their communities in multiple ways. Fundraising for their kura **schools**, for their kapa haka, for sports teams, for their marae because some of our peka are marae-based, taking whānau to a breast screen, going to court hearings, providing kai parcels, teaching cooking skills, budgeting, how to grow kai, rāranga, sewing, knitting, helping how to write a CV, te mea, te mea, te mea **et cetera, et cetera**. Any branch in our organisation can submit a remit for consideration by or at our National Conference to seek support from the motu **country**. For peka, they'll focus on whatever they like. Our peka have their own mana and so do our regions.

I'm not really the only president because every peka has their own president and every region has their own president. So there is about 154 presidents.

I'm going to focus my presentation on the league as a response to the constitution and underpinning my kōrero is that we agree with the other claimants and questioning the Crown that it has never had legitimacy as a sovereign in this country. The Crown has never honoured te Tiriti and we now have numerous legislation and Treaty of Waitangi settlements that use various descriptions of the Crown's dishonourable behaviour all in retrospect.

Signing a settlement for a historical wrong does not make an honourable Tiriti partner today. If there is a contrary view that the Crown is legitimate I would like to know how and when. That's important for the whole nation because I've got a lot of questions. I want to know why my grandfather in the 28 Battalion did not get the same recognition of his contribution to World War II as Pākehā soldiers under the rehabilitation scheme. I want to know why Māori birth registrations were officially recorded to 1961 in a separate system from Pākehā babies.

I'm not going to be able to do justice by going through all what the league has done over our time. We're nearly 75 years old. But I've picked some things that the league has been involved in.

Te reo Māori was one of the major things of concern for the league. From 1951 the first conference and then in 1952 all of the resolutions of the league were related to te reo. The league made a strong case for Māori language to be taught in Māori schools and sought to have a Māori kindergarten.

In 1954 the league recommended the government introduce the Māori language into teacher training. And then in 1958 called for the Department of Education to teach te reo in selected schools commencing with five year olds.

In 1964 past President Hine Potaka was the founder of Maketū Playcentre and numerous Māori mothers were in training as playcentre helpers assistants or supervisors.

In 1968 the Māori Women's Welfare League, the Women's Health League, and the New Zealand Māori Council sponsored a conference on Māori Preschool Planning at the University of Waikato. Within a few years of that conference being held, there were about 80 family preschools mainly in Waikato mainly looked after by Rumatiki Wright and Raiha Sargeant in their capacity as Māori welfare officers.

Then in 1970 a working party to look at Māori education was set up to advise the Department of Education. When Hine Potaka became National President, she expressed concern on behalf of members because of less and less communication occurring between parents and the preschool organisations.

Then in 1980 a working party that was developed years earlier recommended the development of bilingual programmes in preschools in Māori speaking areas. Members of that working party were Sir John Bennett, Dame Iritana Tawhiwhirangi, and Miria Pewhairangi. By the early 1980s kōhanga reo was born.

So you can see there's a bit of whakapapa leading up to the development of kōhanga reo. Now that's a long time just to get te reo in our schools.

I'm going to talk about the league's involvement in pay equity. The league was a founding member of the 1957 council for equal pay and opportunity whose work led to equal pay in the public sector in 1960 and later the Equal Pay Act 1970 for the private sector. The care and education sectors are dominated by women. The action of this Coalition Government in repealing the Fair Pay Agreements Act is an assault on women.

We have just under 60,000 babies born every year in this country. About 20% of babies each year are Māori babies. We pay little to the health professionals

who look after our nation's mothers and babies. Our government does not properly acknowledge the important job of early childhood and primary school teachers. We do very little in the way of supporting women or parents to stay home with their babies until they go to school. Instead, we help them to pay for someone else to look after their tamariki. There is no strategy to support whānau as collectives and so there is little value placed on the importance of the early years of our babies to set them up for their lifetimes.

Washday at the Pā

Some of you in your 70s and 80s might be a few in here might remember *Washday at the Pā*. It is the title of an old school picture book photographed and written by Ans Westra and published in 1964 by our government. Her book tells the story of the Wereta whānau about to move into a new house provided by the State in the 1960s at a time when the government sprinkled Māori families in suburbs amongst Pākehā families which really contrasted to the setting that many of our families had come from surrounded by their own relatives where they had social and material support. Sets of this book were sent to every school in the country with primary classes.

Following its national distribution to primary schools, the league started to protest which was both unanticipated and unprecedented. It generated a national controversy with opinions in newspapers around the country. Because the paper was it. We didn't have social media back then. Many commentators objected to what they saw as unnecessary censorship by the league. But the protest from the league were that the living conditions of the family depicted in *Washday at the Pā* was seen as poor and their rural home rundown.

Māori children in schools became the butt of the ridicule of Pākehā children and Māori mothers began to report to the league cases of their children being taunted because of the images on the pages of *Washday at the Pā*. *Washday* was discussed at the 1964 League Conference and as a result, the league requested the Department of Education withdraw the bulletin from schools.

There was no recognition of the dispossession of Māori of their lands and the economic destitution that resulted.

According to records all 38,000 copies of the bulletin in schools as well as all unsold copies in the government bookshops' chain were sent to Wellington and supposedly all destroyed. This is not the case because one of the books has appeared recently.

Rapu Ora was the first ever quantitative research by Māori conducted in the 1980s by the league. The research and writing of the report Rapu Ora Health and Māori Women was led by Dr Erihapeti Murchie. The league members interviewed 11,000 women in the space of months. They had no prior training but they got themselves trained with the help of knowledgeable Māori. Rapu Ora recommended major health reforms, such as the establishment of Māori health research centres and Māori health providers.

Professor Sir Mason Durie was an advisor for Rapu Ora and during the same year the Rapu Ora report was published. Tā Mason published work describing Te Whare Tapa Whā to understand Māori views of health. He has always attributed his work to the research of the league.

Aotearoa Māori Netball Oranga Healthy Lifestyles (or AMNOHL as we call it) emerged out of concern of findings from Rapu Ora. Dame June Mariu was captain of the New Zealand Netball team and she was well equipped to lead AMNOHL in demonstrating the importance economically, socially, and culturally of investment in health promotion. Using netball as the vehicle for a healthy lifestyle, AMNOHL has long promoted Auahi Kore for the prevention of cardiovascular disease and other preventable illnesses.

MWDI

In 1987 the league sought out a solution to the economic disparities and financial barriers for Māori women by establishing the Māori Women's Develop fund to assist wahine Māori into business. Dame Georgina Kirby played a key

role on redirecting business startup funds with a grant from the Mana Enterprises Development Committee.

In 1997 Māori Women's Development Inc was registered and received charitable status in 2013. Māori Women's Development Inc provides microlending for Māori women starting out or in business. It was born from the league.

Dame Georgina Kirby played a role in redirecting those business startup funds to Māori women that were going only to Māori men. Because women contribute equally to the economy and it is equally important for women to have financial independence.

Māori women make excellent business women because they are generally already the CEO of their household and primary caregiver. Therefore, they know how to multitask, how to manage different personalities so they have already got an inherent knowledge of HR and how to make dollars stretch. You tāne mā kei te mōhio koutou, nē. They are usually too busy to worry about egos including their own. But when it comes to selecting Māori women on to boards whatever that board is Māori women are generally the bottom of the selection list behind I'm not sure if there's Pākehā women before Māori men or the other way around. This is not hard evidence. This is based on the anecdote that I see but I think there is some somewhere.

Radio Spectrum

In June 2000 Jacqui Te Kani responded to a call from Whatarangi Winiata and Graham Everton on behalf of the Wai 776 claim by Whatarangi, outlining the claim to take against the Crown concerning Māori rights to the radio spectrum. The claim alleged that the Radio Communications Act 1989 failed to acknowledge Māori rangatiratanga over the spectrum and recommended that the Crown negotiate a share of it for Māori.

The report led to the establishment of Te Huarahi Tika Trust to manage a portion of the spectrum for Māori. In the broader context, the Wai 776 claim

and report are part of a larger discussion about indigenous rights to resources like the radio spectrum which are used for economic cultural and political advancement.

Like many of you, Kitty Bennett presented the league's submission on the Foreshore And Seabed Bill to the Special Select Committee in 2004. Many of our māreikura have engaged in international relationships to advocate for our rights and justice since our inception, particularly when our own government doesn't listen.

In 2021 under Prue's leadership, we were approved with NGO status under the United Nations Economic and Social Council. This means that as an organisation we're able to take delegations to UN forums in our own right. This year we had two opportunities at the Cession on the Commission on the status of women for two of our youth to present statements to the General Assembly. Both of them sought from the UN recognition of colonisation is a living phenomenon of injustice.

Oranga Tamariki

We're one of 10 strategic partners of Oranga Tamariki. It's sad for me to say nāku tēnei whakaaro our children are commercial commodities. They are sources of income for organisations. Despite all the rhetoric of Oranga Tamariki around devolution to Māori, despite section 7AA being introduced into legislation as a Treaty clause and then removed, despite the Minister's reassurance that all children should be safe and loved regardless of their ethnicity, despite OT having 10 Māori strategic partners and a relationship with Iwi Chairs Forum, despite the final report of the Inquiry into Abuse in State Care and Faith-Based Institutions, mainstream organisations continue to have a monopoly of care for our tamariki. In 2017, 80% of tamariki Māori in a care placement with a provider partner were placed with a non-Māori provider partner. 80% in 2017 that's come down to 60% in 2024. This is the constitution at work.

To our women in prison, we see you. For years, we have tried to convince Corrections to let us work with our women in prison to no avail. We have some members who go into the prisons but as an organisation it has been extremely difficult to be able to support wahine Māori prepare for when they get out. During my time in this role, we got as far as filling out commissioning documents and the amount of pūtea to help us get there was reduced within six months. When this government came in the opportunity was pulled completely. There is no trust, there is no confidence. We haven't been able to pilot anything. This is the constitution at work.

Like many others under the current Coalition Government, we have spent lots of time writing submissions on the Corrections Amendment Bill, removal of section 7AA from the Oranga Tamariki Act, on the Treaty Principles Bill, the proposed Regulatory Standards Bill, the actual Regulatory Standards Bill, the Publics Critical Infrastructure Amendment Bill, and then we written to the Peoples Select Committee because the government doesn't want to have a bar of the equity thing. With all the hype of the Coalition Government around race and privilege they do our children a great injustice by denying them the opportunity to live in harmony and learn from each other. Their tactics of assimilation, amalgamation, integration have all been done before.

The irony is that nations across the world have co-existed before. In the twelfth century England, there were three different systems in place. Common folk law customs were operating. The folks of those customs spoke English. The ruling people spoke French. The Canon Law of the church existed at the same time. The courts of the church were in Latin.

Between the twelfth and fourteenth century what waka were arriving here? And if there's any experts, I'm happy to be corrected. Each of those waka arrived with their own chief, their navigator, their own uri. They found land which they continue to occupy for centuries before the first Pākehā arrived. They lived as harmoniously as was possible.

Just as was occurring in England in the twelfth century different customs, different dialects, different ruling chiefs. The Westminster system of government and democracy that we have currently was engineered because one person wanted to have power over everyone.

Tweaking a constitution that exists now means starting from the colonisers table. I think most people in this country have no idea what the constitution is. That's a problem. I think the constitution is predominantly an exclusive club. That's a problem.

E tautoko ana ahau te whakaaro o ngā kaikerēme. With all due respect to the lawyers in the room, a constitution that has substance and supports the people needs to come from the people. A constitution that is intended to create a legacy for all Aotearoa must recognise Te Whakaputanga and Te Tiriti o Waitangi because they are the only documents that legitimise a relationship between Māori and others. We must create a different constitution for the country that is accessible to the people that serves us all. Tihei mauri ora.

(14:17) PROFESSOR DAVID WILLIAMS TO DR HOPE TUPARA:

Q. Tēnā koe **greetings** Dr Tupara. So if the moemoeā of a future constitution which is Whakaputanga and te Tiriti-based and hapū centric and it all comes to pass, I wanted to know whether you would suggest that there would still be a role for the Māori Women's Welfare League?

A. Well, we only existed because kua whakararu te kāwanatanga ki runga i a tātou **the government had undermined us**. if it comes to pass that our hapū are going to become the honourable partner as they should have been in the first place, then that should change the whole landscape. That should change the whole landscape. Even though I'm the ūpoko, I'm not really the boss. The National Council of our organisation is the boss. So when nothing has come to pass in a world that we all want, then we will probably gather and kōrero.

Q. Kia ora. Can I just ask a personal question. The badge you're wearing is a badge I first saw always on the jacket that Aunty Hope Reweti of Ngāti Whātua used to wear in the 1970s. Her name was

Tūmanako Reweti and everyone called her Aunty Hope because they thought it was a Māori name and it should be Hope rather than Hope. What's your name?

A. Tūmanako or Hope.

Q. Tūmanako kia ora. Thank you.

A. Yes. My father would ka kohete taku pāpā **my dad would swear**.

(14:19) DR GRANT PHILLIPSON TO DR HOPE TUPARA:

Q. Tēnā koe. Thank you very much for that. And of course, you have shown what an incredibly important role you've played ever since the 1950s. I did just have a question about paragraph 15 of our statement of position. You've talked about co-governance entities and co-chair governance models and you've said, it 'growing insidiously out of recognition of the value for all'. I wasn't quite sure what you mean by that.

A. I meant that the people are doing are doing it anyway. Because I've personally been in one of the science challenges called *Building Better Homes, Towns, and Cities* and because of the leadership of that science challenge, they had co-chairs and co-directors so really there are places where that's happening anyway.

Q. Right.

A. I think that's what I meant by insidious.

Q. Okay.

A. Yes.

Q. I see. If that process just continued to develop incrementally maybe, do you think that will be enough or do you think there needs to be a more concerted action to make sure it's more general?

A. You mean grow governance like that?

Q. Yes. If co-governance just happened say for that river or that lake or for this health organisation and that it just keeps growing like that, do you think that will be enough or does there need to be a more concerted action?

A. Well, the constitution sets the path for everything else so no that's not good enough.

Q. Right.

A. That's only filling in what's actually needed but actually it gets back to the constitutional foundations of this country. What I described to you about what's happening in organisations is by good will of people but actually we shouldn't have to rely on good will. There should be a commitment from the foundations.

Q. Okay, thank you very much. Kia ora.

CHIEF JUDGE FOX ADDRESSES DR HOPE TUPARA – MIHI, ACKNOWLEDGEMENT (14:21:31)

(14:21) DR MONTY SOUTAR TO DR HOPE TUPARA:

Q. Me au hoki e Hope. Ngā mihi ki a koe mō te hītōria i kōrerotia mai nei e koe. **Me as well, Hope. I want to thank you for the history that you spoke of.** I'm a historian but that was an education in just what the league has been involved in. I didn't realise that they had taken the initiative in a lot of those things. Being a child of the early 60s, it was a walk down memory lane and it's a reminder too of just where we have come from. You know sometimes we think today it's all pretty bad, but if we understand what we've come out of after World War I, you know, we've made some great advances and thanks to the league.

A. Kia ora.

(14:22) DEREK FOX TO DR HOPE TUPARA:

Q. Kia ora **thank you** Tūmanako.

A. Tēnā koe.

Q. Pai rawa atu ki au o kōrero **you have a good kōrero**. Just one point, and I admit to being conflicted here being a journalist, in that I remember very well *Washday at the Pā* and also the controversy. It raged quite a bit on the East Coast where I come from at Ruatōria. Some of the pictures were from there. In later life, I met Ans Westra and I thanked her in a way for the record that she provided us with because we wouldn't have had those photos. We wouldn't have had the description of how our people lived and what they put up with. You know it seems to me it's just a matter of how you use those photographs that was the issue.

A. Tika **correct**.

Q. So there was a government organisation wanting to have those photographs to portray what they thought was: "We're taking these people out of this area and plonking them in a descent house and so on." But in fact they took them away from the support. You know I grew up in one of those houses for a while and boy, I've only got good memories of it. Nō reira, kia ora tēnā koe **thank you**.

A. Kia ora. I think *Washday in the Pā* too is a good example of what not to do and what happens, what goes wrong when you don't have a true partnership with hapū is you have this **(inaudible 14:24:22)** happen and what we want to try and do is avoid that. But unfortunately that's going to still continue to happen. I mean that's just one example.

There are many others like that that have happened. I haven't mentioned the league's protest of the Springbok in the 1950s when they were the only organisation that protested back then. I haven't made mention of the Land March which kai te mōhio whānuitia te motu **is well known throughout the country**. There is plenty of other examples.

Our wāhine in their communities are fighting every day. They're fighting with their local councils. They're fighting with their schools. They're fighting with even sports' clubs. We're seeing this stuff play out with Noeline, i kite au i tana pāpā **I saw her father**. Yes, I think the recommendations that you need to be making are around the value of having an honourable partner, te Tiriti partner to our nation.

WAIATA TAUTOKO (MĀ TE PĒNEI)

MIHI TAUTOKO (KAUMĀTUA)

(14:28) SHEENA ROSS: (#B056)

Tēnā koutou te hapū. Tēnā koutou te Tribunal, Chief Judge. Āe, ko Sheena Ross taku ingoa. **Greetings to the hapū. Greetings to the Tribunal, Chief Judge. Yes, my name is Sheena Ross.**

Before I start my kōrero, I would just like to share this part. This is my tupuna **ancestor** Hapakuku Moetara. He is the son of Rangatira Moetara that signed te Tiriti. Today I'm not speaking from Sheena Ross. I'm speaking for our tupuna to the injustices that have been happening.

To the Tribunal and the panel, I have actually just come out of a triple bypass so if you could just bear with me when I go to kōrero. It's coming on nine weeks now that's why. Just bear with me if I skip some of the notes. And if you don't mind, I have actually left out some because I know we're short on time, if that's all right with everybody. But you've got the document and so it's taken as read. If I run out it's not because of – I just can't hold things.

I'm a claimant of Wai 3373. My law firm is Te Mata Law which is Harry sitting over there and thank you. I'd like to say, first of all, I want to acknowledge **(inaudible 14:31:01)** kōrero the other day when I was in here I listed to that on the first day. So now I'll get on with it so I can hurry up and get out of the way so you guys can carry on.

WITNESS REFERS TO STATEMENT OF POSITION #B056, PARA 1

Kia ora. My name is Sheena Ross. I speak to this wānanga for ngā tūpuna. I've changed a bit of writings on the document so apology to everyone about that and to counsel. And for and on behalf of my hapū Ngāti Korokoro.

Ngāti Korokoro are a hapū who hold mana and who are tangata whenua **of the land**, tangata moana **sea**, tangata ngāhere **forest**, tangata taiao **environment** of our rohe in the Hokianga which runs along the coast of Koutumongeroa, including Pakanae up to Arai-te-uru down to Donnelly's crossing through Waipoua and back to Arai-te-uru.

Since ngā rā o mua **days of the past** and before the signing of He Wakaputanga 1835 and Te Tiriti 1840, Ngāti Korokoro have held mana and tino rangatiratanga over this rohe **territory**.

He Wakaputanga and Te Tiriti

Our mana and tino rangatiratanga that we hold was recognised by te Karauna **Crown** through He Wakaputanga o Niu Tireni e Te Kara He Whakaminenga, and te Tiriti both of which we were signatories to.

He Wakaputanga was signed in 1835 by our rangatira, Moetara Motu Tongarapu of Ngāti Korokoro who held mana in the area of Pakanae through to Omamari and outside of Kaihu.

He Wakaputanga recognised and established the group that held rangatiratanga and sovereignty in Aotearoa as 'Te Wakaminenga o Ngā Hapū o Niu Tireni', or 'an assembly of the hapū'.

This meant that the hapū, with the rangatira signing on their behalf, were recognised as individual signatories and held rangatiratanga as individual hapū groups. This was the basis of the declaration.

We have found that in modern times people who have a hidden agenda have attempted to use He Wakaputanga for mana and pūtea. We say that the rangatira hapū tohu, the original signatories of He Wakaputanga, and the hapū they signed on behalf of, must be the hapū that we look towards when considering who are mana whenua, mana moana, and who holds tino rangatiratanga in particular rohe.

Te Tiriti was signed in 1840 by my great-great-grandfather Rangatira Moetara.

Rangatira Moetara had taken up leadership of our people following the death of his brother Moetara in 1838.

Te Tiriti said that the signatories were 'Nga Rangatira me nga Hapu o Niu Tireni' or 'the rangatira and the hapū of New Zealand'.

And I left out a few there so we can get through it a bit quicker. I went right down to number 21 for you.

If it was hapū who were promised to hold mana and rangatiratanga at the founding of Aotearoa, then it must be hapū who te Karauna works and partners with. Today, it must be those who descend from and carry the mana of those original hapū who were signatories to He Wakaputanga and te Tiriti, not other groups that did not exist at the time of their creation.

The key point of the kōrero and the claim is that today te Karauna does not recognise and uphold the rangatiratanga of the hapū who signed He Wakaputanga and te Tiriti.

Hapū Rangatiratanga

In 2025, we as uri of Ngāti Korokoro have many concerns that the constitutional arrangements of this country do not respect the rangatiratanga of our hapū.

To begin, te Karauna does not adequately involve Māori or our hapū when making decisions which impact us, despite the fact it is required to do so.

When te Karauna does involve Māori, it has moved away from recognising and working with hapū as the groups who hold rangatiratanga and instead works with other often larger groups that were not signatories to He Wakaputanga or te Tiriti.

These groups include (and with respect, I am hapū driven and I respect you have got iwi but I have always said from day one hapū because I will takahi those rangatira who signed by saying iwi): Māori councils, marae, rūnanga, takiwā, and Māori kōmiti. The reason why I've got that in there is because we lost our lands through a Māori kōmiti. Ngāti Korokoro lost it because some of the hapu settled out lands.

Ngāti Korokoro strongly maintain that the mana and rangatiratanga promised under He Wakaputanga and te Tiriti should be held at the hapū level.

Involvement in Council decision-making

On the ground at a grass roots level, one of the most impactful Crown agents we come up against are primarily the councils, including those in our area which are the Northland Regional Council and Northland District Council.

The councils make important decisions regarding many issues but particularly regarding resource consents and infrastructure built within our rohe. In a nutshell, we're not even notified sometimes on any resource consents. They only pick and choose when they want to send us any resource consents to do with Ngāti Korokoro.

These projects often have the potential to be damaging for our taiao which we as kaitiaki of this rohe must protect.

Te Karauna must protect te taiao as well as protect our rangatiratanga, our role as kaitiaki and ensure we are involved in decision making processes that affect our taiao.

However, it has been a battle to be fully involved and to be recognised by the councils as a hapū with tino rangatiratanga which can be exercised and have any legal effect.

Now I've gone down to 46. We have tried to implement temporary fishery closures through MPI but we have been unable too because we are not able to satisfy the requirements under their statutory process.

We find these processes confusing at times, colonial, pākehā-centric and ignorant of te Tiriti obligations.

Furthermore, we believe that te Karauna is consulting the wrong groups when making decisions. We constantly see the consultation and involvement of larger groups without the involvement of hapū.

Conclusion

We will remain staunch in fighting for our rights as the hapū of Ngāti Korokoro and as a signatory of He Wakaputanga and te Tiriti.

We hope that the constitutional arrangements of this country can be re-designed so that we are able to have the rangatiratanga that was promised to us recognised and enforced.

We are deeply concerned that in 2025 new and large groups and organisations drown out the voice of the individual hapū who were signatories of He Wakaputanga and te Tiriti.

Recently, we have also been made aware that regional councils maybe getting scrapped. We are concerned that this may mean for the relationship that we have our regional councils and for Māori and mana whenua representation in local decision-making. Whilst the relationships are not perfect, they are building and do provide some avenue for us to at least try and engage.

Just to elaborate further, I've actually read the draft proposal that they're wanting to produce and I was disheartened to see that they're going to have the mayors, two commissioners of the Crown and it doesn't mention hapū. The fear that I have for our hapū is things are going to be done, especially on our significant sites, and we don't know when there's a resource consent coming through. So that's the concern I have for our hapū. As I said, I stand not as Sheena Ross. It's for my tupuna that's why I'm here today. Kia ora tātou katoa.

QUESTIONS FROM TRIBUNAL – NIL

WAIATA TAUTOKO

(14:45) LORENE ROYAL: (#B073)

Tēnā koutou e ngā rangatira, e ngā Kaiwhakawā, e ngā uri o tēnei whenua rangatira, e ngā kaikōrero i mua. Ko au tēnei ko Lorene o te whānau Royal. He uri o Ngāpuhi, Ngāi Tūpato, Ngāti Korokoro, Ngāti Here, Ngāti Hau me Te Kumutu. **Greetings to the leaders, to the judge, to the descendants of**

these chiefly lands and to the speakers before me. This is me Lorene of the Royal whānau. I am a descendant of Ngāpuhi, Ngāi Tūpato, Ngāti Korokoro, Ngāti Here, Ngāti Hau, and Te Kumutu.

I stand here today i raro i te maru o tōku hapū **under the mantle of my hapū** not under Crown authority. My participation is under protest to jurisdiction consistent with our filings and with the Tribunal's own finding in Wai 1040 that Ngāpuhi did not cede sovereignty.

I wish to acknowledge our kaikōrero i mua **our speakers prior**, our whanaunga o **our relatives of** Ngāti Korokoro, Hope Tupara me ngā wahine toa i mua **and the great women before me**. I'm just going to speak here from what that evoked, āe, i maumahara ai **yes I remembered** my childhood. So I was part of, I will call it, a dispersement, a diaspora of our people. I'm part of the migration to urban areas in the 1950s. We were in a minority. We were afforded a State house. We grew up in Glenfield. No matter how clean and spruced up we went to school, we were still treated in a very, very racist way and quite traumatic. And what Hope's kōrero brought up for me was the unreconciled trauma from those experiences.

So part of my initial entry into the Wai 2920 or into this arena was based on a health claim and my experience and observations i ngā wā o mua **in the past** have been around the constitutional violence, hara perpetrated upon our people through successive Crown policies. We have been the recipients of that, and the impact in particular on, I will call it, on our infrastructure, our own infrastructure has been such that that sits there unreconciled and it speaks into the whole framework of injustices put upon our own people. So, included in that in our line is whakamomori i tōku whānau **suicide in my whānau** and I'm acknowledging the mahi ia tau, ia rā, āe, **every year and every day, yes,** that came from our mana wahine people, so tēnā koe **thank you**.

So I'm just going to take a little bit of time to provide some context here. I returned to the Hokianga. I think I was the first in my wider whānau to return in the 1970s. I resided by permission I lived in Whirinaki and I'm acknowledging

them who my son now has the whakapapa with Ben's uri e noho ana kei Rāwene **living in Rāwene**.

In terms of mana motuhake, I have been privileged to walk and work with our kuia kaumātua **elders** since 1985 who have kind of like inducted us into what mana motuhake looks like. I live in very close proximity to the whenua of my great-grandmother, Tiani, Ngāi Tūpato, Ngāti Here and her namesake is here today to tautoko. This is the next generation.

Margaret Mutu provided some clarity for me on mana motuhake in a very colonised town. Well, Rāwene was the administrative arm, but we know our whakapapa to the whenua **land** now in terms of loss, the displacement there is very close because of the imposition of rates. It's all being spoken into by our illustrious speakers i mua, right.

Seeing Mike Smith the other day reminded me of mana motuhake in action. So it was I think in the **(inaudible 14:52:34)** oil protests, I was able to exercise mana motuhake. Ka haere au āe ki te wahapū ki te kōrero wero ki a mātou whanaunga, āe, mō te tiaki of our taiao **I went to the harbour to challenge our relations, yes, to the protection of our environment** and where that sat with them why wasn't, you know. But I exercised and organised basically the **(inaudible 14:53:15)** oil process down on our mana whenua. So, I'm very cognisant of the ways in which we have been seduced and coerced without permission into structures that actually further disrupt our whakapapa, yes.

In my statement of position, I acknowledged our tupuna Wiremu Pou ki te taha o tōku pāpā **on my father's side**, nō Ahuaiti **from Ahuaiti**. This particular tupuna went to England in 1863. It's a well-documented hīkoi in 1863 which was the year of the New Zealand Settlement's Act, the raupatu **confiscation**. He is mentioned in the evidence and the minutes that we have. Nō Hokianga, āe **he is from Hokianga**.

I think I need to get back on track here. It's simple and yet it's really complex.

I also want to acknowledge Ian Mitchell our whanaunga. Āe, he used the phrase I was going to use, I tautoko ia, the parasitic relationship of – we have a parasite you know what it does. It eats the host. So that's for me is really if I use that metaphor, analogy that describes where we are at in terms of this is a constitutional crisis of te Karauna.

We're clear about our constitutional framework, Te Kara, tikanga tuku iho Te Kara 1834, He Whakaputanga 1835, Te Wakaminenga o ngā hapū o Nu Tireni. These are instruments established. The first constitutional framework of this land and remain unextinguished.

I'm straying from my speak notes.

We know that Ngāpuhi did not sign away sovereignty and that seems to be the primary important issue being raised, right. For us, this means that Crown authority cannot arise from assumption. Parliament cannot rely on its own statutes to justify sovereignty. Every Crown structure rests on an unproven and unlawful foundation. This is not a political argument. It is the Tribunal's own finding.

The constitutional defect of 1839 to 1840, our evidence shows that the Crown had no lawful jurisdiction to extend sovereignty here. Gipps proclamation were ultra vires. Hobson's Commission lacked statutory or territorial authority. British law 1817, 1823, 1828 confirmed that Aotearoa lay outside His Majesty's dominions. International law is clear sovereignty cannot be created by proclamation or assumption.

A void Act remains void. Te Tiriti cannot cure a jurisdiction that did not exist. So, that's a big stretch, okay. This is like going beyond te Tiriti and before.

Also the 1947 shift, in 1947 parliament adopted a statute of Westminster. Severed its ties to Britain. Declared itself constitutionally independent without hapū consent and despite never having lawfully acquired sovereignty in the first place. A parliament without lawful foundation cannot redefine sovereignty.

Displacement of tikanga, care. Before colonisation hapū had functioning systems of spiritual care, collective healing, relation support, whakapapa-based interventions. These were replaced by Crown structures that did not understand us. The structural harm from assumed sovereignty is the chronic underfunding of our own mana motuhake institutions and the loss of hapū control over wellbeing, over-reliance on western models and pathologizing Māori experience instead of recognising trauma.

So I'm just going to skip to some other things. Alongside my hīkoi, I was part of the establishment of Te Mana o Ngāpuhi Kōwhao Rau which is a Ngāpuhi initiative to reduce recidivism and incarceration rates for Māori. Began that hīkoi in 2010. I think I introduced our kuia who was a practitioner of the dynamics of whanaugatanga to that, the particular in response to Judge Jim Rota's hui with ngā hapū o Ngāpuhi Kōwhao Rau.

We have been blessed to have her in our rohe, in our community centre which has a copy of He Whakaputanga on our walls. In terms of mana motuhake, we have that robust kōrero. We understand conflict resolution and transparency required to be accountable to one another.

In that development phase, there was one of our whanaunga from Te Hikutu, I think it was her thesis did a comparative study of the emerging model of Ngāpuhi Kōwhao Rau and I'm trying to remember the First Nation's model of where they had the tribal jurisdiction under the Federal. You know this First Nation's. She did a comparative study. The very thing that she warned and she pointed out was where would this sit, and this is a constitutional issue, with the Ministry of Justice.

I was in there to tiaki our kuia. That was a pledge to her husband i mate. Where I'm going with this is that for a couple of years it was a pilot model, pilot model, pilot model, pilot model. We witnessed the struggle to bring in, to create the environment, right, for we call it the dynamics of whanaungatanga so that our people could actually reduce recidivism. We call it the incarceration model. It's

a business model. I'm really cognisant of what's been going on in Ngāwhā since then because that speaks into I think the Peter Boshier report 2019. It speaks into the issues that are going on within our prisons that raise real issues for me.

On a side note, I had to choose to come and speak here today or to be present to tautoko one of my whānau members who is being dragged through that system. Mama Bear decided she couldn't go there because she might be arrested, yes. So I'm speaking into the actual reality at grassroots level of what is a constitutional crisis. Āe, I think kua mutu **I've finished**.

(15:05) PROFESSOR DAVID WILLIAMS TO LORENE ROYAL:

Q. Tēnā koe e **greetings** Lorene.

A. Tēnā koe.

Q. What I noticed in the written form of notes is that you made reference to your whakapapa links to various hapū –

A. Yes.

Q. -- and then on the rest of the paper you went on and you nine times used the expression uri tangata.

A. Āe.

Q. Some people talk about tangata whenua and some people talk about mana whenua.

A. Āe.

Q. Some people talk about Māori. You talked about uri tangata.

A. Āe, with intention.

Q. Could you explain your intentions because I'd be very interested to hear that?

A. That's a forensic issue, is it? Would you call it? No? Āe? The first Māori Dictionary the actual language used in these documents, right. Yes, it may seem pedantic but that's our taonga tuku iho **inherited taonga**. That's what we hold dear. Mōhio **understand**?

Q. Kei te pai **that's fine**. Greetings to whaea Ivy and all the others in your rōpū.

A. Āe, tēnā koe **thank you**.

(15:06) CHIEF JUDGE FOX TO LORENE ROYAL:

Q. I don't have a question. I just want to thank you. But you read from notes and not the paper. Are we to take the paper as your work?

A. Āe.

Q. Āe. And will you file your notes?

A. Āe **yes**.

Q. Ka pai, thank you.

A. Yes, we did this as a whānau.

Q. Ka pai **good**.

A. Yes, āe. I have real technical issues.

WAIATA TAUTOKO (TE HOKINGA MAI)

HEARING ADJOURNS: 3.10 PM

HEARING RESUMES: 3.37 PM

(15:37) VIOLET EVA WALKER: (#B049)

Tēnā koutou katoa. Tēnā koutou me ngā Tribunal me Karauna me tātou katoa. **Greetings everyone. Greetings to the Tribunal, the Crown, and everyone.**

I'd just like to pay my respects to our tūpuna that are here with us today. We've got whaea Doreen Renata, whaea Rosie Renata, and of course, Nuki Aldridge.

I'd also like to acknowledge some whaea that are here that I have great respect for which is whaea Louisa Collier, whaea Margaret Mutu, whaea Sheena Ross. I also pay my respects to papa Kevin Prime that's on Zoom with us today.

Just a little bit of housekeeping before we start for the Tribunal. Tuatahi **firstly**, I'd like to accept questions or any queries that you might have in writing. The teacher in me gives a rationale. I like to give a full response to my questioning and so that can be directed to Hugo with Tamaki Legal.

Tuarua, I may digress from the brief of evidence that I have submitted. But I can assure the Tribunal that my submission is tika to what you have.

WITNESS REFERS TO STATEMENT OF POSITION #B049, PARA 1

My name is Violet Eva Walker, and I am providing this statement of position on behalf of myself, my whānau and Ngāti Rangi o Waiapu ki Tawhiti and Ngāti Kahu ki Whangaroa. This statement of position is in relation to the Constitutional Kaupapa Inquiry, but specifically to the constitutional themes that will be discussed here today.

I am a mother of five, grandmother of 16, and great grandmother of one. I am the National Programme Coordinator for Science/Te Taiao in the School of Under Graduates with Te Whare Wānanga o Awanuiārangi.

This statement of position will provide our brief views on the themes provided by the Waitangi Tribunal.

THEME ONE: MANA MOTUHAKE, TINO RANGATIRATANGA, AUTONOMY AND SELF-GOVERNMENT, TIKANGA

Mana Motuhake

Mana Motuhake represents the intrinsic authority and self-sovereignty of Māori as individuals and as their collective whānau, hapū, and iwi. As Rangatira, this concept extends beyond mere political power, encompassing cultural, spiritual, economic, and social dimensions.

Mana Motuhake emphasises the ability to make decisions that reflect the aspirations and well-being of whānau, hapū, and iwi. Rather than seeing this as an isolated struggle against colonial structures, Rangatira perspectives could focus on the potential for revitalising indigenous governance models that blend traditional practices with contemporary needs, fostering a unique expression of authority that is responsive and adaptive.

An example of Mana Motuhake is the establishment of iwi-led initiatives in natural resource management, such as Te Urewera Act 2014, which recognises Te Urewera as a legal entity and includes a governance framework that is led by local iwi, Tūhoe. This reflects their Mana Motuhake in managing and protecting their ancestral lands and resources according to their values and aspirations.

Tino Rangatiratanga

Tino Rangatiratanga is often interpreted (and I emphasise interpreted here because my father-in-law Nuki always said the term "explanation") as "full sovereignty or self-determination". However, from my perspective, this concept invites a paradigm that celebrates collaborative governance rather than divisive politics.

Rather than emphasising unilateral independence, a Rangatira might argue for a co-governance framework that respects Māori authority while collaborating with the Crown and local governments.

This synergy can create a governance system that honours Māori traditions and knowledge systems, allowing for a more inclusive approach to national issues such as land use, environmental kaupapa, and cultural revitalisation.

An example of this is the adoption of a co-governance agreement between various iwi and the Crown, such as the Waikato River Authority, which establishes shared decision-making rights over the management of the Waikato River. This agreement acknowledges tino rangatiratanga by ensuring that Māori perspectives and knowledge play a crucial role in the restoration of the river and the governance.

Autonomy and Self-Government

For myself, autonomy and self-government for Māori does not only mean political independence but also includes economic independence and social self-sufficiency. This might involve proposing localised economic systems that draw on traditional practices, aligning modern economic success with cultural

integrity. A radical idea could be the establishment of autonomous Māori economic zones that operate alongside existing governance systems, fostering innovation and sustainability within the framework of Māori principles.

An example of this is the establishment of Māori Health Providers that operate under autonomous frameworks to deliver health services tailored to Māori communities. Ngāti Porou Hauora, which provides health services to the Ngāti Porou iwi, ensuring that their delivery of health care is culturally appropriate and addresses the specific needs of their population, thereby exercising self-governance in health matters.

Tikanga

Tikanga represents the customs, practices, and values inherent to Māori culture. As Rangatira, the application of tikanga in governance is fundamental and becomes a “live document” adapting to contemporary challenges.

I might argue that tikanga should guide policymaking and community engagement, ensuring that decisions are grounded in Māori worldviews and social ethics. Furthermore, there is a potential to expand the interpretation of tikanga to include progressive values such as environmental justice, digital responsibility, and equitable social practices, thus making it relevant to the next generations while maintaining the essence of Māori cultural identity.

The incorporation of tikanga Māori can also occur within modern legislative processes, such as the Resource Management Act reforms. In some regions, councils are utilising tikanga in their resource consent processes to ensure that Māori values around land use and environmental stewardship inform decision-making. This might include protocols for consultation with iwi and the recognition of traditional practices in environmental management, like the protection of wāhi tapu and adherence to traditional seasonal practices for harvesting.

Kāwanatanga

As Rangatira Māori, we assert that Kāwanatanga (the governance authority of the Crown) cannot be exercised over us without our active, informed, and effective participation. The legitimacy of the governance in Aotearoa rests firmly on the recognition of our sovereignty, which is unceded and must be respected. We demand that this sovereignty be recognised in every aspect of governmental action and decision-making.

Constitutional Legitimacy and Sovereignty

My/our position is clear: the constitutional legitimacy of Aotearoa's governance structure hinges on the principles outlined in Te Tiriti o Waitangi, signed 6th of February 1840 at Waitangi. The narrative that Māori ceded sovereignty is a blatant misconception. Our sovereignty is inherent, and we continue to exercise it.

Consider the action taken by Te Rūnanga o Ngāi Tahu in asserting their rights over the management of the environment and fisheries. The Ngāi Tahu Claims Settlement Act 1998 was a landmark moment that restored significant authority to Ngāi Tahu to manage natural resources, acknowledging their unbroken connection to their land and resources. Such settlements are not just a financial payout; they are a recognition that constitutional legitimacy must honour our role as kaitiaki of the environment. Ngāi Tahu exemplify that our sovereignty is not only historical but actively realised through governance agreements.

Parliamentary Sovereignty and Systems

While the Crown claims parliamentary sovereignty, this assertion cannot suppress the absolute necessity of Māori inclusion in all legislative processes affecting us. We will no longer accept decisions made without our consent or meaningful consultation. Parliamentary authority must be a partner to Māori sovereignty, not an adversary.

An example is the Marine and Coastal Area (Takutai Moana) Act 2011, a glaring example of the failure of parliamentary sovereignty when it ignored key Māori perspectives. The Act was intended to reaffirm our rights over coastal areas, but its limitations and recent government amendments to the Act exemplify a

system designed to dilute our sovereignty. As Nuki once stated: “How can you reason with a Lion when your head is in his mouth?”

Ngā ture Pākehā

Ngā ture Pākehā must evolve to incorporate and respect Māori law and perspectives. The outdated view that Western laws should reign supreme is a direct affront to our identity and rights as Tangata Whenua. We will no longer accept a legal framework that does not incorporate tikanga Māori at its core.

An example is the issues that surround the Fisheries Act 1996, which illustrates the need for radical reform. Māori fishers have been systematically marginalised in fisheries management, often sidelined in favour of commercial interests. Groups like Te Ohu Kaimoana are actively pushing for the reallocation of fishing rights that accurately reflect our customary practices and sustainability efforts. This assertive stance not only challenges the status quo but demands that the legal system respects our right to fish according to our tikanga, recognising that our relationship with Tangaroa is foundational to our identity.

Electoral Rights and Systems

As Rangatira Māori, we assert that electoral rights and systems in Aotearoa must recognise and reflect our sovereignty as Tangata Whenua. Currently, the existing electoral framework often marginalises Māori voices, diluting our influence in the governance of our land. It is imperative that we demand systemic reform that elevates our rightful place in the democratic process.

The low Māori voter turnout in general elections highlights the disconnect between the political system and Māori concerns. Initiatives like Māori electorates through the Local Electoral Act are designed to enhance representation, but they often fall short of empowering communities meaningfully.

The move towards the Mixed-Member proportional electoral system (MMP) in the late 1990s was a step in the right direction, yet the representation of Māori

perspectives within this system remains inadequate. Despite the existence of Māori electorates, many Māori candidates are still significantly underrepresented in the wider parliament. Initiatives such as the Māori Party and Te Pāti Māori are attempts to create a platform for Māori issues, yet they face significant challenges securing seats. We must advocate for electoral reforms that ensure not only adequate representation of Māori but also the inclusion of local governance structures that empower hapū and iwi representation at national levels.

Māori Incarceration and Voting Rights

Māori across Aotearoa face systemic injustices, particularly within the criminal justice system, which has a disproportionately high impact on our communities. The fact that Māori individuals who are incarcerated are denied the right to vote represents not only a violation of electoral rights but also an affront to our sovereignty and identity as Tangata Whenua.

Disenfranchisement of Incarcerated Māori

Statistics show that Māori make up around 50% of the prison population (if we can believe corrections data), despite comprising only about 15% of the overall population in Aotearoa. It is unacceptable that so many Māori are stripped of their voting rights simply because they are incarcerated. This disenfranchisement not only silences their voices in the democracy upon which our nation is built on, but also serves as a tool of systemic oppression, reinforcing the notion that Māori are excluded from meaningful participation in governance and decision-making.

Local Government and Te Tiriti o Waitangi

As Rangatira Māori, we assert that local government must operate within the framework established by te Tiriti. The principles of partnership and active consultation must guide all local governance processes affecting Māori communities. We demand that local authorities recognise their responsibilities under te Tiriti, ensuring that we actively participate in decisions that impact on our lands, our resources, and our futures.

Te Tiriti outlines a partnership between Māori and the Crown, which extends to local governance structures. This partnership obliges local governments to engage with Māori in meaningful ways, recognising our rights and perspectives as integral to decision-making processes.

The establishment of Māori Wards in several councils, such as the Far North District Council, exemplifies the effort to incorporate Māori representation in local decision-making. Despite facing challenges and opposition, – so in 2025 our local government elections 24 of 42 councils dismantled their Māori Wards – the successful re-establishment of these wards signifies a critical step toward honouring te Tiriti in local governance.

Local authorities are mandated to consult with Māori meaningfully, yet this is often done superficially or in ways that do not adequately reflect the principles of partnership outlined in te Tiriti.

The Auckland Council has made efforts to engage with Māori through its Mana Whenua Engagement Plan, which aims to ensure that local iwi are partners in decision-making processes. Auckland Council goes further with its Unitary Plan, which allowed for direct input from Māori on land use and environmental protections. However, the effectiveness of this engagement must continually be assessed to ensure it translates into tangible outcomes and not mere tokenism.

Local governance structures must evolve to incorporate models of co-governance that genuinely reflect the partnership envisioned in te Tiriti. Empowering Māori to take an active role in local governance ensures that our rights are upheld and that our unique perspectives inform the development of our communities.

The joint management agreement seen in places like Te Arawa Lakes demonstrates how co-governance can effectively restore Māori authority over natural resources. The Te Arawa Lakes Settlement Act established a

framework for co-management that involves both Te Arawa as kaitiaki and the local council.

Human Rights and Te Tiriti o Waitangi

As Rangatira Māori, we firmly assert te Tiriti is not merely a historical document but a dynamic framework that enshrines our human rights as tangata whenua. The principles of te Tiriti must inform all discussions and actions surrounding human rights in Aotearoa, ensuring that we are treated with dignity, respect, and equity.

Te Tiriti establishes the fundamental rights of Māori as the indigenous people of Aotearoa. It sets forth obligations that the Crown has towards Māori, affirming our rights to self-determination, cultural identity, and equitable treatment. These rights align with broader international human rights standards.

The Waitangi Tribunals' findings on claims related to health inequities demonstrate the crucial intersection of human rights and Treaty principles. The Tribunal has consistently highlighted how systemic neglect in health services for Māori violates our human rights, particularly our right to health as guaranteed under international covenants such as the Universal Declaration of Human Rights. For instance, the Waitangi Tribunal's Stage One Hauora Report called attention to disparities in health outcomes for Māori and recommended a fundamental overhaul of health systems to ensure culturally appropriate care and support for Māori communities.

As Rangatira Māori, we assert that our cultural rights are intrinsic to our human rights. The recognition and protection of te reo Māori, traditional practices, and cultural heritage are essential to our identity, and well-being, as guaranteed under te Tiriti.

The revitalisation efforts surrounding te reo Māori are a prime example of how the Treaty supports our cultural rights. The establishment of Kura Kaupapa Māori reflects our assertion of rights to educate our children in

our language and culture, this aligns with the te Tiriti principles of protection and partnership.

The realisation of our human rights demands that systemic inequities, rooted in colonial histories, be confronted head-on. Te Tiriti obliges the Crown to actively work towards dismantling these barriers to ensure that Māori enjoy the same rights and protections as all New Zealanders.

The ongoing struggle for land rights and restitution is exemplified in the claims filed by various iwi, such as Ngāti Whātua Ōrākei. Their fight for the return of their ancestral lands and resources is not simply about land; it is about restoring dignity, identity, and equity.

The Treaty Settlements process, while providing some redress, must be seen as just one step toward addressing historical injustices. We demand comprehensive measures to ensure that Māori are not only compensated but are actively empowered to exercise their rights to land, resources, and self-determination as part of their human rights.

Citizenship Rights

As Rangatira Māori, we assert that citizenship rights in Aotearoa must inherently recognise and honour the unique status of Māori as Tangata Whenua. The principles outlined in te Tiriti must guide our understanding of citizenship, ensuring that our rights, responsibilities, and identities are respected within broader societal frameworks. We will not accept a conception of citizenship that marginalises our voices or our rightful place in this land.

Citizenship rights should reflect an understanding of Māori as the indigenous people of Aotearoa, with inherent rights to land, resources, and governance. We demand that our unique status be recognised not as a concession but as a foundational aspect of citizenship in this nation.

Citizenship entails equality before the law and equal access to public services. However, systemic inequities continue to impact Māori disproportionately in areas such as health, education, and housing. These inequities must be addressed to ensure that our rights as citizens are upheld.

Māori citizenship rights must include the assurance of our political rights and the ability to influence legislation affecting our communities. The political system must allow for meaningful Māori participation, ensuring that our interests and perspectives shape national and local policies.

International Treaty-making and Rangatiratanga

As Rangatira Māori, we assert that any international Treaty-making processes must unequivocally recognise and honour our rangatiratanga as tangata whenua. Trade investment, economic agreements should align with the principles of te Tiriti, safeguarding our rights, protections, and interests. We will not allow negotiations to occur that sideline our voices or undermine our authority over our lands, resources, and cultural heritage.

The Comprehensive and Progressive Agreement for Trans-Pacific Partnership posed significant concerns for Māori regarding its potential impact on our rights to land and resources. Key issues include the fear that investor-state dispute settlement mechanisms could allow foreign corporations to challenge local laws designed to protect Māori land and resources. We demand that any trade and investment agreements include explicit protections for Māori rights and ensure that Māori perspectives are integral to the negotiation process.

Economic treaties must not only protect Māori interests but also actively promote opportunities for Māori economic development. This means ensuring that Māori communities are engaged in negotiations and that the benefits of treaties are equitably shared.

The Te Hono initiative (sadly closed down) was a framework aimed at fostering Māori economic development through collaboration and connections across

sectors. It highlighted how Māori leadership can drive partnerships in economic treaties that prioritise our rights and aspirations.

The Paris Agreement on climate change serves as a prominent example where Māori voices can influence international environmental policies. The recognition of Māori land management practices and traditional ecological knowledge is vital in crafting strategies that address climate change impacts and promote sustainability. Māori representatives advocating for environmental rights under this agreement can ensure that decisions made on a global scale reflect our responsibilities as kaitiaki, ultimately reinforcing our rangatiratanga in the face of global economic pressures.

Conclusion

As Rangatira Māori, we assert that the relationship between te Tiriti and various aspects of governance, rights, and international engagements in Aotearoa is paramount to our identity and sovereignty as Tangata Whenua. Throughout each theme, from electoral rights and local governance to the intersection of human rights and international Treaty-making, we emphasise the necessity for recognition, respect, and active inclusion of Māori voices and perspectives.

In local government, we demand that Māori representation and consultation are not merely formalities but essential components of decision-making processes that reflect our rights as outlined in te Tiriti. We advocate for equitable access to services that address systemic inequalities impacting our communities, asserting our citizenship rights as fundamental to our dignity and identity.

Regarding Human Rights, we insist on the recognition of our cultural rights and the need for comprehensive reforms to address disparities rooted in historical injustices. The acknowledgment of rangatiratanga in international Treaty-making processes is equally critical, ensuring trade and economic agreements protect our rights while promoting sustainable development aligned with our responsibilities as kaitiaki.

As we move forward, we will continue to challenge any framework that undermines our authority and seek a future where Māori perspectives are central in all governance structures. Our collective action will advocate for policies and treaties that empower our communities, uphold our rights, and ensure that Te Tiriti o Waitangi remains a living document that guides and inspires the future of Aotearoa. Through this commitment, we will reclaim our place as leaders and kaitiaki of our lands, rights, and cultural heritage, forging a pathway towards justice, equity, and shared prosperity for all. Kia ora tātou. **Thank you.**

QUESTIONS FROM THE TRIBUNAL – NIL

(16:08) BRYCE ALDRIDGE: (#B011)

Tēnā anō tātou **greetings again**. I just personally would like to acknowledge consideration of the Tribunal for me speaking here today. I say that because I've attended four of these wānanga and in my naïve, I didn't really know what it was about until you spoke at the conclusion of the Tainui wānanga, your Honour, looking for the standards. In saying that, nō reira e ngā uri o Maikuku tēnā anō tātou **to the descendants of Maikuku greetings once again**. Ko au te uri a Hua Takaro. Nō reira kia ora tātou. **I am a descendant of Hua Takaro. Greetings.**

Your Honour, I begin with asking you to cast your eyes on the coat hooks hanging on the wall in this whare, if I may. I look at these coat hooks and I see Edris Armstrong, Tame Te Maro, Ruahuihui Rogers, Kingi Taurua. On this side, Inu Wai nō Hauraki, Hare Hikuwai, Mare Heta, Heta Heta, Joyce Walker, and those elders. And Wi Mutu, I must mention Aunty Rewa. I mention Aunty Rewa because the men's names that I have just mentioned feared her while she was in this whare. I possibly shouldn't say fear but respected her ability in her world of mana atua.

These coat hooks on the wall, your Honour, represent the standards you're looking for and I want to say that. There is 36 on each side. It's my belief from being in this whare on a number of occasions listening to the kōrero that they

are the same ingredients or standards that were used by Tāne-nui-a-Rangi to create Hineahuone, if I can say it like that. Te ariā o ngā atua. On one side, we have a maternal contribution and on the other, we have a paternal contribution.

If I may, to give some perspective because this is the main concept of my proposal in the next part of my delivery. If we go to a recipe book, we go to the back of that recipe book and look for the pudding section, and let's just suggest that we're going to cook a sponge cake. Although with humour, I'm quite serious on how this is the best way to deliver on how these coat hooks are used or these standards.

Firstly, the sponge cake we call the tikanga. That's our goal to get to there. The list of standards, although the number doesn't change, the trick here is getting those standards in a particular sequence, okay, that creates that sponge cake. We call that the list of ingredients or standards. Once they've been put in their order kaupapa, okay. In that recipe book, we come across the method on how those ingredients are mixed and we call that ritenga. Other tribes use the kupu kawa; we call that ritenga in this process.

I conclude that explanation there your Honour because if we get the sequence wrong or the method wrong on how we mix all of these ingredients, we fail to have a sponge cake and we end up with a cookie and that's okay too. But our tikanga wants to get a sponge cake. Now this method I have attempted to explain the best way I can is the same philosophy that was used to create He Wakaputanga. He Wakaputanga has 36 whakatauki within it and they all represent one of these coat hooks, ihi, wehi, mana, tapu, rāhui, aroha, tupu, tapu, and so on and so on. The unfortunate consideration for that your Honour is that they are explained in a mana atua concept not mana whenua, mana moana and that's where I'll leave that, if I may. They're not for the public ears to hear, if I can say it like that, because I didn't go that far this morning speaking to the haukāinga as to what could be said standing here.

So I'll read from my second part of my brief. I begin my delivery with this statement: "What happens to a society when it faces change, the change to expose a culture more superior than one that basis its existence on anecdotal evidence?" I was exposed to the philosophy of anecdotal evidence in the Wai 1040 Paparahi o Te Raki event. The philosophy antithesis was also highlighted on occasion.

My research explains anecdotal evidence in this way. The court would assess the records' relevance, reliability, and potential hearsay issue under the Evidence Act of 2006 to determine its admissibility and the weight it should be given.

The event I referred to was regards to the inclusion of tuku kōrero in Stage One and Two. Tuku kōrero has its own unique philosophies and now its interpretation has been given from a foreign narrative. We are an oral culture and do we now have a problem with waiata, mihimihi, pao, whakatauki, whakapapa, and tātai, as of others that are all records of our oral tradition kōrero onamata? The two perspectives I have always enjoyed of the law of this country New Zealand are its ability to be retrospective and the unplanned pleasure of being interpreted at the whim of emotions.

Tuku kōrero, tūpuna kōrero, tuku whenua have social, cultural, political, environmental, and economic protocols that exist in our oral tradition. We cherish our tūpuna kōrero and are significantly inspired by their suffering since contact.

A superior culture has no place to be interpreted retrospectively by the laws of this land. Is the Bible not anecdotal? Does it not fit in the explanation of my research I have given here today? Is the doctrine of discovery not anecdotal compliant with the same explanation of my research? If it is not anecdotal, where is my ability to cross-examine Satan for the crimes it has said he has committed? I am yet to hear his version of events. Why was I given bread representing flesh and wine representing blood of a man who had passed 2,000 years ago and to be told in the same breath my culture were cannibals?

Wuzzy Shortland in opening this wānanga on Monday spoke about the 10 laws written in stone, another anecdotal foundation. One of those laws purports 'thou shalt not commit adultery'. I have been told that Mary was married to Joseph when she conceived to god and begat the son Jesus.

This Tribunal your Honour must in its mandatory obligation find the ability to put the context of the Bible under scrutiny. It would be appropriate to put the doctrine of discovery under the same pressure for examination. What we do know the Bible does not influence a secular state or its constitution. On the other hand, it does and has influenced legislation and law in New Zealand. What we also know is that the doctrine of discovery does significantly influence the New Zealand constitutional law today.

Artificial intelligence has replaced the guidance of grandparents. The consequences will be far reaching causing division between those who are enthusiastic and those who are ambitious. Artificial intelligence will cut through the core of what is left of our culture standardising rangatiratanga and whakaiti, takahi.

In 2022 and 2023 the United Nations Repertoire produced a report advocating global governments' plans for a global pandemic economic recovery. The content of that plan is echoed today by the New Zealand Coalition Government. The application for global pandemic economic recovery was simply to exploit resources on indigenous land. We have a real problem here. Nō reira huri noa tēnā koutou **thank you everyone**.

(16:18) CHIEF JUDGE FOX TO BRYCE ALDRIDGE:

Q. Well, my question is thank you for that contribution. You're right you weren't able to give it at Waikato so I'm very pleased to have received it.

A. Kia ora.

Q. And it will add to fountain of ngā kupu, ngā mātāpono o te Māori **all of the words shared and the principles of the Māori people**.

A. Kia ora.

Q. So thank you very much.

A. Tēnā koe **Thank you**.

LEGAL DISCUSSION – QUESTIONS TO VIOLET WALKER IN WRITTING (16:19:24)

(16:19) OWEN HAPE KINGI: (#B050)

(Māori 16:19:58) i te **(Māori 16:20:07)** ki waho nei ki te moana, i te reanga ki waho nei ki te moana. Tēnā koutou katoa te whare. Tēnei rā te tohu nā te 1040 ka whakaaetia ana te Karauna me te Taraipiunara ko mātou te mana motuhake te tino rangatiratanga. Nā te ringaringa a tōku whanaunga e noho ana ki Hamutana i mahia tēnei mahi mō mātou. Mō tātou katoa e tātou mā. Kāre ahau anake te pīkau ki runga i tēnei kaupapa, te taimaha ana ka peke ki raro. Kei runga tēnei mea e kite ana te āhua o te kōrero He Wakaputanga kāre te Whaka. Kua hē ana koutou. **…out to sea...out to sea. Greetings. The (inaudible 16:20:37) where the Crown and the native people agreed that we have mana motuhake and tino rangatiratanga. My relation who lived in Hamilton she made this for us. This is for all of us. It was quite heavy and that's why it's hanging down. On this thing, you can see all of the kōrero on top. It's Waka (inaudible 16:21:24). You were wrong. (Māori 16:21:26)** ana Wakaputanga not Whakaputanga, yes, and that to you too Pākehā.

TAONGA PRESENTED TO CHIEF JUDGE FOX (16:22:04 – 16:22:56)

OWEN KINGI: (REFERS TO STATEMENT OF POSITION #B050)

Tōku ingoa ko **my name is** Owen Hape Kingi, nō **from** Wangaroa, W-A-N-G-A-R-O-A. Shall I repeat myself? The English language. I'm here today. Better listen to the lawyer.

On behalf of my late brother Tarewa Hape Kingi i mate ia ki te wā ki Poihakena te hokinga mai ki te kāinga ki te rua tekau mā tahi ki **he died in Sydney, and he was brought home on the 21st to** Matangirau. We are claimants on the Wai 1832. We have brought this claim into Tomokia Ngā Tatau o Matangireia

Constitutional Inquiry, nā runga rā Constitutional Inquiry, 3462. The claim is brought on behalf of my hapū Te Tahawai, Ngāti Teketanumia and Ngāti Uru. They are hapū tūturu **original hapū** of Whangaroa rohe **territory**.

I am making this Statement of Position as part of the Constitutional inquiry. In previous inquiries before the Tribunal, I have given detailed evidence again in other hearings, but I want to emphasise the fact again that our people have been here mai rā anō **since the beginning** and we managed our affairs under tikanga long before tauiwi showed up at the back door and began their colonisation project.

Wangaroa people held our land under take taunaha **discovery right** (discovery) based on Kupe's arrival, Te Kauae runga o **arrived at** Hokianga . We have continued to hold our land under take tūpuna **ancestral rights**, take tātai **rights through lineage**, and take ringa kaha **rights through conquest**.

My whakapapa is so long everybody, I must bring you into it. That side to that side we're all in the whakapapa. I can't talk about myself, I'm not allowed. So you're all included. I can take you from Turikatuku and Hongi Hika ka puta mai Hariata Rongo ka moe i a Hone Heke **who had Hariata Rongo who had a union with Hone Heke**. E toru ngā moe, ka puta mai a Hana Toko tamaiti a Toko Tareha nā ka puta mai Hone Tua ka moe i a Haumakuru Ngatoetoearangi **who had three kids, one was Hana Toko, Toko Tareha's child, and then they had Hone Tua who had a union with Haumakuru Ngatoetoearangi**. Ka puta mai a Whae Ani Karena ki a Tomo Tua **and then had Whae Ani Karena who had a union with Tomo Tua**. E tōku whaea matua, my mother is Porae Hape from Tomo Tua. My father is Waata Wiparata Hape. On my biological side, Mei married Tamati Kingi. Tamati Kingi nō Utakura **is from Utakura**. That's why I've got the name Owen Hape Kingi.

Heoi anō, haere tonu **nonetheless, I'll carry on**. Because of the connection of Tahapango with longstanding occupants of Whangaroa, such as Ngāti Uru and Ngāti Mokokohi, his descendants, including Hongi Hika, had rights in Whangaroa that pre-existed He Whakaminenga **The Confederation** and

te Tiriti times. Hongi's rights in Whangaroa were based on his mother's whakapapa of Whangaroa hapū. One side, I'll got to my nana Te Puta ka moe i a Kokorangi ka puta mai a Tahapango ka moe i a Taengaru nō Kaikohe. Ka puta mai Tuhikura nā ka moe Te Hotete, nā ka puta mai Hongi Hika, ka puta mai Hariata, nā ka puta mai Hana, ka puta mai taku whaea tupuna nō Matangirau, nā ko ahau e tū i mua i tā koutou aroaro. **…who married Kokorangi and they had Tahapango who married Taengaru from Kaikohe. They had Tuhikura who had a union with Te Hotete and they had Hongi Hika who had Hariata, and my ancestress from Matangirau which is I standing before you.**

The point of all this is that we have been in Whangaroa for hundreds of years. Our tupuna signed He Whakaputanga and were part of the Wakaminenga. These aspects of our self-governance were relevant to the context for Te Tiriti o Waitangi. They are still relevant today.

I was pleased to participate (under Wai 1832) in the Wai 1040 Paparahi o te Raki (Northland) Inquiry Stage One and Stage Two until its conclusion here in Waitangi, which addressed the issue whether those who signed Te Tiriti o Waitangi ceded their sovereignty. He Wakaputanga featured heavily in the Tribunal's determination that they did not. There's still a connection there with He Wakaputanga and Te Tiriti o Waitangi. Section 6 of te Tiriti, look it up.

Among other things, the Waitangi Tribunal said the following concerning He Wakaputanga:

> …when rangatira asserted their mana i te whenua, there can be no doubt that they intended this as an expression of the highest level of authority within their territories. They furthermore asserted their rangatiratanga – their rights as leaders subordinate to no one else within their territories. And they asserted their Kīngitanga, an assertion that their status was equivalent to that of King George at the time.

I'm talking about 1820.

> Moreover, the claimants regarded He Wakaputanga as the parent document to Te Tiriti o Waitangi. Given the repetition in te Tiriti of key terms such as rangatiratanga and kāwanatanga…

E tātou mā rerekē ngā kōrero nā te Pākehā **everyone, Pākehā had very different information and kōrero**.

> …the claimants did not regard He Wakaputanga as superseded by it. Some claimants used the principles of international law to reinforce their interpretations.

There has been no contention, nor have I ever seen any evidence to suggest that the rangatira who signed He Whakaputanga ever repealed or repudiated it in any way. While those who wish to assert British sovereignty as a result of te Tiriti may claim that the Tiriti implicitly revoked He Wakaputanga, none of the conduct of the hapū who were part of the He Wakaputanga ever comported themselves as though they had relinquished its benefits. Furthermore, such a significant document as He Wakaputanga–representing the right to ultimate exercise of mana--should not be revoked by implication. Rather, the kāwanatanga has relied on te Tiriti as a door to cession of sovereignty rather than (at best) a power-sharing arrangement between the world of the colonisers and te ao Māori. At the time of the 1831 petition and again at the 1835 He Wakaputanga, the British Crown accepted that Māori were independent and self-governing. The agreement of te Tiriti changed only the governance of the settlers.

Throughout the history of New Zealand, He Wakaputanga has been ignored, rarely mentioned. I would venture to say that the vast majority of New Zealanders – even a great number of Māori people – lack awareness of the role and importance of He Wakaputanga in the history of this country.

It is my position that He Wakaputanga was not repealed and has not been forgotten. It provided a framework for understanding te Tiriti as a grant of limited authority to the British and a clear and unequivocal statement of the legal independence and authority of the hapū represented by rangatira. Because of its importance in the evolution of the kāwanatanga, He Wakaputanga continues to live today. Yes! It has never been repealed or erased.

Te Tiriti was not the first interaction between the British Crown and the Māori chiefs. Te Tiriti cannot be read in a vacuum. Before it was agreed, He Wakaputanga had been agreed by the British Crown from England, accepting the unfettered independence of Māori rangatiratanga. When limited rights to govern settlers were granted under te Tiriti, it was without disturbing or undermining He Wakaputanga.

I would like to see He Wakaputanga feature more in the public discourse and education of the history of New Zealand. I would like to see its recognition by the British Crown accepted and revived by current kāwanatanga. Māori are not now for the first time raising the issue of their proper status in governance of Aotearoa New Zealand. Rather, this is a long-standing issue that was the starting position even before te Tiriti was introduced. He Wakaputanga should be raised to its proper position in the history of this country.

I just want to read a little bit more. What I'm going to read about, I read about history of Nostradamus, Marcellas Antonius way back in the day. He says:

> Everything in life begins with a thought. It's called imagination. You cannot escape from your good to those that feel good and understood them. The first indication of the awakening of the spirit. I say it carried a thought with you and it will unfold like the lotus flower. Naturally and gradually the truth once recognised cannot be lost and there is no standing still in nature.

Biblical quote. First in time, first in law. The truth of excellence is not knowledge but again imagination. The more you hide it, the brighter it shines in the dark.

Prophecy from Nostradamus, 1555. Information is not knowledge. Imagination is more important than knowledge. Well, knowledge is limited, whereas imagination embraces the whole world stimulating progress, giving birth to evolution. Imagination is everything. It is the purview of life's coming attractions.

I am that I am. Great spirits have always encountered violent opposition from mediocre minds. The mediocre mind is incapable of understanding the man who refuses to bow blindly to conventional prejudice and accuses instead to express his opinions courageously and honestly.

Heoi anō e tātou mā, ka nui tēnā mō tēnā wā. Aini pea he pātai e ngā pātai nā te Taraipiunara, he pai tēnā. E te kāhore he pai tēnā. **Nonetheless to everyone that's enough. Perhaps you can ask your questions Tribunal, that's fine. If not, that's fine as well.**

(16:36) DR GRANT PHILLIPSON TO OWEN KINGI:

Q. Tēnā koe Mr Kingi. I just wanted a comment really which was that, and I can't remember his name now, in the Government's new Surveyor-General back in 1840 had just been appointed recorded in his diary that Māori stipulated at the signing that they had retained their perfect independence. So I think it's quite clear then that the British Government knew at the time, or at least the New Zealand officials did, what Māori were saying in te Tiriti. So I just wanted to thank you for your kōrero and to mention that. Kia ora.

A. Doctor, it's like this is you and me. I went to bed last night 200 years ago and I wake up: "Huh, who is that?" The mokopuna went down to the beach: "Bubba, tae mai ngā tangata kāre au te tino mōhio ko wai ki a rātou **people have come and I am not sure who they are**?" Kake mai ki runga i te puke, matua ka pātai i te mokopuna: "Ko wai rātou?" **So I climbed the hill and then asked the grandchild: "Who are they?"** "He kēhua **they are ghosts**." But te mōhiotanga e ngā rangatira i wērā wā doctor te hōhonu i ngā kōrero runga te wairua he wairua tapu tūturutanga,

nā rātou kē i mau mō tonu ake. Kāre e ngaro te kōrero i te wairua tapu kei runga ki te rangi. Te tino mōhiotanga o tērā wāhi pai a ngā kōrero hōhonu tawhito kāre e mōhio ana te Pākehā. **…the chiefs knew at that time the depth of knowledge about the sacred spirits and it was genuine which they held onto forever. We would never forget what the Māori spirit says in the heavens and all of the deep and ancient narratives that the Pākehā don't know about.**

Nā pēnei, e toru ngā mea i tae mai ana te Pākehā te tupuna i kōrero **there were three things that the Pākehā spoke with the ancestors**, nā te colonial, the Crown and the clergy. I can't be wrong, I can't find where my tūpuna are. They never were inclusive doctor. It was all exclusivity that when they came here they excluded us from everything, and they promised us you know that. They made promises. How many promises did they make? They did not keep one.

Today, it's the same thing because to get trust you have to be loyal, you have to be honest, you have to have integrity, you have to have a dignified approach before anyone trusts you, then you can access the loyalty. It just comes naturally. It's a natural process. You're already familiar with it doctor but that's how they did it. They walked it slowly through and no one could challenge them. Because if I could say that the missionary Kendall challenged Hongi on one kōrero. He said there was a god greater than Hongi, so Hongi said to him this: "Ka pūhia ana tō koutou kaki ka mate kēhia ana tō koutou atua. If I shoot you and you're dead where is your god?" And then Kendall kindly resisted and sat down. There's photographs of that. There's many.

HOUSEKEEPING – TIMING (16:39:44)

DR GRANT PHILLIPSON TO OWEN KINGI: (CONTINUES)

A. To come here I had a magnificent upbringing. Someone said: "Owen, you have to have the wisdom." I asked them: "What's that? Where do you get that? What shop you go to get that?" I said: "How do you know what wisdom is," and none of them could answer me. I said: "It's easy, you have to have the experience of life to fully understand. Your own

personal experiences, and if you can understand how I feel, it's like they're all here. I look like I'm on my own but I'm not."

It all began when I was a little boy in Rātana Pā because my mum took us from the north to the Rātana Church and in that place there's a boogie house down there where all those tapu taonga are. As a little boy, I used to go and lie on these big greenstone tapu in the boogie house. We had one from Kahungunu, a big one. Pīki nui ngā kohatu, ana takoto mai kei runga rā. Tae mai ngā Pākehā, ngā whānau mataku **huge rocks, so I'd lay on top. When Pākehā and whānau come they were afraid**. They all said something would happen, nothing happened. But something happened when I was 10 years old. I got injured at school at Wesley College. I ended up in Wesley College and I enjoyed it there. Because I ended up in the Welfare and the Welfare said: "Which school do you want to go to Owen?" I said: "Where all the Māori boys are." They wanted to send me to the Pākehā school in Auckland just on the corner of Penrose and Newmarket. I don't know what that school is but I didn't go there. And then later on in life, I went to Australia and I spent 30 years there and I came home. When I saw all these people marching around, I wanted to know. I was in for it boots and all and I've thoroughly enjoyed the journey. When I had about 40 kaumātua, Bryce, they were all here in the house and I'm right in the middle of them. I was so fortunate. But in 2010 something snapped it out of me. I was working in the forestry and I got hit by a tree. Pirau hoki ngā raiti. I was out. I fell under a log, then I was lying under a log it was pitch black. Then I see these at the end of the tunnel they told me to get up. The fulla Nuku Woods come and got me out when he yelled from the top of the hill: "Owen, you are super human strong or someone's looking after you." I said: "Yes, super. Oh, my nana." I come out and ever since I've been healing and I'm back.

I've done a lot of things. I've met Prime Ministers in Australia, Bob Hawke, Gough Whitlam, Paul Keating, John Howard who gave me my first house in Australia. That's how I built a relation with Pākehā over there to express to them where I'm from and what I'm doing. And then the hui in 2017 at Kororipo, I met the Prime Minister. We were having a get together who is going to speak on behalf of Hariata Rongo. There

were 15 from Ngāti Rēhia sitting there and me. Mita Harris was running the show. He said: "E tātou mā, we've got to select someone to talk for Hariata's schooling." Guess what, I stood up: "Nāku tēnā." Nā ka mutu te hui. It happened just like that, finished.

In respect, I got this from the United Nations. You want to have a look. Because that's what it is, it's acknowledging Hongi Hika and the importance of education at that time. Then when I come back and travelled with the kaumātua, I travelled with them everywhere. Everywhere. I didn't know where I was going. Had no money but I seemed to get in the car somewhere. On that journey, we were going to Wellington for the foreshore and seabed. We get to Te Raukawa and Bryce and them ask me: "Owen, dad wants you to carry those patu of Hongi Hika." I said: "What for?" They said it was too heavy. I said: "Better you suffer than me." But kua haere ana rātou. But it was like a feather to me when I picked them up. It just sat there.

I'm mesmerised. A lot of things have happened. Tūpuna come to me. Waka Nene came to me. Someone gave me a portrait, an original portrait of Waka Nene in front of the Tribunal at Panguru, Waka Nene. And guess what, everybody in the house got up and booed me. There was a lot of raruraru with the kaumātua so I just stand back and said: "Kia ora tātou. It's me that he gave it to." I can acknowledge who was on that Tribunal Judge Coxhead, Tā Ranginui Walker, Kihi Ngatai, and I forget the ladies. The chief researcher was Barry Rigby and that's how I got all my information. All this here has just begun and today, I've had an opportunity because I feel better now after I had my injury. Yes, I've still got this. I should have brought the taiaha. I really meant to give that to you to tell you to keep it on you while I was talking so it would keep you warm. I can say this to all my people, I'm looking at you please get better. Mā Ihoa hei manaaki i a koe i runga i te kanohi ka tirohia. Heoi anō e tātou mā, tēnā koutou, tēnā koutou, tēnā koutou. **May Jehovah bless you (inaudible 16:47:21). Nonetheless, to everyone thank you, thank you, thank you.**

WAIATA TAUTOKO

DEREK FOX ADDRESSES OWEN KINGI – MIHI, ACKNOWLEDGEMENT (16:49:00)

DEREK FOX ADDRESSES TE MINENGA – MIHI, ACKNOWLEDGEMENT (16:49:11)

5 **KARAKIA WHAKAMUTUNGA (OWEN KINGI)**

HEARING ADJOURNS: 4.50 PM

HEARING RESUMES ON THURSDAY 4 DECEMBER 2025 AT 9.00 AM

WAIATA

KARAKIA

HOUSEKEEPING – TIMING (09:04:34)

(09:05) UNIDENTIFIED SPEAKER: (MIHI)

Ko Tokerau te **(inaudible 09:05:54)** ki te hauraro o te pūwaha, ko Rakaumangamanga ki Te Rāwhiti. E rere atu nei te **(inaudible 09:06:02)** manga nui, te awa o ngā rangatira e tu mai rā te pā o Kororipo. Titiro whakararo ki Orongo, ki Takou awa, te wahi mataaraara ki a ai e Puhi, te waka tupuna o Mātaatua e moe mai rā, e moe mai rā, e moe mai rā. **Rivers of chiefs, where the pā of Kororipo is. Looking down to Orongo, Takou river – Tauparapara – where the Mātaatua rests, the final resting place.**

Whiti whakateuru ki te ngaherehere nui o Pukeiti, ko Hutunoa ki te moana o Ōmāpere, āwhiowhio te rangi ki runga Whakataha maunga, kei raro, ko te awa o Waitangi. Hīrere ki Pōkākā tōtika, te whatumanawa i Pīpiri ki Waitangi, o whitiora, Hiruharama hou, Whetumarama ki te ao hou, Mātaatua ki Takou, Tauwhara ngā marae, Ngāti Rēhia te hapū, Ngāpuhi-nui-tonu te iwi. **Going to the west, to the great forest of Pukeiti, to Lake Ōmāpere and to Whakataha mountain, and below is the river of Waitangi. Then, going directly to Pīpiri to Waitangi, Hiruharama, Whetumarama, the new world, Mātaatua, Takou, Tauwhara ngā marae, Ngāti Rēhia is the hapū, everlasting Ngāpuhi is the iwi.**

Hei tūwhera te arero o tōku hapū, tāku kōtiro nei, te tikanga ki a pepeha tō mātou nei pepeha ki a koutou, i roto i tēnā, i here ai ki roto i a tātou katoa. Tērā o tātou nei whanaunga e here nei ki tēnei moana i waho nei. Ki tō tātou waka Mātaatua, tātou katoa, ngā kaihoe o tēnā o tō tātou nei waka i tīmatangia i tēnei hui, me ērā atu o ngā hui ki muri, tae noa hoki ki tēnei rā. **To open the tongue, so to speak, of our hapū and of our young woman, and so, it's important**

that we share our pepeha with you, within that, it links all of us. One of our relations that links us to the sea out there, into our waka of Mātaatua. We were the paddlers of our waka, at the beginning of this gathering, and prior gatherings until this day.

Nā reira, ko tō mātou nei arero o Ngāti Rēhia kua tukuna ki tō tātou nei kōtiro. Tōna arero, ko tōku arero. Ko tōna arero, ko te arero o tōna hapū. Ko tōna arero ko te arero o tātou katoa e noho nei. Kia tukuna atu ēnei kōrero i mua i te aroaro. **And so, to the voices of Ngāti Rēhia, her tongue is my tongue for Ngāti Rēhia. Her voice is the voice of her hapū. Her voice belongs to all of us sitting here to present this kōrero before you.**

Ko te tūmanako, ki a kore a Derek e whai mahi. Ehara tēnei ko tō mātou nei tu tuatahi ki mua i te Taraipiunara. Koutou katoa, tēnā tō koutou nei ao. Ko te tikanga kē, ki a mutu ēnei tu. **Let's hope that Derek does not have any work to do. This is not our first appearance before the Waitangi Tribunal. This is your world, all of you, and the tikanga is that we conclude this appearance.**

Nō reira, kei tāku kōtiro, tōku arero, kei tōku kōtiro te arero o tōku hapū, tēnei hei tūwherangia tōna tu ake kei mua i a koutou. Nō reira, e mihi kau ana, tēnā koutou, tēnā koutou, tēnā koutou. **So, my girl has the voice and tongue of our hapū, and so, I want to introduce her before you. So, thank you, thank you.**

E te tuāhine, tēnā koe. Hoki ana ngā mahara ki tō tātou tu, ko ia anō te arero ki roto o Pōneke, Te Whanganui-a-Tara. Ko ia anō tēnā o ngā arero i tu atu i mua i a koutou. Kaua tātou he tauanga ki tēnei tu ake, kaua tātou katoa e taunga ki tēnei tu ake i mua i te Taraipiunara. He manawa rātou nei mahi, engari he mana i runga i ngā whakapaepaetanga kua ūhia ki runga i a tātou. **To the sister, greetings. I remember when she was the voice that represented us in Wellington, and she was also one of the voice that's appeared before you. We are well versed in these situations, we are experienced in appearing before the Waitangi Tribunal. There is mana in**

the things that they do, there is also mana in all of the challenges that have been placed upon us.

Hei tāpiri noa iho, me mihi au ki tāku kōtiro, me mihi au ki tāku kōtiro e Rukuwai. Tēnā koe me tō whānau katoa, kaua e waiho atu ēnei mahi māna e oti, me whakaoti inaia tonu nei. Ka rongo koutou ki ngā kōrero o tōku kōtiro, ka mōhio koutou e taea e tātou te whakaoti. **This is additional, in addition, I must acknowledge our young woman, Rukuwai. I want to acknowledge you and all of your whānau. I'll allow just her to accomplish this work, but it must be done right now, and when you hear what she has to say then you will know that we are able to accomplish those things.**

Nō reira, i runga i tērā, huri ana i ngā pātū o tēnei o tō tātou tino whare rangatira, e te taumata, tēnei o tō tātou nei whare rangatira, tēnā koutou, tēnā koutou, tēnā tāua. **So, with that in mind, I want to acknowledge the walls of this great house, to the taumata, the leaders in this noble, chiefly house, thank you, thank you.**

WAIATA TAUTOKO

UNIDENTIFIED SPEAKER: (CONTINUES)

Ko te pou e kōrerohia nei i roto i tēnei karakia tawhito, e kōrero ana ki te pou i titia, i titia a tātou nei tūpuna matua ki te whenua. Tēnā pou whakatika tikanga, tēnā pou, tō tātou reo me ōna tikanga katoa i titia ki te whenua hei maumahara, hei maumaharatanga mō tātou. Nei ka kawe, mua tātou, i runga i tāua pou i titia ki te whenua. **The pillar that's mentioned in this ancient karakia refers to the pou that was pierced by our ancestors into the earth. That post of tikanga, pillar, which is our language and all of its customs, which pierced the earth for us to remember. So, we convey it before us in terms of that post that pierced the earth by the ancestors.**

Nō reira, huri ana, tēnā koutou, tēnā rā tātou katoa. **Thank you.**

(09:11) RUKUWAI ALLEN: (#B082)

Te whare e tu nei, tēnā koe. Ngā hapū rangatira o tēnei wāhi kāinga, Ngāti Kawa, Ngāti Rahiri, Te Mata Rahurahu, tēnā koutou i whakaāe mai ki a tu mai ngā hapū, ngā rōpū, ngā whānau i tō whare i te rā nei e. Tēnā koutou. **The house that stands here. Greetings to the chiefly hapū of this home, Ngāti Kawa, Ngāti Rahiri, Te Mata Rahurahu, greetings to you, who allowed for the hapū, the groups, and the whānau to stand here on this day. Thank you.**

Tangi tonu ana ki a rātou mā e rarangi mai ana i ngā pātū o tō tātou whare, rātou i para i te huarahi mō tātou nei e. E ngā mate huhua o Te Taitokerau, e tangi tonu ana ki a koutou, e tangi tonu ana e. **Turning to mourn those hanging on the walls of our house, those who pave the way for all of us. To the many deaths of the north, we continue to mourn your passing.**

Tangi ana ki te kaupapa e kī a nei, *Tomokia Ngā Tatau o Matangireia*. Māku te kī atu i te rā nei, ka ū tonu, ka ū tonu ko te mana motuhake, ko te tino rangatiratanga ki ngā ringaringa o te Māori. Ka pērā, ka ū i roto i ngā wai tahu o Te Tiriti o Waitangi, o He Whakaputanga e, tēnei ka tau. **I mourn and acknowledge this kaupapa, the *Constitutional Inquiry.* I say now, conveying, committed to mana motuhake and tino rangatiratanga, and to the maori people. Remain committed to those who signed Te Tiriti o Waitangi and He Whakaputanga.**

Kia hoki ki ngā tātai, ngā toko rangatira rongonui no roto mai o Ngāpuhi, whānau mai ko ana uri. Ko tētahi o ērā uri ko Tareha, tipuna rongonui o Ngāti Rēhia. Tētahi atu o ērā uri ko Te Pakira, e kī ana i tana kōhatu maumahara, ko Tareha te uri o Ngāti Rēhia, he rangatira nō Ngāpuhi. **May I return to the lineages, the chiefly lineages famous throughout Ngāpuhi, one of the descendants was Tareha, a famous ancestor of Ngāti Rēhia. Another ancestor was Te Pakira, which says on his memorial stone, Tareha is the descendant of Ngāti Rēhia and the chief of Ngāpuhi.**

Heke ia, ko Te Pakiri, ka puta ko Hone Tarawau. Nā Hone Tarawau, ko Harata Tarawau, moe atu ki Te Raupatu Wirihana, nō roto mai o Whangaroa. Nā, ka puta ko te uri kotahi, ko Takangaroa Wirihana. Moe atu a Takangaroa Wirihana ki Te Ahitopere **(inaudible 09:13:54)** nō roto mai o Ngāi Tāwake, o Te Whiu, ka puta ko Hori Te Kemara Arena. **He descends from Te Pakiri and they had Hone Tarawau, who had Harata Tarawau, who married Te Raupatu Wirihana from Whangaroa. They had one child, Takangaroa Wirihana. Who had a union with Te Ahitopere (inaudible 09:13:55) from Ngāi Tāwake of Te Whiu and they had Hori Te Kemara Arena.**

Moe a Hori Te Kemara Arena ki a **(inaudible 09:14:02)** nō roto mai o Ngāti Hine, Ngāti Te Ara, Ngāti Kopaki, heke iho atu rā ki roto o Hokianga, ki Ngāti Wharara, ki Ngāti Korokoro, ka puta ko Te Rangi. Moe atu a Te Rangi ki a Veronica Tipene, nō roto mai o Te Rarawa, Kaitutae, Te Waiariki, ngā hapū, ka tu ake te kaikōrero e tu atu nei ki mua i a koutou. Ko Rukuwai Allen tōku ingoa. **Who had a union (inaudible 09:14:03) from Ngāti Hine, Ngāti Te Ara, Ngāti Kopaki, down to Hokianga, to Ngāti Wharara, Ngāti Korokoro, and they had Te Rangi. Who had a union with Veronica Tipene from Te Rarawa, Kaitutae, Te Waiariki are the hapū, which is who is the speaker before you. Rukuwai Allen is my name.**

WITNESS REFERS TO STATEMENT OF POSITION #B082

Hei tīmata ake, ka hoki whakamuri ki te tīmatanga o ērā tātai kōrero, ki ngā kupu a Tāreha i whakapuaki atu i te tuaono o ngā rā o Pēpuere i te tau 1840: **To commence, I must go back to the beginning of those oral traditions in what Tareha said on the 6th of February in the year 1840:**

> Horekau he kāwana moku – mo te iwi Maori ranei. **I do not need a governor, or for the Māori people.**
>
> Ko mātou, mātou anake ngā tino rangatira – nga kaiwhakahaere. E kore rawa e tukua tetahi atu, hei kaiwhakahaere i a matou. Aha! Ko koe te tauiwi ki runga, ko au ki raro. Ko koe ki runga rawa, ko au, Tareha, te

rangatira nui o Ngāpuhi, ki raro rawa! Kahore, kahore e kore rawa, e kore rawa. **We and only we are the true rangatira – the rulers. We will never allow someone else to rule over us. Although, you, the foreigner, above, and me, below, and me, Tareha, the famous chief of Ngāpuhi is below you? No, no, never, never, never.**

E te Taraipiunara, e mihi ana ki a koutou. Mōhio ana ahau kei a koutou te mahi nui ki te ātā wherawhera i ēnei kōrero ka rongohia, me te nui hoki o ngā hoatu a te iwi Māori ki a koutou, ki o koutou taringa. Heoi, ko tāku i te rā nei, he whakaū tonu i ngā kōrero i whakapuaki i tērā wā tonu. Kīhai a Ngāti Rēhia, kīhai ngā uri i tuku i te mana whakahaere mā tētahi atu. Koia tāku e tu nei. **To the Tribunal, I want to acknowledge you. I know that you have the great work ahead to examine what has been said and as how important all of the things that have been given to you and been shared with you. So, today, I want to affirm the statements that were shared at that time. Ngāti Rēhia, and the descendants did not cede control to someone else. That's why I am standing before you.**

E hiahia ana ahau ki te kōrero ki tētahi o ngā take i whakapuakingia e tāku matua, e pāpā Keepa i te ata nei. Mō te āhua o ēnei hoki, hoki atu ki ēnei tūmomo kōrero. I roto i tēnei aronga, ēnei nohoanga, āe, kua rongo i ngā hītori, me tāku mihi ki tō tātou iwi i te nui o te mahi i oti i a koutou ki a kohikohi ake ēnei kōrero. **I want to speak on one of the issues that was shared by my elder, Keepa, this morning. In terms of the nature of returning to these histories, these natives. Within this focus, and these sittings, yes, we have heard of the history, and I want to acknowledge my iwi, all of the work that has been done to collect and research this history.**

Heoi, e hia nei ngā tau kua hoki te Māori ki ēnei tūāhua, me te mea nei, e ngana ana tātou ki a whai taunaki e whakapono ai a Aotearoa, i hē te Karauna ki a mātou. Ka nui tāku hoha ki tērā tūāhua i te mea kua nui kē ngā taunaki, ngā kupu tautoko, ngā tauaki kua oti kē e tō tātou iwi, ki a kite mārama atu ai rātou ki ngā hē kua oti i a rātou, heoi. **But over many years, Māori have come to these sorts of events, and we continue to strive to find evidence that the**

Crown was wrongdoing to us. But I have become fed up because we have shared so much evidence that has already been completed by our people. So, that they could clearly see the wrongdoing that has been committed by them.

Ki a tīmata ake aku kōrero mō tēnei mea, te rangatiratanga. Ko ētahi o ngā tikanga a Ngāti Rēhia, ko ngā tikanga he mea whakahaere i a mātou. Nā, i roto i aku tuhinga, kua rarangi mai ko ērā. Āe, ko te mana motuhake, ko te tino rangatiratanga, ko te whakapapa, ko ngā tikanga tonu, ko te reo, ko te wānanga, ko te kaitiakitanga, ko te manaakitanga, ko te noho hei ahi kā, ka mutu, ko te whanaungatanga. **Nonetheless, may I commence my statement with the rangatiratanga. Some of the tikanga of Ngāti Rēhia are the tikanga that help us conduct ourselves. Within my statements, I have, yes, referred to mana motuhake, tino rangatiratanga, whakapapa, the tikanga, the language, wānanga, guardianship, hospitality, and to live as long term occupation, and kinship.**

Ēnei tikanga katoa, ka noho mai hei tūāpapa i roto i ngā tauira e whai ake nei mō te āhua o tō mātou ū tonu ki tō mātou rangatiratanga i roto i a mātou. Me te mea nei, ēnā mea katoa, ki a tuitui mai ēnā mea katoa, kei reira pea te tauira o tā mātou ū. **All of these tikanga form a foundation of the following examples in terms of our ongoing commitment to our rangatiratanga within ourselves. Also, all of those things are to be bound together and perhaps that is the model.**

Ahākoa te ngana o tēnei kāwanatanga, o ngā kāwanatanga i mua. Ahakoa te āhua o te tū mai o ēnei pūnaha hei whakakore i a mātou e ū tonu ana mātou ki ngā kupu e puta i tō mātou tūpuna i tāua rā i hainatia ai te Tiriti. **Despite the attempts by this government and prior governments, their systems to extinguish us, but we remain steadfast to the words of our ancestors when he signed te Tiriti.**

Ki a kōrero ake i tētahi tauira mō te āhua o te rangatiratanga ki waenganui tātou, ngā whānau, me te mōhio ki waenganui i a tātou, e ora tonu ana ētahi o ēnei

tauira. Nā, i roto i te whānau, ka mataamua, ko te reo Māori. Ka mataamua ko te whakaako i ngā tikanga ki ā mātou tamariki e mārama ai rātou me pēhea te whakahaere i a rātou anō ki a pakeke ana rātou. **Let me talk about one example about rangatirantanga amongst the whānau, that are amongst us, these models still exist. First and foremost is Māori language and to teach our children so that they understand as to how to conduct themselves as they grow.**

E whakaako ana i a rātou ki ngā kupu i hainatia i roto i ngā kawenata, ara, He Whakaputanga, Te Tiriti o Waitangi. E mārama ai rātou ki ngā haepapa a te Karauna. **To teach them of the statements that were signed in the covenants, He Whakaputanga and Te Tiriti o Waitangi. So that they can understand the obligations and duties of the Crown.**

Nā, e whakaako ana mātou, e whakatipu ake ana mātou ki a mōhio ake ai rātou ki te taiao e noho nei tātou. I te mōhio, mā te taiao, mā te tangata, mā te mahi tahi o te tuakana, teina, ka oti ai te whakahaere tika me te whakaū i te rangatiratanga ki waenganui i a tātou. **So, we teach and then, as they are growing up so that they know of the environment that we live in. Because through the environment and through people, and through the work of the younger and the older ones, you are able to conduct yourself in the correct way amongst yourselves.**

Nā reira, i roto i ngā whānau o Ngāti Rēhia, pērā tonu ana. E pērā tonu ana te whakahaere i a mātou, ki a ako a tātou tamariki ki ēnei mātāpono, me ngā tikanga i heke iho mai i a Io tonu. Ka mutu, i tēnei wā tonu, e kite ana te rāweketia o mātou, e te kāwanatanga, ki a ngana te whakamutu atu i ērā mea. Te āhua o tō mātou whakatipu i ā mātou tamariki, te āhua o ā mātou noho. Heoi, aianei ka kōrero mō tērā tūāhua. **So, within the whānau of Ngāti Rēhia, that's still the case. It's still the case as we conduct our affairs to teach our children about these principles and tikanga that descend from Io. Furthermore, at this time, I can see that the tampering of governments to end those things. How we teach our children and in time I will talk about that.**

Nā, ki a tipu ana te tamaiti, ka pakeke ake ia ki waenganui i ōna hapū, a, nā ka kite i te tauira o te rangatiratanga ki roto i a tātou tangihanga. Nā, ka tuku mā te taumata, te puna roimata, te taiao tonu, e tohu ā hea tanu ai te mate, ki hea tanu ai te mate, ki hea te wāhi e tika ana ki a takoto ai te mate. **When the child grows up in their hapū and then you see the example of rangatiratanga in our funerals. Allow the taumata, the leaders, and the pool of tears, and the environment to signify when we bury the corpse, where the right place is for our dead to lay.**

Ērā mea katoa, he tikanga whakahaere i a mātou. Nā, ka wānanga te taumata, ka whakaaro ake ki ngā whakapapa, ka kitea ngā tohu i roto i ngā rau puriri, ka rapa atu ki ngā pātū o ngā whare. Ka tirohia te tai, mēnā e timu ana, e pari ana, āhea te wā e tika ana ki a haerere haere. **All of those things are tikanga that help rule all of us. The taumata have discussions and consider the whakapapa and the signs, then look at the walls of the house. Then look at the tides, how they flow, what are the appropriate places, times.**

Ēnā tūāhua katoa, he mea whakamahia e mātou te Māori, mātou o Ngāti Rēhia, i ngā hui katoa. Ahakoa te hiahia, ahakoa te ngana o te kāwanatanga, nā, te whakatū ture ki a mea atu, me pēnei te āhua o te tanu i tō mate. Me pēhea te āhua o tō whakahaere i tō tangihanga, me pēnei te āhua o tō whakahaere i ō marae. Kei reira tonu mātou e ū tonu ana ki ērā mātāpono. **All of those sort of aspects were utilised by the Māori people and Ngāti Rēhia, during all gatherings. No matter what the desire, and the attempts by the government to tell us, this is how you should bury your dead. This is how you should conduct your tangihanga, your funeral, and this is how you should control the affairs of your marae. So, we remain committed to those principles.**

Ko te tangihanga tētahi tauira pai o tēnā, i te mea kite ana i te rangatiratanga o ngā mahi. Me te whakaaro nui ki ērā tikanga i kōrerohia ai e au mō te whakapapa, te reo, ngā wānanga, te āhua o te noho hei ahi kā, te whanaungatanga. Mēnā ka nekeneke, ka nuku atu tētahi mai tētahi whare ki

tētahi whare, me mōhio ki ērā mea e tuitui ai, ana he ture papa Māori tērā. **Funerals are a good example of that because we see the rangatiratanga within the things that we do there. All of those tikanga that I refer to about whakapapa, the language, wānanga, the nature of being ahi kā, kinship. If some goes from one house to another house, then he must know of those things that bind us together, which is a Māori constitution.**

Kua kitea ērā whanaungatanga me ērā herenga ki waenganui i ngā mahi tahi, i waenganui i ngā hapū. Ka kore ahau e tau mai ki roto i tēnei whare tohutohu ki a Ngāti Kawa, Ngāti Rahiri, ā, me pēnei koe i roto i tēnei whare. I te mea, e mōhio ana ahau, ko te rangatiratanga o tōku hapū kei au, ko te rangatiratanga o tēnei hapū, kei a rātou. **We have seen those kinship links, connections between the cooperation between the hapū. I will not come into this house to tell Ngāti Kawa, Ngāti Rahiri that they should behave in this way in this house. Because I know that the rangatiratanga of my hapū is with me and the rangatiratanga of this hapū lays with them.**

Ehara i te mea, ko te rangatiratanga o ngā hapū he mea tukituki kei waenganui i a rātou, kao. Engari, ko te whakaute ki waenganui i ngā hapū, me te mōhio me pēhea te mahi tahi. I te mea, i ōna wā, kīhai mātou e wehewehe mā ngā rarangi i runga i te mahere, i runga i te pepa. Kāo, he mea tuitui kē tātou i roto i ngā whakapapa. **It's not the rangatira of the hapū, it's not in conflict with them. But it's respect between the hapū and understanding how to work together because, in their times, we were not divisions on paper, no. We were bind together through whakapapa.**

Nā ērā mōhio, ka rerekē rawa te tirohanga o tēnei mea te hapū rangatiratanga i te mea e mōhio ana tātou, kei reira tētahi ki tai, kei reira tētahi ki uta. Kei reira ngā kumara, kei reira ngā ika. Ērā tauira katoa, ka mutu, e pēnā tonu ana ki waenganui i ngā hapū. Ki te haere atu koe ki roto i tētahi anō hapū ki te kohi kai, ki te whakahaere kaupapa, e tika ana ki a pērā rawa te mahi tahi o te whakapapa. **So, through that knowledge then we can have a unique look at, consideration of rangatiratanga. There are those on the coast, and in the hinterlands. There are the kumara over there, and the fish are in**

another area. All of those examples and it's still the case within the hapū. If you go to another hapū to collect food, to conduct different kaupapa, it's right that you work together in terms of those whakapapa links.

Ahakoa te hiahia o te Karauna ki a wehewehe rawa tātou, ki a mārama tā rātou kite, mai tērā maunga, ki tērā awa, ana te rohe o tētahi hapū. E kāo, ka kore rawa e pērā te rangatiratanga o te hapū. Mai tērā tupuna ki tērā tupuna, me ngā hononga kei waenga, mā reira tātou e kite ai te mahi tahi o ngā hapū. **In spite of the desire of the Crown to divide us so that they can clearly see that from that mountain to that river, that's the territory of another hapū. But that's not how hapū exercise rangatiratanga. From that ancestor to that ancestor, and the links between, and that's where we will see the cooperation between the hapū.**

Nā, kua kōrero ahau ēnei pūnaha katoa e whakamahingia ana i ēnei wā, i whakatūria mō te whakakahore i te tirohanga Māori te take. Mō te whakakahore i ngā tikanga kua kōrerohia te take. Mō te whakakore atu i a tātou te iwi Māori te take. **Now, I have referred to all of these systems that are utilised now and were established to extinguish the Māori perspective. To extinguish the tikanga that were referred to previously in terms of extinguishing we, the Māori people.**

Ka mutu, e kite tonu ana i te punaha e mahi ana i ana mahi i te rā nei. I roto i ngā kaunihera a rohe nei, mā rātou e whakatau mēnā e pai ana ki a tuku i te tūtae ki roto i a tātou wai. Mā rātou e whakatau mēnā e tika ana ki a hanga whare ki runga i ō tātou ake whenua. Mā rātou e whakatau mēnā e pai ana ki a mahi tahi ki a mātou ngā hapū, mēnā ka mahi tika atu rātou, mēnā ka tuku īmera anake nei rātou. Mā rātou hoki e whakatau te āhua o te whakamahia i ō mātou whenua. Pēnā rānei e tae ana te tu i runga i ō mātou whenua. **Furthermore, we see the systems that are doing its work, operating now, today. Within the regional councils, they will determined where it's okay to discharge sewage into our waterways. It is for them to determine whether it's okay to build houses on our lands and is it up to them to determine whether they can work with us, the hapū. If they were behaving**

correctly, through just sending an email. Do they determine the nature of how we use our lands, if we are even allowed to stand and live on our lands.

Ka mutu, ka mihi ahau ki Te Taitokerau i whakatau ki a mau tonu mai ngā wāri Māori ki waenganui i a mātou o ngā kāinga nei. E kite ana i te hiahia nui o tēnei rohe, ki a tika te mahi tahi. Engari, māku e kī atu ko te nui o ngā hua kua tau ki te Māori, he mea puta nā te whakapau kaha o te Māori ki roto i ērā wāhi, ehara i te mea he hua nā te pūnaha. **Furthermore, I want to acknowledge the north, they agreed for Māori wards to continue amongst our homes. We have seen a great desire of this region to have correctly. But most of the benefits to Māori people have emerged from all of the great efforts in those places, it was not from the system.**

He hua nā te whakapau werawera a aua tangata e mahi nui ana ki roto i ērā wāhi. Ka mutu, kīhai ngā tūpuna i haina i te Tiriti, i Te Whakaputanga ki a kawe ake o tātou uri i ngā haepapa nui a te Karauna mō te taha ki a rātou, te wāhanga ki a rātou, i roto i ērā kawenata. Nā, e pēnā ana te pokea nei o a tātou uri e kawe ana i te taha ki te Karauna. Heoi, ka aroha ki ō tātou whanaunga, ka aroha, ka nui te taumaha o ērā mahi. **It hasn't come out of the system, but those people who accomplished all that great work in those places. Furthermore, the ancestors did not sign te Tiriti, and He Whakaputanga for our descendants to take on the obligations and the duties of the Crown that grew from those covenants. As our people continue to be deeply effect, and so, I sympathise with our relatives, and there is much pressure from all those actions.**

Ka mutu, ka mihi ahau ki a rātou, ki tō tātou tungāne, ki a Moko, ki a whaea Hilda, ki a Tamati, ki a whaea Chicky, ki tāku tuakana tonu, ki Te Arohanui. I te mea, e mōhio ana tātou he nui te kawenga, ahakoa te pai o te kite atu i ērā mata Māori ki roto i ērā wāhi. Ehara i te mea, mā ērā e tutuki ai ngā whāinga o Te Tiriti o Waitangi. **So, I want to acknowledge, to brother Moko, whaea Hilda, to Tamati, whaea Chicky, to Te Arohanui, because we understand that there is great responsibility. Although it's good to see**

those Māori faces in those places, but that's not how the obligations of Te Tiriti o Waitangi will be met.

Heoi, ko ēnā kitenga e kite tonutia ana ki roto i te kāwanatanga, anō ko te rāweke o te kāwanatanga ki roto i a mātou whakahaere, kua tae ki tua o weriweri, ki tua o tāwauwau. Kātahi te whakahīhī, tō rātou hia whakamā, nā tēnei kāwanatanga i tēnei wā tonu. E ai ki a rātou, mā rātou e whakatau ka pēhea te whakamahi i tō tātou reo. Ka pēhea te whakaako i Te Tiriti o Waitangi, ka pēhea te whakahaere o ā mātou tikanga, me āmine atu ki te paremata pēnā e pai ai te tuku i te karakia? Ka pērā rawa te kino. **So, those findings, we continue to find that in the government and the government tampering with our affairs, it's terrible. It's very arrogant, they are shameless because this current government, according to them, they will determine as to how we use our language. How we teach Te Tiriti o Waitangi, how we conduct our tikanga, we must ask the government if we are allowed to recite a karakia. That's how bad it is.**

Ka mutu, mā rātou tonu e whakatau mēnā kua tika tō rangatira hei kōrero tahi māna. Mā rātou ērā katoa, mō te wāhanga ki te mahi tahi, mā te Karauna tonu e whakatau mēnā ko koe te hoa pai mōna. **Furthermore, they will determine as to, you have the right leader, he has the right to speak, and so, that's up to them. In terms of cooperation, the Crown will determine that you are a good partner for them.**

Nā kīhai a mātou kawenata i whakaāe ki a pērā. Kīhai a mātou tūpuna i haina i aua kawenata i runga i te whakapae, āe, ka noho hei papa kuri, ko aku uri kei raro. Kīhai i pērā rawa ngā whakaaro o ngā tūpuna. **Now, our covenants did not agree to those things. Our ancestors who signed those covenants did not sign that on the assumption that we will be like dogs, and our descendants would be below them. That's not what the ancestors thought.**

Ka mutu, ko ēnei rāwekeweketanga i tō tātou Tiriti tētahi o ngā – he hāmene nui tērā, he hāmene nui tērā. Heoi, tērā pōhēhē tērā, e taea ana e te

kāwanatanga te **(Māori 09:27:30)** ki te Māori, ka pēhea i a e tū rangatira ai i tōna ake whenua, kātahi te takahi. Ki te whakaaro ake tātou mō ngā takahinga Tiriti, ko tō rātou whakaaro ake e taea ana e rātou, kātahi te takahi. **Furthermore, all this tampering of the Tiriti, that's a great offence. But that's a major assumption for the government to tell Māori how they can live on their lands and that's a major violation. If we think of the violations of te Tiriti, how they think they can do it, and that's a major breach.**

Mō te taha ki ngā mōtika tangata, kīhai te Tiriti, kīhai He Whakaputanga i whakaāe ki a whakawhēnumitia te iwi Māori hei tauiwi, ki a rite ngā mōtika o ngā Māori i tā te tauiwi, kāo. Ki a hoki atu ki ngā kōrero i whakapuakitia i te tīmatanga, ngā kupu i puare i te wā i haina ake ai te Te Tiriti o Waitangi, kāore rawa e tuku mā tētahi atu hei kaiwhakahaere i a mātou, ka mutu i reira. **In terms of the human rights, te Tiriti and He Whakaputanga did not agree for the Māori people to be assimilated so that the rights of the Māori people are like non-Māori, no. We must go back to the statements that were shared at the beginning, that were shared when the Tiriti was signed. I will not allow someone to rule over us, and it ends there.**

Heoi, ko te pātai i a, ka pēhea te tikanga me te ture papa e mahi tahi ai? Tērā tētahi pātai e karawhiua ana. Ki a pēnei ake pea tāku kōrero, i roto i ngā tau kua meatia, kua rāweketia ngā tikanga e pai ai te ō o te tikanga ki roto i te pūnaha Pākehā, ki roto i ngā whakahaere Pākehā, i ngā whakahaere Karauna. **And so, the question is, how does the constitution and tikanga work together, and that's the question being posed. May I put it like this, over the years it has been said, tikanga had been tampered with, so that tikanga be included in the Pākehā system and the conduct of Pākehā, and of the Crown.**

Kāore anō ngā tukanga ki a rāwekeweketia e pai ai tā rātou mārama, or mahi tahi ki ngā tikanga Māori. Ka mutu, ki a kaua tātou e mate ki te kimi i te kauhanga nui ki waenganui i ēnei mea e rua. I waenganui i te ture papa o Aotearoa me ngā tikanga a ngā hapū. **Those processes, in terms of – and understanding what tikanga Māori, how that works together. So, we must**

not try and find harmony between the New Zealand constitution and tikanga Māori.

Me pono tātou, korekau ēnei mea e rua i te rite, korekau i te hāngai, nō ao kē rāua tahi. He motuhake tā tēnā, tā tēnā, ka mutu, kia tika te mea atu, kei tēnā taha ngā tukanga, kei tērā taha ana tikanga. **We must be (inaudible 09:29:21), these are not the same, these are not in line with each other, they come from different worlds. They are distinct from each other. Further, we must say, one side has its own processes, and the other has its own processes.**

Heoi, hei anga whakamua ki a whai wāhi mai ngā whakaaro mō te hanga mai o tētahi ture papa e tika ai ngā whakahaere ki roto o Aotearoa nei, he ture papa hou. Māku e mea atu, e pai ai te anga whakamua me mutu tā te kāwanatanga mahi tāmi, me mutu te mahi tāmi. **So, to move forward so we are able to share each other's views in terms of a constitution to conduct affairs in Aotearoa. I will say, for us to move forward, then the government must stop its suppressive actions.**

Ka nui te taumaha e tau ana ki runga i a tātou, ēnei momo huihuinga tonu. Nā, hoki atu, hoki atu ki te kaupare ake i ngā tūkinotanga a te kāwanatanga. Kāore anō mātou ngā hapū ki a whai wā te ātā wānanga i ngā kōrero kua puta kē i a whaea Makere mō tēnei, mō te hanga mai i a mātou ake pūnaha i te mea, ko tā mātou, he kaupare ake i ngā tūkino e tau ana ki runga i a mātou. **There is much pressure upon us at these types of gatherings. We keep going back to carry away the abuses of the government. We, the hapū, have not yet had the opportunity to discuss all of the things that were shared by whaea Makere in terms of creating our own system. Because we have to try and address all of the abuses that have been –**

Nā reira, me mutu atu ērā mahi, e taea e mātou te tīmata te pōhewa, te whakaaro ake ki tētahi anō āhuatanga e tika ai tā mātou whakahaere i a mātou anō. Ka mutu, e pai ai tā te kāwanatanga hoki whakamuri. Me whai hoki te Karauna i ngā tauira i tāwāhi, kei reira ko ētahi whenua e mutu atu ana te hanga

mai i ngā ture e rāweke ana i te ture papa o ērā whenua. Kua mutu ētahi te mahi mai i ērā ture. **And so, those sort of actions must stop, where we are able to begin to think and to imagine a vision where we are able to conduct all over ourselves, where the government is to take a step back. The Crown must also adhere to models overseas, and there are some countries where they have stopped creating laws that tamper with the constitution of those countries. They have already put in place laws.**

Nā, me pērā hoki te kāwanatanga nei, kaua e whakarite mai i ngā ture e rāweke nei i te ture pāpā o Aotearoa e takahi nei i Te Tiriti o Waitangi, ki a mutu kē te wāhanga ki te Māori mō te āhua ki te whakarite. Ki a whai wā mātou te wānanga i te āhua o te rangatiratanga me te taha ki te mahi tahi, ki ngā whakahaere i te Aotearoa e noho nei tātou i tēnei wā. **This government must do the same, they must not put in place laws that tamper with the constitution of Aotearoa, and disregard Te Tiriti o Waitangi, and must work with Māori. So that we are able to have discussions about the nature of rangatiratanga and cooperation and to conduct the affairs of Aotearoa at this time.**

Ka mutu, ki a whai wā anō mātou te whakatutuki i ngā whāinga a Te Tiriti o Waitangi, i Te Whakaputanga. Ki a whai wā hoki mātou te whakatutuki i te whakakitenga a Mātike Mai. Kei reira pea he tīmatanga mā tātou i roto i ēnei kōrerohanga. **We must also have the opportunity to meet Te Tiriti o Waitangi and He Whakaputanga, and the vision within the Matike Mai report. There's where we can start within these discussions.**

Kua tau pea ki raro mēnā he pātai mō ēnā kōrero. **Nonetheless, sit down, if there are any questions.**

(09:32) DR MONTY SOUTAR TO RUKUWAI ALLEN:

Q. Kāti, tuatahi, kei te mihi atu ki a koe i whakapuaki ō kōrero i roto i tō tātou reo rangatira, tēnā rawa atu koe. Āe, i tēnei wiki, ia rā, ka rongo mātou kāore a Ngāpuhi, Ngāti Rēhia, ngā hapū katoa o tēnei rohe i tuku te mana whakahaere ki tētahi atu. Mārama ki a mātou te Taraipiunara. Heoi anō,

ko tāku pātai e pa ana ki te kupu e kī a nei e koe, ko te kawenata. I mea mai koe ko te Tiriti me He Whakaputanga, he kawenata ki a koutou o Ngāti Rehia. He aha te tikanga o tāua kupu ki a koe, ki a koutou? **Firstly, I want to thank you for sharing your statements in our language, thank you very much. Yes, this week, every day, we heard that Ngāpuhi, Ngāti Rēhia, and all the hapū of this region did not cede control to someone else. We understand clearly, the Tribunal. But my question is relation to the word that you say, kawenata. You said that te Tiriti and He Whakaputanga are covenants, kawenata, to you of Ngāti Rehia. What is the meaning of that word to you?**

A. Ko tērā tonu, he kawenata tapu. Ko ia tā mātou o Ngāpuhi whānui, te kī atu, ko He Whakaputanga, ko Te Tiriti o Waitangi, he kawenata tapu. I te mea e meinga ana o mātou matua tūpuna i tērā wā, anei tētahi ara, anei tētahi kōrero hei whakaputa atu ki te ao whānui. I reira, ka kī ake he kawenata. **That's it, it's a sacred covenant and that's our position of Ngāpuhi. He Whakaputanga and Te Tiriti o Waitangi are sacred covenants because our ancestors at that time said that this is a statement to be shared with the whole world. That's where they stated that it was a kawenata, covenant.**

Q. I pērā i ngā kawenata i roto i Te Paipera Tapu? **Like the covenants in the Holy Bible?**

A. Ko te – i roto i aua wā, i mōhio te Māori ki te reo Pākehā i roto mai i Te Paipera Tapu. Engari, he rerekē anō tēnei i te mea, he whakaputanga i whakaputa au ai i te rangatiratanga o mātou ngā hapū ki te ao. Nā, ehara i te mea i tohe mō te āhua ki a mātou, ehara i te mea mā He Whakaputanga mātou e rangatira ai, i rangatira kē mātou. Me te mea nei, mēnā ka waitohu tō rangatira i tētahi mea, kua tapu tērā mea, kua pērā rawa. Kua mau te tapu ki tērā mea ki te whai waitohu te mea rā. Nā, ko He Whakaputanga ka kīa he whakaputa atu ki te ao whānui, ko Te Tiriti o Waitangi te waimarietanga mai o te iwi Pākehā ki waenganui i a mātou. Nā, e kī ana he kawenata tapu i te mea, nā ō mātou matua tūpuna e whakaāe atu ki a haina, ki a waitohu i ērā mea. Ana, ko tērā ki au. **At those times, Māori understood the English through the Holy Bible. But this is distinct because He Whakaputanga emerged**

from the rangatiratanga of the hapū shared to the world. Didn't argue amongst, and that it would be through He Whakaputanga, we became rangatira, we were already rangatira. If your chiefs' signs something, that document becomes tapu, and so tapu is placed upon it if they sign that document. He Whakaputanga is said, that was share to the whole world. Te Tiriti o Waitangi, that Pākehā were most fortunate that they were able to be amongst us through that document. It's called a sacred covenant because it was our ancestors who agreed to sign those documents, and so, that's my opinion.

Q. E mārama au, ko te waitohu me te kupu a te rangatira, kāore e taea te whati. Pēnā i te kawenata tapu i roto i Te Paipera Tapu, mehemea he kawenata tapu, kāore te tangata e taea te whati i tāua kawenata tapu nā te mea ko te Atua kei te titiro mai. Koirā tāku pātai ki a koutou. **I understand, the signature of a chief is unable to be broken if it's a sacred covenant. Within the Holy Bible, if it's a sacred covenant then that person is unable to breach that sacred covenant because God is looking upon you. That's my question to you.**

A. E tiro ana ngā atua. **The gods are looking down.**

Q. Āe, āe, tika, tika. Kāore au i kī ko tēwhea atua. **I'm not saying which god.**

(09:35) KEVIN PRIME TO RUKUWAI ALLEN:

Q. Āe, he pātai, e pa ana ki te, ka taea e koe – tuatahi, ka mihi au ki a koe, e tautoko ana ngā mihi a Monty ki a koe mō tō whakaaturanga tō tātou reo rangatira. Ko tāku o ngā pātai, e pātai ana, he aha nei, ka taea e koe te whakahuahua he aha ngā mahi tāmi e kōrero nei koe ki a taea te whakatakoto i roto i te **(Māori 09:36:24)** i roto i te **(Māori 09:36:26)** ngā pepa. **Yes, I have questions in relation to – firstly, I want to thank you, and I endorse the acknowledgements that were made by Monty to you, for your presentation in our language. So, the question, are you able to say, what are the suppressive actions that you refer to, that you can present from your paper?**

A. Ka pau katoa te rā. Ka pau katoa te rā i te nui o ngā tāmi. Heoi, ko te pōhēhē e taea ana te whakarite ture tētahi mea nui. Nā, i kōrero ahau mō te tangihanga, kei reira ko ngā ture e mea ana me pēnei te āhua o te tanu i te tūpāpaku. Ko te pōhēhē o te Karauna e taea ana e ia te whakarite mai i ēnei ture, he tāmi tonu tēnā. I te mea, kīhai mātou i whakaāe ki a pērā, ki a tuku i tērā whakahaere mā rātou. **We might be here all day. We might be here all day it's so much of their suppressive actions. But it is the assumption that they can put in place laws as something important. I'm referring to funerals, there are laws as to how you are able to bury the corpse. The Crown assumes that it is able to put in place these laws, that is a type of suppression. So, because we did not agree or allow them to do that.** I roto i tēnei kāwanatanga tonu, e kite ana ko te rāweke i te reo, te āhua o te, nā i kitea tātou i te kerēme ohotata mō tērā. I roto i tēnei kāwanatanga tonu, ko te kaupapa here e kī ai me whakakahore i te Tiriti ki roto i ngā kura. I roto i a rātou tonu, ko te whakakahore i ngā ara e whai tautoko ai te Māori i roto i ngā take hauora. **Within this government, we have seen they have tampered with the language, and we saw, there was an urgent inquiry pertaining to that. With this government, there is the policy – to extinguish Te Tiriti o Waitangi in shools. They have also gotten rid of the health pathways.** Nā, he nui noa atu i roto i ngā tau e rua anake nei kua tāhā ake, e whakapai ahau e pērā ana. Ka mutu, kei reira hoki tērā pātai, i te mea, te nui o ērā mea, he co-governance kē. Nā reira, kei reira tērā whakaaro, pēnā rānei e eke ana tā te Tiriti hiahia i ērā mea mahi tahi. **Over just the past two years, I – furthermore, there is also the question because those things are actually co-governance, so there is that view. That thought, whether the guarantees in te Tiriti are being met in terms of cooperation.**

Engari, ko tāku e kī nei, ko te rangatiratanga he rangatiratanga i te whenua, i te moana, i te wai, i ngā whakahaerenga tangata, i te āhua ki te hauora. Nā reira, e kore e **(Māori 09:38:26)** mai ngā hiahia o te Tiriti i ngā kirimana mahi tahi mō tētahi take anake nei. **But I say that rangatiratanga, is rangatiratanga on the land, at sea, in the waters,**

managing people in terms of health. So that, the desires, the guarantees of te Tiriti will not be met through collaborative contracts.

Q. Tino pai ana tērā, kua mārama. Kia ora. **That's very good, I understand. Thank you.**

A. Tēnā koe. **Thank you.**

DEREK FOX:

Kei te mihi au ki a koe Rukuwai, me koe, Keepa, ka mau te wehi o tō arero nē, ngā mea i tuku atu koe. Kei te mārama, me te pakari, nō reira, tēnā koutou mō tērā kōrero ki a mātou. **I want to thank you Rukuwai, and you, Keepa, a great speaker, the voice that you passed on. How clear it was and how strong voices, and so, I want to thank you for those statements to us.**

WAIATA TAUTOKO

(09:40) RAEWYN KAPA: (#B046, #B046(a))

BEGINS READING POWERPOINT PRESENTATION, #B046(a))

Ka papa te whatitiri hikohiko te uira
Kahukura ki te rangi he aitu ka riri rongo mai ka hē;
Ko ngunguru, ko ngangana, ko aparangi;
Ko te titi o te rua ko te tao whakawahine,
Ko te motumotu o te riri,
Te awa o nga rangatira Taumarere herehere i te riri; te puna i keteriki.
E tu atu nei e te iwi o nga pukepukerau;
Tiheiwa Mauri Ora! **Incantation.**

Kōroria ki tā mātou matua nui i te rangi, nānā nei ngā mea katoa. Ko te marae e takoto nei, ko te whare e tu nei, tēnā kōrua. **I want to acknowledge God in heaven who created all things. To the grounds outside and to the house standing here, greetings.**

Ki ngā mate kua haere ki te ao wairua, haere, haere, haere atu rā. **To the deceased who have passed on to the spiritual realm, farewell, farewell.**

Ki a tātou mā te hunga ora, huri noa i te whare nei, tēnā koutou, tēnā koutou, tēnā anō koutou katoa. Tēnā anō koutou te Taraipiunara, ko Raewyn Kapa tōku ingoa, e tu ake nei i mua i a koutou anō mō tēnei wāhanga o te kerēme Wai 1515, mō tāku whānau. **To we, the living, and to everyone in the house, thank you, thank you once again. I want to acknowledge once again, the Tribunal. Raewyn Kapa speaking before you, once again, in this inquiry, Wai 1515, on behalf of my whānau.**

WITNESS REFERS TO STATEMENT OF POSITION #B046

E tika ana ki te whakatakoto te whakapapa e pa ana ki tēnei kerēme hei whakamāramatia ko wai te kaikōrero e tu ake nei. **I must present the whakapapa, the genealogy in relation to this claim, I'll explain who this speaker before you is.**

Nā reira, ko te whānau matua o tēnei kerēme, ko te Kapa whānau o te whānau o Iritana Haami Pia me tōna tangata. Ko tō mātou matua tūpuna ko Piriwaata Matiu Kapa. **The main whānau of this claim is the Kapa whānau of Iritana Haami Pia and his person. Our ancestor, Piriwaata Matiu Kapa.**

Ko te tātai o tēnei kōrero, i moe a Heeni Te Kapa, ki a Ruta, ka puta mai a Matiu. I moe a Matiu ki a Erana, ka puta mai a Piriwaata. I moe a Piriwaata ki a Iritana Haami Pia, ka puta mai a Whakataha. I moe a Whakataha ki a Miriama Irimana, ka puta mai a Tarawau me tōna Tuaau whānau. Ko te kaikōrero i mua ake nei, ko au te tamāhine a Tarawau. **The heritage, Heeni Te Kapa, and Ruta, and they had Matiu who had a union with Erana and they had Piriwaata. Piriwaata had a union with Iritana Haami Pia, and they had Whakataha. Whakataha had a union with Miriama Irimana and they had Tarawau and his whānau. The speaker before you, I am the daughter of Tarawau.**

He kaikerēme anō hoki au, a, hei māngai mō te whānau whānui o Iritana Haami Pia me ōna uri katoa no Tuhuna 37B2C1/2, te whenua e kōrerotia nei i tēnei rā. **I am a claimant and a representative of the whānau of Iritana Haami Pia and the descendants of Tuhuna 37B2C1/2, the land that is being referred to on this day.**

Ka huri au ki te reo tuarua. **Now I will turn to my second language.**

Firstly, I wish to acknowledge my father Tarawau, who weren't it not for a bit of a flu, would have been pleased to be here today as well, regarding our claim. In his absence however, I am pleased and so grateful to present here on behalf of our whānau today, with the tautoko and support of his eldest brother's daughter, cousin Miriama. Te ingoa o tō mātou karanimā. **The name of our grandmother.** And whanaunga, **(inaudible 09:43:50)** alongside our kōrero today.

I acknowledge his relentless journey of more than 30 years, carrying this kaupapa forward with his siblings and his wife, our late mother, Lucy. His eldest sister, Ihapera Edmonds and his younger brother, Babe Kapa, so that our whānau might be heard of the significant travesties, they, in their lives, have encountered. His perseverance is the expression of tino rangatiratanga, of his dedicated latter 79 years of age.

Also, while I am not of the greater esteemed and younger, youthful, kōhanga generation of recent years, I do perform an executive function within our whānau or whakapapa. English was the language we were raised in, or be it, karakia, in Māori, and not because te reo was absent. But because my parents taught me that a Pākehā tongue, pērā te kōrero i tēnei taha **like they have said on this side**, would be my weapon in the years to come.

So, it is the language, therefore, I use to defend kaupapa Māori and to challenge tikanga Pākehā where it stands unjust, cognisant in their language. Furthermore, in terms of context of my kōrero here today, when I speak as we,

it is in reference to those who came before, those who stand now, and those who have yet to come.

So, our kōrero today begins with our great grandmother, Iritana Haami Pia, previous. Who inherited Tuhuna 37B2C through whakapapa. In marriage, she built her livelihood on that whenua for her whānau, with her husband Piri Waata, and their tamariki **children.** It included a milking shed, garden, stock, its own marae, Te Rangatahi, and home life was the papakāinga on the block.

Te Rangatahi, was built to shelter the women and children to 'whakaruruhau' (shelter), a place of refuge and safety in those times. In 1963, under the direction of Māori Affairs, it was destroyed. The wharenui was demolished, the milking shed dumped into the puna **spring**, and our home pulled from its foundations.

That act did more than remove buildings, it broke a living link between whenua, whakapapa, and whānau.

For our whānau, mana motuhake is an entrenched belief system, inherited through whakapapa and expressed through daily acts of tikanga. It represents not only self-determination in a political sense but the right and responsibility to live according to the values of our tūpuna on our own whenua.

On Tuhuna 37B2C, mana motuhake was evident in the order and rhythm of life:

a. *Tikanga of place:* Certain parts of the creek, the puna, various waterways were reserved for sacred purposes and common day use purposes, such as the washing of tūpāpaku for those set aside for those purposes. These practices were maintained under the guardianship of specific kaitiaki within the whānau, ordinarily, the kuia, kaumātua, the grandparents, who held knowledge of what areas were tapu and what were noa. Their tamariki were taught not to disturb certain parts, to play in those areas where sacred practices took place.

b. *Tikanga of sustenance:* Our grandfather worked on the land as a farmer. His mother, our great-grandmother Iritana Haami Pia, upheld the role of provider to marae and whānau from that same whenua.

In fact, there is a story, I slightly digress, a story I recall of her. In doing the research for this is that for those who might know, Mr **(inaudible 09:47:47)** in Kaikohe, he inherited or attained a piece of whenua in exchange for the use of the phone. So, that was the – the amounts, her exchange was of use of the phone, well, here you are Mr **(inaudible 09:48:03)** and we see that today. So, you know, that's the sustenance and mana of our great grandmother.

Though described as a slight woman, she was known as a tireless cultivator, driving her horse cart, hoeing the fields, and harvesting her own kai. Her labour and leadership fed the community and sustained the papakāinga **settlement**.

c. *Tikanga of care:* As shared, Tuhuna, or affectionately referred to by the whānau as 'Okaihau', was also a papakāinga of care and shelter that Te Rangatahi wharenui provided. Tamariki of inter hapū generations were cared for and sheltered by the extended whānau who lived on the whenua and provided that safe place for parents, mokopuna and tamariki to live free of violence, alcohol, ill treatment and abandonment with the shelter it provided. The tikanga that ensured this was intergenerational tūpuna (grandparenting) parenting oversight and care.

These were not acts of subsistence, they were expressions of sovereignty. Whanau sovereignty, kai sovereignty and economic sovereignty. They demonstrated an independent economic and social order functioning within tikanga Māori, not dependent on Crown intervention. That is mana motuhake in lived form.

Constitutionally, mana motuhake is the rightful autonomy guaranteed under Article 2 o teTiriti, the ability of hapū and whānau to determine their own affairs, manage their resources, and uphold their customs without

subordination to external authority. The Crown's policies declaring the land "uneconomic" and imposing control through Māori Affairs were direct intrusions into that autonomy.

So, you had mana motuhake, the inherited belief system, rooted in whakapapa and expressed through tikanga. Self-determination, the right to live by ancestral values on their own whenua. Tikanga of place, the certain waterways reserved for certain purposes, protected by tikanga kaitiaki.

Tikanga of sustenance, whānau maintain their own economic independence and contributed through farming and cultivation. Tikanga of care, Te Rangatahi wharenui provided shelter, safety, and intergenerational care. Expressions of sovereignty independent, social and economic order, not reliant on Crown, constitutional guarantee, Article 2 of te Tiriti, affirming their hapū and whānau autonomy and the Crown intrusion that followed with policies that declared various lands uneconomic, imposing external control.

The principle of kāwanatanga, as guaranteed under Article 1, was never intended to extinguish Māori authority. It was to provide the Crown with the right to govern its own subjects, not to usurp Māori self-governance.

In our whānau's case, kāwanatanga was exercised through the machinery of the Māori Affairs Department and the consolidation schemes of the mid twentieth century. Our grandfather, her son, Whakataha, held shares in multiple land blocks that were later drawn into – I don't know if I should say this. But into a development scheme under the guise of Crown "assistance," Māori Affairs officials assumed management powers over our lands.

If kāwanatanga had been properly applied in the spirit of Te Tiriti, it would have protected our ownership and strengthened our capacity to manage our resources. Instead, it functioned as an instrument of alienation, a tool for the Crown to transfer control away from owners and centralise authority in state hands.

In constitutional terms, the Crown crossed the line between governance and domination. What was promised as partnership became paternalism.

Moving forward to economic systems.

While the electoral and local government systems played only an indirect role in our whānau's case, the economic systems established under Crown policy had direct and lasting impact.

The Māori Trustee and Māori Affairs consolidation schemes operated under the presumption that small, whānau-held titles were "uneconomic", as mentioned. This label was used to justify compulsory acquisition, amalgamation, and external management of Māori land.

Yet the archival record and whānau oral history of our whenua show that our whānau were already economically self-sustaining. They maintained their cattle, their milking sheds, produced crops, and supported marae through their labour and production. This was a viable, community-based economy grounded in tikanga and whanaungatanga.

The economic failure came not from the whānau but from the Crown's interference. The schemes diverted profits away from the original owners and into Crown-managed entities, while removing the authority of those who had lived and worked the land for generations.

This was not economic development, it was economic disenfranchisement. The Māori economy at Tuhuna was dismantled so that others could profit, and the whānau were left dispossessed of both income and identity.

Therefore, to conclude, the kaupapa of Wai 1515 stands as a case study in how mana motuhake and kāwanatanga became unbalanced through Crown intervention. Our whānau experience shows that the erosion of local autonomy did not happen by accident, but through deliberate administrative design.

This inquiry offers the chance to restore balance, to recognise that mana motuhake is not theoretical, but practical, lived, and still enduring.

Nō reira, e te Taraipiunara, ngā rangatira o te whare nei, me ngā rōia, me ngā kaitono maha. He honore nui, he mana nui ki a kawea mai ēnei kerēme ki mua i a koutou, mō tō mātou whānau. Me te kerēme hoki o tāku mahi inanahi rā, i whakatakotohia i tērā i mua. **So, to the Tribunal, leaders of this house, the lawyers and the many claimants. It is a great honour and has great mana to convey these claims before you on behalf of our whānau. And the claim that I laid out yesterday.**

Kei te tu mātou i tēnei wā, tino hira, hei kawe i ngā kōrero matua e pa ana ki te mana o Te Tiriti o Waitangi, i waitohua e ō tātou tūpuna me ngā māngai o te Karauna i te tau 1840. He kawenata tapu kua mau tonu mō 185 tau. A, kei te ū tonu mātou ki ōna wāhanga, ki tōna wairua mō te oranga o ngā uri kei te haere ake, me ngā whakatipuranga i raru e ngā hē o mua. **We stand at this time, it's very important to convey kōrero of our forebears and mana of Te Tiriti o Waitangi that was signed by our ancestors and the representatives of the Crown in the year 1840. It is a sacred convenance that we have upheld for 185 years. We remain committed to its articles, to its spirits for the prosperity of the coming generations and those generations that were deeply affected by the wrongdoing from the past.**

Nō reira, ka tuku atu aku mihi ki a koutou katoa mō tō tātou whakarongo mai ki a mātou kōrero i roto i tēnei kaupapa nui. Ngā mihi nui. **So, I want to thank you all for listening to what we had to say in this important inquiry. Thank you.**

(09:55) DR GRANT PHILLIPSON TO RAEWYN KAPA:

Q. Tēnā koe, thank you very much for that. I actually thought that was really helpful, it just showed what local autonomy means. My question for you is, if that kind of local autonomy, you know, that kind of economic

sovereignty can be restored, whether it's through a Treaty settlement or not, I have no comment. But my question is, how do you think that should play out on the national scale?

A. Yes, kia ora for that pātai. I think, in the context of this particular inquiry and yes, certainly in regard to our claim as it is. We are exploring those pathways in terms of what might be available in terms of the claim. But I think, in the context of the constitutional inquiry, it probably leans more into an administrative look at the various agencies now. Because, you know, on the face of it, I was actually just talking with my father last night about it. For them, it's something that they reflect on because while we are also having dispute constitutionally with the Crown, as such, as that entity. There was also the Crown agents, who, many were whānau and that relationship leaned into a struggle and perhaps, making the transition easier by either alienating transition easier because of the Crown agents being whānau. So, you know, I think in terms of the Tribunal and its scope to be able to look at those processes, I probably suggest with the inquiry, a review of who is responsible for those things now as those agencies. So, yes, I mean, I would leave that to the Tribunal to discern exactly. But I think it's administrative in terms of review, to prevent similar happening and continuing to happen. But I tend to also believe that we don't see that much now, and we are just alleviating much of what has happened previously, again, through the Tribunal. So, I hope that answers, somewhat.

Q. Thank you, and I, just again, wanted to thank you for your presentation, I found it very helpful. Kia ora.

A. Kia ora, thank you.

(09:58) DR MONTY SOUTAR TO RAEWYN KAPA:

Q. I was just thinking, we don't see that much anymore because we don't have any land.

A. Yes. I think I omitted a particular name too, to avoid that contention.

(09:58) DEREK FOX TO RAEWYN KAPA:

Q. Your story of course, is one that when, in terms of Dr Grant's question, your story can be multiplied hundreds and hundreds of times around the country.

A. Yes.

Q. In terms of a national approach to restoring that type of economic thing, again, surely it could be maintained, could be done in the same way it used to be done, using peoples land. Monty and I come from an area where we owned our own dairy company, the tribe owned it. It had 400 suppliers and some of them only milked four cows or five cows, but they were suppliers who provided cream to make Nāti Butter, best butter in the world. That's right, we ended up with a rugby team rather than a dairy factory.

WAIATA TAUTOKO

(10:01) TINA PATRICIA LATIMER: (WAI 1359)

Tēnā koutou katoa. **Greetings all.** Ko Tina Latimer tōku ingoa **Tina Latimer is my name** and here beside me today is my tane, Wiremu Wiremu, and our mokopuna **grandchild**, Sarah and Sapphire.

WITNESS REFERS TO STATEMENT OF POSITION FOR WAI 1359

"Ko te atarau o te whenua i riro i a te Kuini, ko te tinana o te whenua i waiho ki ngā Māori"

'What have we to say against the governor, the shadow of the land will go to him, but the substance will remain with us.'

— Nōpera Pana-kareao, in the debate on the Treaty of Waitangi at Kaitaia, Muriwhenua, 28th April 1840.

Within a year, Nōpera had changed his position and said that the substance of the land had gone to the queen and the shadow had remained with us.

This statement of position is grounded in the whakapapa and tikanga of Te Paatu hapū, whose rangatira signed He Whakaputanga and Te Tiriti o Waitangi. These kawenata tapu or sacred convenance affirmed our mana motuhake and tino rangatiratanga. We did not cede sovereignty. Our position today reflects the promises made in those agreements and the constitutional vision they carry.

We are here today on behalf of the Wai 1359 claimants, a claim initially filed by the late father and grandfather, Sir Graham Latimer and myself, as named claimants, on behalf of ourselves, as descendants of Matenga Paerata, Paora Wharetahi, Hare Reweti Hukatere, Hare Matenga Ikaroa, Ratima Aperahama and Marara Ratima. All of whom are Te Paatu, Te Rarawa and Ngaitohianga.

This statement is offered to contribute to the kaupapa of constitutional transformation and to ensure that the voices of Te Paatu and the Claimants are heard in shaping the approach in this inquiry, and indeed, the future of Aotearoa.

Our claim in this inquiry, asserts that the Crown has breached its obligations under He Whakaputanga and te Tiriti through its constitutional arrangements, policies, and actions.

Our constitutional stance as Te Paatu is that:

(a) Mana motuhake and rangatiratanga are enduring, inherent, intergenerational rights grounded in whakapapa and tikanga, predating He Whakaputanga and Te Tiriti and remaining unbroken across generations.

(b) Te Tiriti is a sacred covenant to share authority, envisaging two complementary spheres—rangatiratanga and kāwanatanga— working together in partnership rather than surrender.

(c) The Crown's unilateral imposition of Westminster systems and its recent policies have breached these promises and undermined our authority, without legitimate authority to do so.

I just wanted to give an example of Her Majesty Queen Elizabeth's speech from the 150 anniversary of the Treaty of Waitangi in 1990. The Queen said: "The Treaty of Waitangi is the foundation of New Zealand's national hood, it is a solemn pact intended to endure for all time." Her words called for renewed commitment to the principles of the Treaty, equality, respect, and share responsibility.

She urged us to see the Treaty, not as a relic of the past, but as the guiding light for a diverse and inclusive society. She spoke of unity, not uniformity and the strength that comes from honouring our heritage while embracing the future. She recognised that the Treaty must continue to shape our relationships, not only between Māori and Pākehā, but across all communities that call Aotearoa home.

This message is ever relevant today. The Treaty is not just history, it's a promise, a promise that requires action and dialogue, and trust. A promise that binds us together in this pursuit of justice and harmony. The Crown and governments need to honour that promise. Not only for ourselves, but for the generations yet to come, so they inherit a nation built on fairness, respect and unity.

Our constitutional thought is anchored in tikanga, and tikanga to me is the way we live and how we apply tikanga is based on values, for example, of:

(a) Whakapapa and Rangatiratanga: Form the foundation of Māori authority and autonomy to govern our people and lands.

(b) Whanaungatanga: **Kinship:** Reflects a commitment to maintain unity and mutual support based on whakapapa and enduring relationships.

(c) Kaitiakitanga: **Guardianship:** The exercise of guardianship and responsibility for people, whenua, wai, and taonga, ensuring their protection and wellbeing for future generations.

(d) Manaakitanga: **Vitality:** is the practice of generosity and care for others, fostering respect and strengthening relationships within and beyond the community.

These tikanga are living principles that guide how we organise politically and socially.

We support a tikanga-centric approach to this inquiry. We intend to provide historical, expert, and claimant evidence to assist the Tribunal in addressing these issues.

In regard to the relevant themes, I will not read all of the paragraphs but will highlight a few in response to the Tribunal's proposed themes. Which are:

(a) Mana motuhake, tino rangatiratanga, autonomy, self-government.

They are fundamental rights, yet the Crown has failed to implement He Whakaputanga and Te Tiriti within constitutional arrangements.

(b) Kāwanatanga and constitutional legitimacy

The Crown's claim to sovereignty is illegitimate and contrary to the guarantees of He Whakaputanga and Te Tiriti.

(c) Dual Governance

Constitutional reform must create relational spheres where rangatiratanga and kāwanatanga intersect, enabling shared authority while respecting the autonomy of each sphere.

The pathway forward

We call for:

(a) Constitutional transformation grounded in He Whakaputanga and te Tiriti.

(b) Adoption of models such as those proposed by Matike Mai, as a starting point, at least with further wānanga with hapū.

(c) Meaningful negotiations and co-design processes with hapū and iwi.

Our sovereignty was never ceded. Hapū authority stands in its own right and must be recognised in any constitutional framework. This inquiry must lead to structural change that restores the promises of He Whakaputanga and te Tiriti.

Kia ora.

CHIEF JUDGE FOX:

Tēnā koe, otirā, tēnā koutou, koutou te whānau o tāu kerēme, Tā Latimer, nei rā te mihi ki a koutou. I just want to acknowledge your whānau and our father in particular, because I met him first when I was clerking to Martin Dawson. Martin, of course, led all the big cases for your father and he was a man of great wisdom, and he will be very pleased that you are here today, ngā mihi ki a koe.

(10:10) DR MONTY SOUTAR TO TINA LATIMER:

Q. Āe, tēnā koe i tō pāpā, tēnā koutou te whānau. **I want to acknowledge your father and whānau.** Just a point of clarification, paragraph 10, where you said, “we intend to provide historical expert and claimant evidence to assist the Tribunal”.

A. Yes, at the hearings, correct?

Q. Later on?

A. Yes, later on,

Q. Okay.

TECHNICAL DIFFICULTIES (10:11:27 – 10:12:09)

DEREK FOX:

Kei te tu au ki te mihi ki a koe nā te mea i mahi tahi au me tō pāpā mō e hia nei ngā tau i ngā wā o mua. Ko ia tētahi tangata kaha rawa atu ki te mahi i waenga i te iwi Māori me tauiwi. Ko ia tētahi i tarai ki a tau te rangimarie, engari, ki a mōhiotia, ki a kitea ngā mahi kei te mahi hē, kei te mahi a te iwi Māori. Nō reira, kei te mihi au ki a koe, nā te mea ko koe, kei te kite au i a koe, engari kei te kite au i a ia. **I'm going to stand to thank you because I worked with your father for many years in the past. He was the person who did so much work with Māori and non-Māori. He tried to make peace with that so that we can know and see all of the wrongdoings. So, I want to thank you, because I can see you, but I also see him.**

Nō reira, ki a koutou katoa, tēnā koutou, tēnā koutou, kia ora tātou. **So, to you all, thank you, thank you, thank you all.**

WAIATA TAUTOKO

(10:13) JOHN KLARICICH: (#B066)

Ka hanga nei e tātou, nā ko te taima o tō tātou rangatira. Te tuatahi, Ngāti Rahiri, Ngāti Kawa, tēnei rā Te Wahapu o Hokianga, o koutou teina i te rā nei, ka tuohu nei. Ka hongi ki a koutou, i te hongi i hongi ai ā tāua matua, tāua tūpuna, kotahi anō, kātahi anō reo, kotahi anō mauri, kotahi anō wairua. **It's times of our leaders, firstly. Ngāti Rahiri, Ngāti Kawa, this is the Hokianga Harbour, your juniors bowing our heads before you. We press noses and have a hongi, a hongi that our practice by our ancestors. There's only one face, one voice, one mauri, and one spirit.**

Ka mihi ki ngā tohu katoa i whakairihia nei ki runga i te papa ki waho, ki runga i te marae atea a Tangaroa, me ngā iringa kōrero e kakahu, korowai nei i a tātou i te rangi nei. Ki ngā tohu o ngā whakatipuranga, ngā kōrero tuku iho kua tapokotia nei a motu, anei tātou, hui tahi nei. **So, I want to acknowledge all of the photos hanging outside on the grounds and the courtyard of**

Tangaroa, and all the narratives hanging on the walls like a cloak placed upon us today. The signs of the generations, and all of the oral traditions that have been etched internally and externally as we are gathered here.

A koe, te kāwana, ā hea koe whakarongo mai nei. Ki a koutou e tu mai nei, ka eke ki te 200 tau, te **(Māori 10:16:11)** tau. Kahore anō tētahi huarahi kotahi kua kōrerotia mai nei koe ki ō mātou matua, ki ō mātou tūpuna te rā nei, kei hea koe huna nei. **To you, the government, when will you listen. It will be almost 200 years, and we have not yet found a united pathway. You spoke to our ancestors, where are you hiding away.**

Ki a ahatia, ka mihi ki tō tātou kāhui, ki te Taraipiunara. Me haere ahau ki tō koutou taha, me te iwi katoa. I te wā koutou ka tu ki mua i a wai rānei, i te kāwanatanga. Tēnā pea me whakatikatika au aku mokopuna anō, ki a moe, ki a wai rānei, no te kāwanatanga, ki a whai **(Māori 10:16:52)** mai ai, ki a whai wairua ki te whakarongo ki ngā mate o te iwi. **But I want to acknowledge the panel, to the Tribunal. I must go alongside you and all of the people when you stand before the government. Perhaps, I must sort out my grandchildren so that they can sleep and have union with the government so that they can grow some ears and spirit to listen to the problems afflicting the people.**

Te iwi roto i te rā nei, e hīkoi tūpāpaku ana i roto i ngā hēmanawatanga, ngā tūkinotanga, ā tātou e noho nei, e rongo nei te mamae i roto o koutou ngākau. I ngā kōrero o **(Māori 10:17:23)** o tātou matua, te wāhanga ki a mātou, kua pau te wā, kei a koutou te rākau kōrero. Hanga tētahi ao e whai pānga anō hoki, ki a **(Māori 10:17:35)** koutou he taonga oranga ki o koutou tamariki, ki o koutou mokopuna. **The people here who are walking like dead because all of the abuses, violations, all of those, those of us sitting here and listening and feeling the pain on one's heart and souls. All of the final departing words, (inaudible 10:17:28) ancestors. We run out of time, but we must create a world so that we can leave a legacy, treasures for children and grandchildren**

Anei rā ko Te Wahapu o Hokianga. Te kuaha, te puaha, o Te Whare Tapu o Ngāpuhi. E kore hoki ki roto ngā kōrero te take ka tu au mō te ruruhi, engari, kei konei. Ko tāua tapu, ko tāua mana, ehara i te mea kei roto i a mātou, kei roto i te katoa, kei roto i a koutou. Kei roto i ngā kōrero whakapūmau o tātou matua, ki a atua koe, ki a atua koe. **So, here is the Hokianga Harbour. The doorway, the entrance to the sacred house of Ngāpuhi. I won't talk about all of the issues because I will be here for two weeks, but we are here. That tapu, that mana is not just within us, but it's within all, it's within you. It's within all of the statements of our ancestors, for us to be like gods, for you to be like gods.**

I roto nei, i te taima ka hoatu, mau ki runga i te mata o te whenua. Ki a atua te ahuatanga o tō kitenga, te aha rā nei, ka tae mai ki mua ki a koe. Ko tāua atuatanga, he mea hanga ki roto i te puna, mātāpuna o te aroha mutunga kore. Ehara i te mea ko te rangatira noa te mahi, te hinengaro, mana koe e tohutohu. **During this time that we begin, and we maintain the faces upon the land to act like gods when someone comes to you. The divinity is within the spring of endless love. It's not just through your mind that rules over you.**

Koia tātou, kua kōtiti nei te kāwanatanga i haere a hinengaro nei ki te hanga I te aha rānei, te hanga i te aha rānei. Tīmata kē i ngā mea katoa ki roto i tēnei mea te ngākau, te puna o te aroha. Ki a aroha nuitia nei koe ki te katoa, ka hīkoi atu koe ka tapoko nei ki mua ki tāua **(Māori 10:19:08)**. Ki a mau i a koe te āhua o te **(Māori 10:19:12)**, tino hongi **(Māori 10:19:13)**. **So, the government has gone on the wrong track because it's only thinking from its mind, using its mind. But it must begin within one's heart and soul, the spring of love. We must have great compassion, and love to everyone as you walk along, and you must maintain and when exchange mauri through hongi.**

Koia tērā ngā kōrero, He Whakaputanga me Te Tiriti o Waitangi. Ko wai tērā, ko te putaketanga me te kotahitanga, ki a kotahi ai ki roto i te aroha, aro nui nei, aro roa nei, aro tiketike nei, aro mutunga kore nei. Koianei tēnei nei, a koe, ahau anō. Ko te turu, ko ahau anō, ko te whare ko ahau anō, ko te manu, ko

te hau, ko te hau, ko ahau anō. I ngā mea kite au **(Māori 10:19:44)** kanohi, nei ka rongohia nei ngā rongo katoa **(Māori 10:19:48)**, ko ahau anō. **That was the foundation of unity, and through He Whakaputanga and Te Tiriti o Waitangi so we can act with love and focus on the right way and endlessly. You are like I, this seat is me, this house is me, the birds, or whatever are me. Because those things that you see with your eyes and those that you can't see, that is I.**

Mā roto i tērā wānanga, kātahi ka kite ai, koia tēnei te turanga mōku, koia tēnei turanga mōu. Koia ko te whakaaturanga, wānanga, hohonutanga, ko te Whakaputanga me Te Tiriti o Waitangi. Ki a whenuatia tātou ki te whenua, ki a whenuatia tātou ki te rangi, ki a whenuatia tātou ki te moana, ki ngā mea katoa, te mea, te mea, **(Māori 10:20:16)** me hanga mō aua atua katoa. Mō aua āhuatanga katoa kua tae mai i roto i te rā nei, haramai. **Through the wānanga, those discussions, and this is the right position for me, this is the right position for you. This is the presentation, the depth of He Whakaputanga and Te Tiriti o Waitangi. So that we can be grounded in the earth and the heavens, the skies, because those things were created by all of the gods, all of those aspects, and so we have come here my friends.**

E te Taraipiunara, moumou taima te kōrero ki te taha ki ngā ture, kua kōrero noatia atu ērā āhuatanga katoa. Engari, mō tēnei wā nei, ka tukuna wāhanga ki tōku tuāhine. Ka tu ngātahi māua, i te ira a Tane me te ira a Hine, ka wānanga, koia tērā ko te oranga kua tae ki te wā nei, te wānanga o ngātahi. **To the Tribunal, it's a waste of time to talk about the laws, it's already been talked about, all of those sorts of things. But at this time, I want to pass it on to my sister and we will stand together, the male and female elements. This is the salvation for us at this time, to discuss things together.**

Kaua e waiho mō te tane e mahi. Ka rite ki ngā kōrero o aku kuia, Hori, ki te haere koe me tō kotahi, kua ngaro koe, **(Māori 10:20:56)**, kua ngaro koe. Ko te tane, kei a ia ētahi tirohanga, engari kāore te tirohanga o te katoa, o te aha. Hīkoi ngātahi koe me ō kuia, ahatia, o tuāhine, nā, kua tika tō hanga, kua tino,

whakakitenga marika koe. Kua tino Tiriti o Waitangi marika koe, kua tino tūturu hapū marika koe, engari kāore kei konei. **(Māori 10:21:24)** te reo Pākehā, nōku anō, te reo tūpuna, nōku anō, ka mutu, nō māua tahi. **Do not allow it just for the men to do. When my kuia would talk, if you go on your own, you will become lost. Males have their own views, but that is not the whole entire worldview. You must walk alongside your kuia or your sisters, and then you will be okay. You will share things in the right way, you will embody Te Tiriti o Waitangi, and you will act a true hapū. So, we here, both of our voices, are also, both languages, ancestral language.**

Kei te tukuna ki a koe e te tuāhine. **I pass it on to you, sister.**

(10:21) CHERYL TURNER: (#B066)

E ngā kaumātua, ngā kuia, ngā matua, me ngā whaea, ngā kaikerēme, ngā mema o te Taraipiunara. Nō reira, tēnā koutou, tēnā koutou, huri noa, a, tēnā tātou. Ko Cheryl Turner tōku nei ingoa. **To the elders, parents, aunties, claimants, and the members of the Waitangi Tribunal, greetings, greetings, to everyone, greetings all. My name is Cheryl turner.** He kaikerēme mō te Wai 2003 **I am a claimant for Wai 2003**, along with Hone, matua John Klaricich, Ellen Naera, Harerei Toia, Warren Moetara, and who have I forgotten, and Fred Toia, nō reira, tēnā koutou **greetings**.

Our vision for constitutional reform rests in the foundation laid by the expression of sovereignty in He Whakaputanga o ngā Rangatira o Niu Tīreni 1835, and Te Tiriti o Waitangi 1840. Hapū rangatiratanga is central to this expression of sovereignty.

Through the power of hapū, hapori, 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 our people in te taiao.

To illustrate this vision, we look at a counter factual. What if He Whakaputanga had been realised, what if the agreement and he promise of Te Tiriti o Waitangi

had been realised. We believe that our biggest thing that would have happened if these what ifs had been realised, is that our people would have been connected.

Connected to their whakapapa, their whānau, their tūpuna, their babies. Connected to their hapū, marae, and their tūrangawaewae **place where they belong.** When they found themselves in need of some help and tautoko, they would have been connected to the organisations and the people that can help them. They would have been connected through tikanga Māori.

But if these what ifs had happened like they were promised, connection would not just be felt at the personal level. Connection would happen through joint up agencies and organisations at government 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 **environment** and tangata katoa.

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

Firstly, the democratic nature of 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 be honoured, and the promise of tino rangatiratanga and mana motuhake are not going to happen.

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.

Thirdly, it is essential that the Crown comes to the table as a matter of urgency with all hapū of Ngāpuhi. To ensure we can reach a settlement, and that resources and land, as has happened for other iwi across the motu, are justly returned to our people. This is an essential step for us, being able to empower and uplift our people.

JOHN KLARICICH: (CONTINUES SPEAKING TO #B066)

Ko tētahi tikanga o te kāinga, ehara i te mea he mea whakapai, engari mōhio, whakaponotia nei, kua reri katoa o tātou marae i roto i Te Taitokerau. Kua reri katoa ngā kaumātua, te hunga kei te arahi haere i ngā mahi taumata ki runga i te marae. Hei aha, hei **(Māori 10:25:40)**, hei whare kooti, hei whare whāngai atu i te āhuatanga o ngā momo kai kei roto **(Māori 10:25:50)** nei. **One tikanga from home, it's not just suspicion, but the marae are angry, and the elders are angry, who are guiding all of the practices on the marae. It's like a – being used like hospitals, courts, houses, facilities to feed –**

Kua reri katoa e tu rite ana, tēnei mātou o roto te Te Wahapu nei, te mahi tahi ki ngā tari kāwanatanga katoa. Ko te mate kē, kahore tētahi kei te hono ki a mātou, me haere mātou ki te rapu, ka **(Māori 10:26:09)** taima, ka **(Māori 10:26:10 – 10:26:13)** i a koe. Tōna tikanga, haere mai rātou ki te tatau tō mātou wā, ka tino pohiri marika. **They are all standing ready, those in the harbour to work alongside, with, all government departments. The problem is that no one is making the connection with us, we must go find - (inaudible 10:26:09). They should come to our marae, and they will be welcomed.**

Me te mea kē rā, **(Māori 10:26:21)** he taima, take, he oranga kei roto ringaringa, he oranga kei roto. Ngā **(Māori 10:26:27)** whānui katoa i te hunga nei, e mahingia **(Māori 10:26:31)**, ka ora. Ka ora te whenua, ka ora te whānau, kua ora te tau, ka ora whakatipuranga. I roto i te rā nei, noho wehewehe ana. **You have a solution within your hands and if you are able to nourish them then**

we will prosper, the land will prosper and so will the whānau and generations. At this time there is so much division.

HOUSEKEEPING (10:26:46)

JOHN KLARICICH: (CONTINUES SPEAKING TO #B066)

Koirā tō mātou, tō tātou rangatiratanga. Kāore te mea, ka tatari ki a reri mai, ki a tae mai rātou ki te kēti, te tomokanga o te marae ātea. Nō koutou te Taraipiunara te tono mai, a WINZ mā, a Corrections mā, a kooti mai ki a tae mai te mea, kua rite mai ki te mahi tahi. Hei oranga mō te hunga e noho nei ki roto i tō mātou takiwā, whenua. **So that is our rangatiratanga. We won't wait for them to come to the gate of the Māori kind. It's for you to request, WINZ, Corrections, the courts, because we are ready to work together for the welfare of our people in our region, on our lands.**

Ku reri, ki te kōrero te wānanga tahi, i roto te rā kotahi, hoatu tētahi kaupapa ataahua. Kua pahure kē tātou ki te 200 tau, korekau he kaupapa kotahi, ko te kotahitanga nei. Ngā ringaringa tini nei roto i te kete kotahi, hei aha? Hei whāngai te oranga, kāore i te mea, whāngai i te teka. Ehara i te mea, whāngai i te mamae, kāore i te mea whāngai i te tahi. He taumahatanga ki roto i te wā nei, koi **(Māori 10:28:09)**. **We are ready to hold discussions together, within one day we could accomplish a beautiful kaupapa. But we have almost reached 200 years where there's no unifying kaupapa, unity. Where we placed everything in the one kete, the one basket to provide solutions for everyone. Not through lies or nourishing people through pain or put pressures upon the people.**

Ōku whanaunga katoa, kī katoa te whareherehere, kua kī katoa te kooti. Haere koe ki te kooti tēnei rā nei, ka kore e kitea he Pākehā kei reira. Ko te nuinga **(Māori 10:28:23)**, ko a tātou anō, me te tangi o te ngākau. Ko te kāwanatanga anō, kei te hoatu te mana whakahaere ki tētahi ture, kāore he rite ngā tikanga kei roto. **All of my relatives are filling the jails, prisons, and courts. If you go to court, you won't see Pākehā there. Most of them are my own people, our own people, and cry from our hearts that our government is passing**

on control to some law where there are none of our practices or tikanga within.

Ka tino patua marika, koia au ka kī nei, e haere tūpāpaku nei. Take poto noa ki te wā mō te tangata **(Māori 10:28:44)** ka pērā ngā tikanga o runga mōnā. E kore e kitea te kaumātuatanga o tō mātou kaumātua e noho nei, tata ki te rautau tōna kaumātuatanga. **So, we are being attacked, so we are walking like the dead – (inaudible 10:28:46). We don't reach really old age like our elder here.**

Nō reira, e tātou mā, koutou mā te Taraipiunara, whakamahia ngā marae, whakamahia ngā hapū, e rite marika ana mō te āhua o tāua taura here, ki a hereheretia ai, ki a mahi kotahi ai. Koia tērā ko te kotahitanga kua whakairohia nei ki tenei kara. Kua whakairohia nei ki roto i ngā marae katoa, ngā whare katoa roto o Ngāpuhi-nui-tonu, roto Te Taitokerau katoa. Anei rā, e tau nei. **So, to you, the Tribunal, utilise our marae, utilise the hapū, because they are ready to bind them together so we can work together and that is kotahitanga, unity. That was etched on this flag and has been etched on all the marae and all the houses throughout Ngāpuhi, and throughout the north, and here we are.**

CHERYL TURNER: (CONTINUES SPEAKING TO #B066)
Just want to acknowledge our kaumātua, John Klaricich.

Laying the foundational constitutional history in Wai 1040. We briefly want to provide some historical foundation to our kōrero. Te Wahapu rangatiratanga was alive at the signing of He Whakaputanga and te Tiriti in 1835 and 1840, respectively, and has been maintained by the autonomy of marae across the rohe.

Our tūpuna, in signing He Whakaputanga and te Tiriti, intended to continue our enduring mana motuhake over our rohe. He Whakaputanga was a declaration of Māori sovereignty, specifically the pre-existing rights of hapū, who, at 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 tūpuna signed te Tiriti in 1840, but this was not a cessation of sovereignty. In the absence of our tūpuna ceding sovereignty, our views on constitutional arrangements are predicated on our local tikanga.

Our whānau from Te Wahapu have engaged in many Waitangi Tribunal inquiries, including the Wai 1040 Northland Inquiry. But *Te Paparahi o Te Raki* Tribunal reports did acknowledge that our tūpuna did not cede sovereignty in signing te Tiriti. However, disappointingly, the recommendations of these reports, including the transfer of land, economic compensation, and discussions to determine constitutional processes within Te Taitokerau 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.

JOHN KLARICICH: (CONTINUES SPEAKING TO #B066)

Koretake. I te mea, ko te hinengaro kē ko te kaikawe ki te kāwana. Me hoki ki te wairuatanga, me hoki ki te ngākau, me hoki ki te pūmanawa. Me hoki ki ngā kōrero o ā tātou karani, o tātou kuia. **Useless. Because the mind is leading the government. We must return to the heart and to the spirituality to one's soul. We must remember what the elders said, our grandparents.**

CHERYL TURNER: (CONTINUES SPEAKING TO #B066)

How are constitutional failures reflected in health justice for our people?

This inquiry, whilst it is concerned with constitutional issues in Aotearoa, should not be 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 or 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 effect 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 system.

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 health 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 equities within our rohe persist. I mean, a classic example of this is the chronic health issues within Hokianga, versus the national Māori and rural averages for you know, diabetes, respiratory disease, cancer. Hokianga is top of the table, we are the top, we are actually even higher than the other rural Māori communities.

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 constitution reform, is central for two reasons. Firstly, patient engagement with our public healthcare system, despites its underfunding as 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.

JOHN KLARICICH: (CONTINUES SPEAKING TO #B066)

E te Taraipiunara, i konei mātou i te taima i karangahia te hui mō te whakairi i Te Aka Whai Ora. I konei, ki runga i tō tātou pāpā whenua, mō te whakairi. Ehara i te mea ki a tanuhia hei tūpāpaku, mō te whakairi. He momo whakamoe tērā, ki a tikina atu anō ai. Ko Te Aka Whai Ora, koia tērā ko te tirohanga o te ngākau. **To the Tribunal, we were here at the time, when the hui was called for suspending Te Aka Whai Ora, the Māori Health Authority. Not to bury it like a corpse, but it's kind of putting it to sleep so that the Māori Health Authority was a perspective from one's heart.**

Tā rātou kōrero, e ngā marae, **(Māori 10:35:03)** koutou, ka tae atu mātou ki te hui tahi ki a koutou me te hoatu kōrero ki a koutou ma koutou anō koutou e kōrero. Koia tonu te kī a Te Aka Whai Ora, ka tu tō mātou ringaringa, ka tae mai rātou, ka homai he rawa. Ka pērā katoa i tō mātou hohipera, a Hauora Hokianga. **What they said to the marae, get ready so that we can meet together and tell you, and then you can have your own solutions. That's what Te Aka Whai Ora said, and we raised our hand to give us resources, like the hospital in Hokianga.**

Kātahi ka tinihia te kāwanatanga, ka haere ko te kāwanatanga, mutu, ana, tukinohia nei i Te Aka Whai Ora. Ka **(Māori 10:35:36)** mate nei i ngā kaupapa, rongoā, ngā tikanga, me te whakaora **(Māori 10:35:47)** mō te katoa o te tinana. Kua rerekē te tirohanga o te hauora Pākehā ki te oranga o te tinana. **Then the government changed things, and the government came and ended, abused, disregarded Te Aka Whai Ora. All of the kaupapa, they need the solutions, the remedies in terms of fixing peoples minds and all aspects of people. The Pākehā health perspectives are different.**

Tō tāua tirohanga, me hoki ki **(Māori 10:35:55)**, me hoki ki te rangi, me hoki ki tāua onekura i pokepoke mai ai i Rangiātea rānei. Ki te wairuatanga, ki te

whanaungatanga, ki te whakapapa, ki tō tūhonotanga ki a tūhono anō koe ki tāu nei ao, hei oranga mōu. **We return to the earth and the skies and to that precious earth that derived from Rangiātea, spirituality, and kinship, to genealogy, and you link, for you to link again to your worlds for your wellbeing.**

Koia tēnā ko tāua **(Māori 10:36:14)** Te Aka Whai Ora. Ka rongo te ingoa o tērā ingoa, Aka Whai Ora. He akaaka ki te rangi, he akaaka ki te whenua. Koia tērā ko tātou tuturutanga. **That was Te Aka Whai Ora. When I heard that word, Te Aka Whai Ora, it is like a root to the skies and roots to the heavens. That's our authenticity.**

E te Taraipiunara, kei konei anō ko Te Aka Whai Ora e iri nei ki ngā pātū o te papa o Waitangi. Ehara i te me akua tūpāpakutia te hia o te kawantanga. Nā ngā tikanga o te kāinga ka **(Māori 10:36:40)**, waiho, ka tikina atu tōna wā, hei konā, tikina, whakaturia anō. Ki a ea, ki a tutuki ngā kōrero o roto Te Whakaputanga me Te Tiriti o Waitangi. **Tribunal, so, here is Te Aka Whai Ora, just hanging on the walls of this house. That has not been put to rest like dead bodies by the government. So, we will acquire that once again and it's there, and reestablish it, so that all of the statements and guarantees in He Whakaputanga and Te Tiriti o Waitangi can be met.**

Ka huri ki a koe.

CHERYL TURNER: (CONTINUES SPEAKING TO #B066)
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.

How do we achieve constitutional reform? 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 collective society. Secondly, He Whakaputanga and te Tiriti not only provide the foundation for what constitutional reform should look like. But they also provide the foundation for the process of constitutional reform.

What we mean by this is one, reimagined 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.

Two, 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 reimagined constitution and government systems. For this reason, we think that it offers an important and well researched pathway forward.

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

a. A pathway for provision for rongoā services through taumata rongoā.
b. A hauora service that is complete complimentary to Western healthcare.
c. Funding contracts which enabled the expansion of resources and healthcare services, such as Hine Kōpū service which educates expecting māmā on their hapūtanga.
d. Funding contracts which enabled the employment of additional kaimahi and kairongoā to implement expanding healthcare services.

We understand that there has been, as 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 the power and decision-making to be shared, and for tikanga Māori to be valued within the wider system.

JOHN KLARICICH: (CONTINUES SPEAKING TO #B066)

E te Taraipiunara, ā hea tō tātou kāwanatanga whakangū mai ai? Tēnā pea, ōku mate anō, ngā mea ka mate tamariki, me ngā momo kōhurutanga, ko ngā momo tangata **(Māori 10:39:52 – 10:39:53)**, patua rā, tērā pea, ngā mate pērā. Ngā mea mate mo ēnei, mate tamariki nei. Tērā pea, māku koutou **(Māori 10:40:01)** tūpāpaku, ki Pōneke takoto ai. **To the Tribunal, government is here to – all of the (inaudible 10:39:51) pertaining to our children. All of our problems, those who are dying young and perhaps I will convey our dead body to lay at Wellington.**

Ki a kitea ai i te haerenga moumou o te tangata i mua anō atu i tōna taima, i tōna wā. Ngā mate o roto, ngā kohurutanga, i a wiki, e **(Māori 10:40:21)** ana tētahi, ko tā te Karauna me o rātou **(Māori 10:40:23)**. Mā te aha? Nā te ngaronga o te hononga ki te tuturutanga. **So, they can see the waste of a journey, people dying early and all of the internal inflictions and the murders every week. (inaudible 10:40:25). Through what? Through the authentic connection.**

Ko Te Aka Whai Ora, koia tērā ko tētahi rongoā ā-wairua nei i roto i te tapu o ā rātou kupu. Mā rātou e whakatikatika a runga, ko te kāwana, ki a ora katoa rātou. Take kei roto tātou te whare kotahi, i te ao kotahi. **Te Aka Whai Ora is one remedy, solution, through the tapu of their words and that will address things above and below because we are in the same house and the same world.**

CHERYL TURNER: (CONTINUES SPEAKING TO #B066)

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 for us to be 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.

I just want to bring a point to a few of the kaumātua and kuia that I can see here that we started this hīkoi way back, like, 25 years ago and there are only a few remaining. Absolutely, and you know, it's going to happen in our mokopuna's lifetime. Like, heck no, let's do it now.

Finding the inquiry cannot just be concerned with abstract and legal issues, which in turn, take years, if not decades to be effected. There are practical and important steps that can be taken to get the ball rolling. These include connecting Te Wahapu and hapū across the country to government agencies so that they 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 be dismissed. When they have a hapū that can be resourced to be that conduit and provide the support they need.

JOHN KLARICICH: (CONTINUES SPEAKING TO #B066)

Koia tēnei ko tō tātou kāwanatanga, tō tātou paremata kei runga tātou marae. **(Māori 10:42:34)**, hohipera, whare karakia, whare mō ngā mea katoa e tau ana ki runga ki a tāua ki te **(Māori 10:42:41)**, ki te tangata. Wharekura, ērā mea katoa kei roto te whare kotahi, kei runga o tātou marae, tō tātou pātūwatawata. Ka mutu, kei roto i ngā papakāinga, tōna tikanga. Ko te marae he rite anō ki ngā papakāinga noho nei ngā tini whanaunga. **This is our government, our Parliament. (inaudible 10:42:34), hospitals, churches, houses, buildings for everything. (inaudible 10:42:43), wharekura, all in the same house upon our marae, our fortified villages and within the villages. A marae is supposed to be like villages where all of our relations stay.**

Tō tātou mōhiotanga, e **(Māori 10:43:01)** anō ake tō tātou tiaki i a tātou anō. Ki a mutu ai te pōhara, ki a mutu ai te tūkino tētahi ki tētahi. Ki a mutu ai ko te noho korekau he kāinga, ki a mutu ai te whāngai atu ki ngā momo kaikikino nei, ko te waipiro. Kāore tētahi marae roto Aotearoa i whakaae ki a **(Māori 10:43:21)** te waipiro ki roto i tōna anō takiwa. Engari, kei konā, whāngaihia, ia rā, whitu karaka **(Māori 10:43:27 – 10:43:29)** kohia mātou, whāngaihia atu. Hei aha? He aha te take? Hei **(Māori 10:43:35)** te aroha. **Our knowledge, we are able to take care of ourselves so that we no longer live in poverty and abuse each other. To stop homelessness and whānau eating these bad foods like alcohol. Marae in Aotearoa did not agree for alcohol to be in their region. But it was fed, they'd be given alcohol, for what reason? It wasn't because of love.**

Ko te moni, ko te whakamanamana i tētahi tangata ki a noho a ia ki runga i tētahi taumata kotahi me te kūare o tēnei āhuatanga i te mea, ka taka koe ki roto i te poho kotahi, i tō matenga. He aha te hua ki a pērā? I roto i a tātou tikanga, kotahi anō taumata, kāore he tangata kei runga, haerenga tahi nei. **(Māori 10:44:02)** tētahi tētahi i ngā mea katoa e pa ana tētahi ki tētahi. **It was money, and to empower a person so that he stays on his own platform and that's very ignorant because you end up in the same pit wen you die. What is the benefit of that? Because within our tikanga, there is only one taumata, one platform, there is no one above you and you go at the same time, together. All of the things are in relation**

Ki te raruraru tētahi, ke raruraru te katoa. Ki te ora tētahi ka ora te katoa. Koia tērā, ko te kotahitanga o te tikanga. **If one gets in trouble, then we are all in trouble. If everyone succeeds, then we all succeed and prosper, and so, that is the tikanga.**

CHERYL TURNER: (CONTINUES SPEAKING TO #B066)
Resourcing and empowering Te Wahapu to work closely with local government on decisions that impact our taiao and our whānau more broadly.

In summary, Aotearoa is in urgent need of constitutional reform, specifically reform which is grounded in He Whakaputanga and te Tiriti. If there is one word that sums up on vision, and for what constitutional reform would be or do for our people, it is connected. Whilst we need constitutional reform, we cannot afford to wait more years, if not decades for change. Therefore, a few simple actions today could have a significant positive impact for our hapū. Nō reira, tēnā koutou.

(10:45) HONE TAIMONA: (#B066)

Kia ora koutou e te whare, tēnā rā koutou. **Greetings to everyone in the house, greetings.**

People, I never came to talk today, I came to see. Could I just say to all of us, listening to all the words, the past is our future, and if we can hold on to that and pick up what is the best out of the past to take it to the present and to the future, we will be far better off. The one thing we must never ever put aside is, is that to be able to perceive, to say, to hear, is the greatest gift that anyone can have is the gift of life itself and I just want to leave it at that. So, thank you people.

WAIATA TAUTOKO

(10:48) CHIEF JUDGE FOX TO CHERYL TURNER, JOHN KLARICICH, HONE TAIMONA:

Q. Tēnā koutou, tēnei te mihi atu ki a koutou te rōpū kua tae mai, mai i a mātou o Te Rōpū Whakamana. Tēnā koutou katoa. I just wanted to thank you for that presentation and express how we will be able to use that and thank you very much for putting the time and effort into it. I wanted to ask a question about your original statement of position. Do you have a copy here?

A. [Cheryl Turner] No, I don't.

Q. Okay, well, I will read it to you, it is paragraph 13. It says: "Constitutional reform should embrace the relationality within the natural world, and the whakapapa connections that bind us together as tangata, and to our

taiao. Core principles of tikanga including, but not limited to, manaakitanga, wairuatanga and kaitiakitanga emerge from this whakapapa relationship." This statement of position was written by Cheryl, so, are you wanting us to take this into account as well as the presentation today?

A. Absolutely.

Q. Okay, and what I just read to you is a development of a theme we had explored earlier in the week with another speaker. About the key differences between Māori notions of constitutionality and I guess, what we hear from the Crown in their statement of the core principles that underpin the Crown's notions of constitutionality. That is this notion of relational links, both to the natural world and to each other. We heard it a bit from our first speaker this morning when she talked about the importance of building links between hapū before you have the right to enter and participate in each other's business. So, if I could summarise it that way, so, what I am asking really is, do you see that as a core difference, or something that, well, that is the question really.

A. Are you talking about the difference between the way that the Pākehā sees constitution and the way that Māori see it or –

Q. The way the Crown sees constitutionalism.

A. The way the Crown sees constitutionalism of course, is their way and it has been their way, and we don't any other way except our way. So, I suppose, yes, yes, no, that's probably what I would say. You know, the question, I suppose too that I would ask, is would they see our way of seeing constitution, you know, would they see that, no they wouldn't. So, it's going to be a hard task, I suppose, to merge the two, very hard. For us, it would be easy, we live it, we breathe it, we feel it, we see it. For the Crown, they don't, they live and see, and breath what they see over wherever their constitution comes from. But for us, we have lived it, we are still living it. Kia ora.

DR MONTY SOUTAR:

Kia ora koutou. Kāore aku pātai. Heoi anō, he mihi ki a koutou, e te rangatira, kōrua tahi, ō kōrua kupu i wero mai ki te hinengaro, i wero mai ki te ngākau.

Nā reira, kei te mihi atu ki a koutou katoa. **Thank you, I don't have any questions. However, I want to thank you, to you chief, both of you, all of the words, it challenge the mind and the heart. So, I want to thank you all.**

Tēnā hoki koe, Hone, John, tērā tētahi John Klaricich, he heamana mō te Pou Here Taonga, ko koe tēnā? **Thank you, Hone, John. There was a John Klaricich, who was the chair of Heritage New Zealand, was that you?** You were our chair, and I was on the board, many, many years ago, about 2000, 1999, Monty Soutar. Ngā mihi nui ki a koe.

KEVIN PRIME:

I just want to apologise, part way through Raewyn's presentation the sound went off so I could not hear anything, and it only came back on just before Cheryl started speaking. So, I apologise for that, but I have no questions, but just endorse what other speakers have said before about the presentation. Kia ora.

HEARING ADJOURNS: 10.53 AM

HEARING RESUMES: 11.28 AM

(11:28) MERE MANGU:

Kia ora tātou. **Greetings everyone.**

He hōnore tēnei, homaingia he rima miniti ki a au. Tae ki te rima miniti, me parere mai koutou. **It is an honour for me to have five minutes. When I get up to five minutes, you can let me know.**

Anyway, heoi anō, tēnā tātou katoa, tēnā koutou e te Taraipiunara. **Greetings everyone, I want to acknowledge the Tribunal.** Thank you for giving me this time. Me ata tuhi au aku pānui e rua. **I wrote two papers.**

E mihi atu ana ki a Ngāti Rēhia i tā rātou tīmata i tā tātou hui i tēnei ata, mō te haere tahi mai o te kaumātua ki te ārahi i ana tamāhine. He tino tikanga tērā.

I roto i tāku kōrero, korekau ngā hunga nei e mōhio ana, engari he kōrero anō tērā kei roto i tērā tuhinga. **I want to acknowledge Ngāti Rēhia, and how they began our hui this morning, the elder bringing his daughters here, together. That's a true, authentic tikanga. Within my statement, there is people who do not know of that, but there is so much information within that document.**

The coincidence about that, being Ngāti Rēhia, whom I have just been talking to and they are still in the kitchen. So, mā te taumata e mau atu te aroha ki a rātou. **The taumata can express love to them.** When I went on this particular journey, the kaumātua that saw me through to the end, if there is an end, were from Ngāti Rēhia and those are **(inaudible 11:29:59)** and Wiremu Heihei, or Bill Heihei as most of us know him by. So, I wanted to acknowledge them in standing here, knowing that they opened our day today.

It's important for me to speak today because my constitutional issue is that my relationship with the Crown is based on He Whakaputanga. Koia tērā ko tōku Ngāpuhitanga. **That is my Ngāpuhi identity.** How we conduct ourselves through He Whakaminenga, holding wānanga, from then and up until now, ahatia korekau kei te āhua pīoioi tō tātou waka mō te Whakaminenga i tēnei wā **even though the waka is a bit shaky of te Whakaminenga at this time**. Ahatia, kei te haere tonu, kei te kawengia tonu, ki a ū. A te wā, ka tika anō te haere o te hoe. **But it continues on and still being conveyed and mainly committed. In time, we will be paddling correctly.**

He Whakaputanga acknowledges our own mana as Māori amongst ourselves. Whether others signed it or not, it doesn't matter, they are apart of it, there is room for them to come.

Nā Ngāpuhi te initiative, pai ana tērā, engari, kua tuku ake te ao, kua rongo te ao. Tērā te kōrero mō tātou katoa, ngā Māori katoa, puta noa e hiahia nei te kape mai ki roto i te waka, ki te hoe tahi te waka. He koha tērā nā tātou nē. **Ngāpuhi made the initiative, but that's good, it has been shared with the world and the world has heard about it. That's what I have to say for all**

Māori throughout the country if we want to come on to the waka and paddle together. That's a gift from us.

Anyway, it's also a statement that Māori hold the mana of all things in Aotearoa. The subsequent relationship that came out of that, being the Tiriti o Waitangi is an implicit acceptance that Māori hold the mana in Aotearoa. Korekau i tū atu. **There's no other mana beyond that.**

My second point, I only want to make two points. The second point is, I don't have a claim and nor do I want one. I want to stand in my whare as Ngāti Rāhiri, Ngāti Kawa, and what's being done, it can't be altered.

But what I want to do is just indicate that 31 years ago, I took out a court case, it's in the High Court in Whangārei, based on He Whakaputanga. All over buying a house and being a solo mum, not having the resources to do certain things, and it was at the time of the transition of you know, Māori Affairs to what happened and then we are now in Te Puni Kokiri. But my claim to the High Court was based on He Whakaputanga.

So, I know I only have about a minute left.

Tēnā koutou e te Taraipiunara, koia tēnei ko tāku kēhī kei roto i te pepa nei. Ki tāku mōhio, kei te taumaha tā koutou hoki. Ka hoatungia te mea kotahi, ka whakapā atu anō au ki te hōhonutanga o ngā āhua kei roto, māku e tuku atu. **Greetings to the Tribunal, and this is my case on this paper. Knowing that, returning home, and I'll give one copy to you, and I will contact you about the depth of the kōrero within.**

Whilst I'm here, I want to acknowledge Hone Sadlier, because, why I mihi to Ngāti Rehia this morning, is every step of the way since I began this journey, I have had kaumātua pop up unexpectedly or just shown to me. The way has been cleared with kaumātua and even though I am no longer the young Māori women that took out the case, I am still young.

Now, Hone has popped up and invited me, two weeks ago, so I haven't actually had the time to put this as right as I would like it to be before I hand it over. But I know you don't know what I'm talking about, so I have to give you one copy at least, and I'll fix it up and then send it on, through your Tribunal.

But I wish you the best of luck, I'm sure you're going to find it extremely exciting. One of the highlights was actually taking it on appeal to the Court of Appeal and Sir Robin Cooke as he then was, was presiding. I did have a counsel in the back, you know, schooling me up, but I actually did most of the work and with help. But he schooled me up about going to the Court of Appeal about you know, how things were going to be done and so, we practiced it.

We got down to the Court of Appeal with Bill and Tu, and Lord Cooke said to me: "Ms Mangu, you have come along way, let's just close those books, put your papers away and stand there and tell us about your case." Well, I had not prepared for that, to actually stand there and say, wow, off the cuff, but that's how it was. I'd like to think that I was pretty good because at the end of it, he did say that the Court of Appeal didn't have jurisdiction over the legal aid people.

But basically, I won that space, and since then, it's been, e noho tārewa ana, engari ka kite koutou i roto i ngā pepa mō te hōhonutanga atu **suspended, but you'll find the depth of it within the paper**.

Koia tēnā ko tāku, mai i a mātou o Ngāti Kawa, Ngāti Rāhiri. Ahatia, e Kevin, tāku hapū o Te Kau i Mua ki Matawaia me Ngāti Horahia ki Pakotai i Mangakahia, he hononga katoa a mātou ki konei. **That's what I have to say on behalf of Ngāti Kawa, Ngāti Rāhiri. Kevin, my hapū of Te Kau i Mua at Matawaia and Ngāti Horahia at Pakotai at Mangakahia, we all have connections here.** I runga i ērā āhuatanga **with those things in mind** it's going to be exciting. I know you are sitting there absolutely blanked faced, but it's going to be so exciting, you won't be able to put it down and you'll want to take it further.

So, haere mai, haere mai **come, come.**

Kua tukua, ngā mihi nui. **Pass it on and thank you very much.**

QUESTIONS FROM THE TRIBUNAL – NIL

(11:38) PARAIKA WIRA:

Kia ora. **Greetings.**

Ko pāpā te whaititiri, uira kapakapa i runga o Taihoro Nukurangi. Hikihiki rangi, ki te pō uriuri, ki te pō tangotango, Kapiti rangi e tu nei. Ko Tane i wāhia mai te aro a Tāwhirimātea ki runga ki a Taihoro Nukurangi. Ki te whare o Maui-Tikitiki-a-Taranga, ki Te Moananui-a-Kiwa e takoto mai nei. **Tauparapara.**

Tapuwae nuku, tapuwae rangi, he mumu, he āwhā, te ai o te rangi e tu iho nei, ko Tainui-a-Rangi. Tutu nui, tutu roa, tutu pō kerekere. He hīkoi i te ariki i te tapu, i te whatu, i te mana hau. Pakipaki te tai ki te papa rape nui a Tane. Pikipiki tu tākiri, tu tākiri rangi ki te pae o rehua. **Tauparapara.**

Tuputupu whenua ki te pu o Te Ika-a-Maui, puhi ki te kore i tōhia ko Tawhaki, ko Tawhaki-nui-a-manga. Haere te moana waiwai, puta tāra, te whai ao, te ao marama. Tupu kerekere, tupu wanawana, ka haramai te toki. **Tauparapara.** Haumi e, hui e, taiki e. **Combined them together and let it be done.**

Te mea tuatahi, māku e mihi atu ki a tātou nei kaikarakia i tēnei ata i whakatuwheratia mai a tātou nei rā. Ngā mihi atu ki a koe. **Firstly, I want to acknowledge those who recited the karakia opening our day, thank you.**

Ki te whare e tu nei, tēnā koe. Te papa i waho rā, te rangi i waho rā, tēnā rā kōrua. **To this house, greetings. The grounds outside, and the skies outside, greetings to you both.**

Ki ngā kaumātua i runga i te taumata, e mihi nui, tāku aroha ki a koutou. **To the elders on the taumata, I want to express my love and acknowledgements to you.**

Kua tatū mai i tēnei haora, tāku nei whāmiri o Ngāti Kahu, o Whangārei-terenga-paraoa, kua hau mai rātou i tēnei rā ki te whakatakoto ā rātou nei kōrero mai i raro tēnei kaupapa. **Those who have come at this hour, my family of Ngāti Kahu, of Whangārei-terenga-paraoa, who have come here today to present their kōrero under this inquiry.**

Mihi atu au ki te haukainga nei, ngā uri o Tahuhu-nui-o-rangi, Pou-te-āwhā, Te Kawa, Te Kemara, he mihi nui aroha tēnei ki a koutou. **I want to acknowledge the local home people, the descendants of Tahuhu-nui-o-rangi, Pou-te-āwhā, Te Kawa, Te Kemara. I want to acknowledge you and express my love greatly to you.**

Ko ahau ko Paraika Wira, he uri atu ahau nō Ngāti Hine. He uri atu ahau nō Uenuku rāua ko Kaharau. E tino hari ana tāku ngākau ki te tu atu i roto i tēnei whare, nā te mea, hono atu au i konei, mai i tāku tupuna a Wairukuruku Taurua. **I am Paraika Wira, I am a descendant of Ngāti Hine. I am also a descendant of Uenuku and Kaharau. I am delighted to stand in this house because I have links here from Wairukuruku Taurua, my ancestor.**

Nā Wairukuruku Taurua ko Wiri Marena Paora, nā Wiri Marena Paora ko tāku karani pāpā, ko Manuera Paora. Ko tāku māmā, ko Wairukuruku Paora, ko ahau te kaikōrero e tu atu nei i mua i a koutou i tēnei wā. **Wairukuruku Taurua had Wiri Marena Paora, who had my grandfather, Manuera Paora. My mother was Wairukuruku Paora, and I am the speaker standing before you at this time.**

Mihi atu au ki a koutou mā ngā kaimahi mō te Taraipiunara, mihi nui aroha ahau ki a koutou mō ō koutou nei mahi taumaha. **I want to acknowledge the Waitangi Tribunal staff, I want to acknowledge you and express my love for all of your onerous work.**

Ka huri atu ahau i te reo pihikete ināianei nā. **And so, I will turn to speak in the biscuit language, so to speak, now.**

I stand up in support of my kuia mā from Whangārei-terenga-paraoa. I descent there through Ngāti Hine. He poto hoki tāku kōrero, nā te mea korekau tāku kaihanga i tapu mai i tēnei rā nā te mea, kei te hohipera ia. Nō reira, koutou mā, ka noho atu ahau mō ngā kaikōrero ki te tu. **I'll only be brief because my cousin did not come today because my cousin is in hospital. So, to you all, I will sit so that the other speakers can stand.**

QUESTIONS FROM THE TRIBUNAL – NIL

WAIATA TAUTOKO

(11:44) WAIMARIE KINGI: (#B061)

Kia ora, te Taraipiunara, mihi atu ki a koutou, me Ngāpuhi-nui-tonu. Tēnā pea me huri i roto te reo pihikete i tēnei rā. **Greetings to the Tribunal, greetings, and the great iwi of Ngāpuhi. Perhaps I will speak in English, the biscuit language today.**

My name is Waimarie Kingi, I was a claimant of Wai 619 under the name of Waimarie Bruce, I was married to a Pākehā, and I have three children to my children's dad. I come from rangatira of Ngāpuhi, I'm a direct descendant of Te Ruki Kawiti, coming down from his son, Taura. I am also a direct descendant of Hongi Hika on my mother's side, from Te Ngaere, Whangaroa. I am also a direct descendant Te Whareumu of Ngāti Manu, and that's where I get my name, Kingi, from his son, Hori Tahua Kingi.

I come from, or born in a place called Ngāraratunua, which is just out of Te Kamo. My grandmother couldn't speak English, so when we come home from school, we had to kōrero te reo. So, it was like what I would call, schizophrenia, we would leave home, catch the Pipiwai bus to go to school,

Kamo Intermediate and Kamo High School. But come home, because we have to kōrero te reo **speak in Māori.** I just thought I would share that with you.

I am 70 years old. I have been doing hapū stuff for Ngāti Kahu, Te Parawhau, for almost 40 years. I must say that have they progressed? No, they haven't. We established a trust, and I want to mention this. We established a Ngāti Kahu o Torongare Te Parawhau Hapū Iwi Trust as a tool to help us with our Tribunal claim. We had the tautoko of our old people. You had to have an entity and so we still struggle today with that very tool.

So, I come from many hapū, I'll just mention that, in Ngāpuhi.

I wanted to talk today about mana motuhake. It's important because it's up here, and I grew up in my family, in te reo, that was always spoken, mana motuhake. I was so, you know, being young back then, in 75, 76, when Matiu Rata decided to set up a party called mana motuhake, I'll never forget that.

Now, here I am today, to talk about mana motuhake, I think all of us know what that is and I don't wish to regurgitate because there's other speakers before me that have spoken about it. But what I wanted to focus on, it's like I said, we set up a trust and we are still having problems with our hapū iwi trust, so I decided to look at the dual governance. You can say, tino rangatiratanga, exercise it and that, but we are down here, we are not up there as partners with the Crown, never have been. But what I have done is study those dual governance overseas, in Africa, Canada, and also, United Kingdom.

Now, the legal framework in this country, is English, can you believe it? That's the legal framework in this country, is English, and what we need to do is look at a dual governance that puts us up there. The only question mark I have, and I think it's mentioned in here and some of the speakers, I think Hori Parata would have had it in his kōrero. Is how did the Crown acquire sovereignty, and when, because that's important.

Because when it comes to dual governance, we only own 5% of the land throughout Aotearoa, 95% of the land is owned by the Crown and its British subjects. So, how would a dual governance work? That's something maybe those who always talk about the Whakaputanga, and the Whakaminenga, because we already had our sovereignty, it's always been there.

I want to say too, I grew up with that because my mum is from Te Ngaere, Ngāi Tupango, Whangaroa, and we were brought up with this from uncle **(inaudible 11:52:14)** and ones before him. I tīmatanga Te Whakaputanga konei, Te Ngaere. **Te Whakaputanga began here, Te Ngaere.** That's what they used to say, the old people. When you talk about the Whakaputanga, this is where it began, at Te Ngaere.

So, I have never lost sight or their kōrero, but I always used to wonder, why is it that we are not up there until dual governance. I see it's one of the themes that the Tribunal has looked at or highlighted and I like that. But then there are some questions to be answered, and I have already said it. You know, we have been run by the subjects of the Crown and they need to step down, and the Crown, you do your job. You do your job.

I want to mention that, and if ever, when it comes to that dual governance, was looking at, hey Ngāpuhi, I'm talking about Ngāpuhi here, get into a partnership under this dual governance. Tainui can do the same under its Kīngitanga and we should tautoko **support** them and all the other iwi that wants to get into that dual governance. It's not to say that we will be split, not at all, it strengthens us and the queen of Tainui, man, she's awesome. She's really awesome and that's why I was saying that that dual governance is what we should look at, but there are some questions to be answered, and I have mentioned it.

So, that's what I wanted to talk about, and then, I'm going to sing this waiata, because I believe that it's in your waiata, your whakapapa **genealogy**, your pepeha **tribal motto**, your mōteatea **laments**. But I focus on Ngāpuhi, because I'm in the Whare Tapu o Ngāpuhi **Sacred House of Ngāpuhi** and one of the main whare of the Whare Tapu o Ngāpuhi is Manaia, which is in the wahapū of

Te Ahipupurangi, te moana, ko Whangārei-terenga-paraoa. So, I just thought I would mention that.

WAIATA

I love singing that waiata. I remember our karani always said to us, when you leave the Whare Tapu o Ngāpuhi, you're Ngāpuhi. You're not Ngāti Kahu, you're not Parawhau, you're not Waiariki, Ngāti Kororā, because I belong to a lot of hapū, Uriroroi, Ngāti Hine. You always remember, when you leave the Whare Tapu o Ngāpuhi, you are Ngāpuhi out there.

So, that's why I look at the maunga. When I get over the maunga at Tiroa, they call it the **(inaudible 11:56:54)**. Get at the top of Tiroa and I say, wow, I'm home, I can see Manaia, I can see all the maunga **mountains**. One of them too, is Matariki, we are the only hapū in the whole of Taitokerau that has a maunga in Whangārei-terenga-paraoa, ko Matariki. It's significant to us, it's really significant to us, and we had difficulties with Department of Conservation, with local authorities as well.

So, I think one of our kōtiro would have talked about it earlier, a very significant site in Te Kamo, ko Ōnoke, and good on them, because they are the next generation. They are our young ones. I'm 70, so, that succession planning goes down to our tamariki, it has to, and they do a good job. So, we have all these maunga, but we do have difficulties with some of the activities that take place – with the Crown, and we have to blame the Crown.

I'll get on to my next one, it's a waiata **song**, because like I said, my waiata is around Ngāpuhi, because I am Ngāpuhi, I'm in the Whare Tapu o Ngāpuhi.

WAIATA

Now, that whakatauki is to do with Rahiri's two sons, Uenuku and Kaharau. When one is in need of help, then the other will assist, so it's the west and the east. I thought I would mention that because it's all part of – we had our

whakatauki, we had everything. We had our own independence, our self-determination.

So, that is where I am going to leave it and give time for the others to speak. I wanted to talk on that, and I hope the Tribunal will take that onboard, a dual governance, because I mean, it's in Africa, Canada, with the other indigenous people and it's something to look at. You know, for the Whakaputanga, the Whakaminenga, we haven't lost sight of that. That is, it for me.

Nā reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.

HOUSEKEEPING (12:01:18)

(12:01) MONTY SOUTAR TO WAIMARIE KINGI:

Q. Kia ora, we have read what you gave us and thank you very much. My question was about the first song you sang, you chose to sing. What it has to do with, because it sounded like the development schemes and the young men.

A. Yes, that's right.

Q. Can you explain it.

A. Well, it was about Ngata coming to Waiomio, because Ngāti Kahu is only found in two places, in Taitokerau. I'm talking about Te Kahu o Torongare, and Ngāti Kahu o Torongare, is in Waiomio and a place called Mohenui. Now, that's Ngāti Kahu tūturu and that whenua there didn't go through the Native Land Court 1865. It was dealt to through 1862 and that was through arbitration. So, they acquired that whenua, Mohenui, and they still got it in their ownership today, so when you go into Waiomio, there is a marae there called Mohenui.

So, I sang that song there because the kāwana tautoko **government supported** that scheme that Ngata had brought to Ngāti Kahu and Ngāti Hine. Because we are closely related, Ngāti Hine and Ngāti Kahu, because of Hineamaru and then, Ngāti Kahu's tupuna is her brother, Torukao. But the tupuna of the whenua is Haumakuruata of Ngāti Tu, but we are still closely related.

So, that scheme was to talk about growing, you know, like using the land, which they did. But as you go into Waiomio, there is a lot of gauze, heaps of gauze, and it's not their fault. We never brought the gauze here, so we don't get any help, you know, to eradicate, introduce species. It's just like, with the subjects, they are imports and it's just like the gauze, it's import. So, that's something they should be looking at, and you wonder why Māori don't pay rates, you know, because of these introduced species, so I thought I'd mention that.

But Ngata was a wonderful man, he bought where they could be funded, you know, to utilise the lands. Which they did, and they still got their lands today and they call it, I think one of the trustees here, Dr Roseanna Solomona, she's here. It's called – what is it, Roseanna? Yes, what's the name of the trust, Roseanna? Yes. So, she's one of the trustees, Dr Roseanna Solomona, she's from our hapū too, and Ngāti Hine. No, Ngata, he was a wonderful man and yes, he did, it gave us our self, you know, we could do things for ourselves, and we could. We grew our own kai, you know, and run stock, we milked cows.

But then, over time, it faded, you know, it eventually faded and then, well, like I said, you go past Waiomio, it's not hard to see what's there, it's gauze. Our people don't have the money, you know, to eradicate that, we didn't bring it here. Does that answer your question?

DEREK FOX:

Don't say too much more about Ngata, there is three of us who whakapapa to him. We might not be able to get out the door if you keep talking like that about him.

(12:05) PETI KAKE: (WAI 619)

Tēnā anō tātou katoa. **Greetings again, everyone.**

Gosh, that's a big one to beat, my own tuāhine **sister** here. Anyway, I am going to start with –

WAIATA

Ko ahau nei, ko Peti. Ko te tuakana ki a Waimarie. I'm nearly 80. Kia ora te whānau. **Kia ora whānau.**

I haere mai ahau, tāku mahi, e mahi ana ahau i waenganui te hauora, i Te Whatu Ora. Ahakoa he registered nurse ahau, 30 years plus i waenganui te mahi mental health, or te hinengaro. Engari, tāku mahi ināianei, ko te kaitakawaenga. Āe rā, he aha tēnā? He mahi tēnā i waenganui tā mātou whānau, hapū, iwi, tā mātou nei whai ora, or tūroro, or patient, client. So, e haere mai ki te awhi mō tēnei constitution, mō mātou, te iwi o Ngāpuhi. **I came – my work is, I work in the health sector in Health New Zealand. Although, I am a registered nurse, 30 years plus, I have worked in mental health dealing with people's minds. But my work now is, I am a facilitator. What is that? My job is to work amongst our whānau, hapū, and iwi, and with patients, clients. So, I came to assist in this constitution inquiry on our behalf, the people of Ngāpuhi.**

I tipu au i waenganui ngā ao kōhatu. **I grew up in the old world.** I have to call my old people, ao kōhatu, they are ancient, older than the mountains. One of the whakatauki given to them while they are on the marae is called: "Mā ngā pātū e kōrero." **"The walls tell the story."** "The walls will talk."

Ko wai rā ngā pātū nei? Ko ngā ao kōhatu, ngā kuikuia, ko ngā kaumātua. Nō neherā a rātou nei mātauranga i heke mai rā, ā, ki a mātou ki a haere tonu, ki a tika te haere a mātou nei affairs. **Who are these walls? They are from the ancient world, the old women, the elders, the old men. From old days and old times, that's where their knowledge came from, and it descended down to us for us to carry on the right way and our affairs.**

I tipu au i waenga i ngā kaumātua o Whangaroa me Whangārei. I rongo ahau tēnā kōrero, te tikanga. **I grew up amongst the elders of Whangaroa and Whangārei. I heard comments about tikanga.** Simply put, in general , we do have some laws that apply to all hapū and iwi throughout the motu. For example, the mātanga or, the mahunga **head** is tapu, considered tapu.

On the other hand, you have what we call, where I come from, e rerekē ana te tikanga i waenganui te kawa. **Tikanga is distinct from kawa**, so, you have variances. You have pōwhiri, pōwhiri **welcome ceremony** doesn't variate. Karanga **ceremonial call** doesn't, but your hapū will have some variances, different to others. Koia tēnā ko te kawa. Ahau nei, i tipu au i waenganui ngā kaikaranga, ngā pūrākau, ngā pūkōrero. **That is the kawa. I, myself, I grew amongst the ceremonial callers, the stories, with the great orators, knowledge holders.**

I left Whangaroa when I was 15 and I have to, like Waimarie, I have to thank my matua **(inaudible 12:12:34)**. At that time, he brought in trades, Māori trades, it was the best. I remember my mum's people and my fathers. Ngāti Kahu o Torongare was so harihari **happy**. They sent us all down to Auckland to these hostels and I became a nurse, so did Waimarie, we were both registered nurses, but overtime, we changed our field.

Our cousins came, they were the builders, the carpenters, the electricians. But you know, it never carried on after that due to different government changes. Always, you know, made it hard for us. Engari **but**, we come from kuia, my grandmothers both, they believed in education in learning te reo Pākehā **English**. I won't say it's a biscuit language, I mean, if I'm going to go into partnership with you, I'd like to treat you fairly.

However, I do have concerns about my partner, you know, we haven't been looked after well. I'm just thankful for our marae, I'm thankful for tikanga, I'm thankful for mana motuhake where our marae was ours solely. Where we could make decisions, where we could congregate, where we could meet, where we could inspire each other, where it was, you know, a sacred place, really. So, I believe our marae played a big part in where I am today, and I believe for others as well.

I might be pekepeke **jumping** all over the place, but it's all about my growing up i waenganui ngā tikanga **amongst the tikanga**. My grandfather, who was

Hone Paraone Kingi, that's my father's father. When he was born – my grandfather was actually born 1887, yes, he was still in that era.

I believe, through grandmother telling us stories, that he, they encountered when the Tohunga Suppression Act came about, really, that was through Pomare and Sir Buck and that. That was in regard to what I could make of it during my research was, and they – they brought it about because the tauiwi, our Crown, their people, their subjects were practicing like **(inaudible 12:15:41)**. They weren't like us, matakite **visionaries** and into our rongoā **traditional remedies**, that way, so, for us to survive, they had to bring that law in.

At that same time, my grandfather went underground. In doing that, all his other whanaunga from Poroti, from Mangakāhia, right across to the **(inaudible 12:16:08)**, right across, out to the east to Te Waiariki, Ngāti Kororā, Ngāti Taka. Puta noa atu **out towards** Ngāti Wai, right up into the Bay of Islands, over to Te Tii, Whangaroa. My grandfather and others had to hold on to what was considered tikanga, and He Whakaputanga.

They had to carry it on, and they believe in mana motuhake. So, that was instilled in us, and by the time we were going to kura, Waimarie, we weren't called radicals, we were called radicals growing up at kura, because the tauiwi couldn't fathom. They just couldn't comprehend how they were going to educate us and because we wouldn't conform. It was so hard to try and change your language from Māori to English, because they didn't even try to change to Māori.

So, I think, my kura, at Ngāraratunua, was the last of the native schools I think, if you have a look down the records, they are closed down. At that time, you know, I used to have to march to the flag. We used to have to march around and to the flag, we went to the picture theatre and that was to the cran, to the anthem. You had to stand up and then curtains were drawn, and the piano is playing, so I was subjected to a lot of that. But I know, through my grandmother

and my grandfather's and them, that they told us to stay strong, there will come a time, like our matua Kawiti, look beyond.

We are now in a very, I feel, we have moved fast, as a Māori people, and that word Māori, it doesn't come from us, that was invented for us, it's called, ordinary. I looked it up in the dictionary before I came. Yes, and so, all I know, and I remember my grandmother saying, no, we are not that word, Māori but she said we came from the atua **gods**, hard to believe. Came from the atua **gods**.

Mana atua, mana tangata, mana whenua. **Gods of the people, and over the land.** That's how my grannies spoke to us. So, you know, as I stand here, I have to remember, my hapū, I have relationships, or reciprocation, manaaki, awhi, tautoko **support**, with other hapū, so I'm not out there on my own.

So, really, we are in the Whare Tapu o Ngāpuhi, so if we can try and get under that umbrella, as going into partnership with whoever our partners going to be. Then, from that down, I think then, hapū can sort of go under that, because if you go out on your own limb, just for example, Ngāti Wai goes out – I'll talk about myself. Ngāti Kahu at Whangaroa go on their own and separate from Te Tii and from my other places, Waimate and all of that, you won't survive.

You know, there is **(inaudible 12:20:10)** saying that whakatauki **proverb**: "With my kete and your kete, the people will survive." So, all I can say is that I was brought up, entrenched really, in knowing everything about as much as, about tikanga, the whakatauki **proverb** was the big one. It's always whakatauki, the words of wisdom, they have been handed down, not just 500 years ago, thousands of years ago, and I think we can prove that.

Just recent, when Rangi Mātāmua, when he portrayed our Matariki, we have always known about it, now, the maramataka **Māori calendar** is on the rise. So, there are a lot of Māori models out there that are not really identified yet, to tauiwi, but we all do it, and it's not really recognised.

We have, up here in Ngāpuhi, my fighting side, they use what they call, Te Wheke, the eight tentacles of the octopus. That was well known up here in the Whare Tapu o Ngāpuhi, you don't hear that often. So, what I'm saying is, we have many Māori models of taking care of ourselves.

I just hope, for the people, of you are taking us back to United Nations, or wherever, or whoever, you know, come to terms, or even the Crown. Because I think the Crown subjects, right now, need to be – they are acting on behalf of the Crown, but they are not tika **correct**. They are taking away a lot of our rights, you know, and just before I come here, I want to share this one story.

My English aunty, her name is Janette Puriri, she married one of my cousin/uncles. Her parents came here from England, and you won't believe it. She gave me these books, all on England and she said: "Peti, before you go there, please learn about my country, what was happening in the 1800's."

So, I got an idea of why the Crown, if they were rushing the Treaty of Waitangi, because England, it was having their own problems, you know. Their people were poor, they were in slums, they had diseases, and they were overpopulated. They were moving into their urban areas, and also it was the time of the revolution, so they had child labour.

So, my aunty gave me these books, and she's English, and she was also me and Waimarie's school teacher, she's now 68 years old and she lives up the road from me. So, I just want to share with you, you know, sometimes, to move forward, learn a bit about where our Crown, about the Crown, during the 1800's. You have to remember, slavery was there too.

I think I'm just being told, kua mutu tēnei **I'm finished**. I just want to end with this little, brief waiata.

QUESTIONS FROM THE TRIBUNAL – NIL

WAIATA TAUTOKO

(12:24) ISOBELLE KARAITIANA:

Kia ora tātou. Ko Isabelle Karaitiana ahau. **Greetings. I'm Isabelle Karaitiana.** I'm just going to give you a brief connection on who I am and who I'm connected to, and I'll start with my dad.

My dad is from Kahungunu, Heretaunga, Te Arawa, and Ngāti Manu, Taihape. My mum's connections in Taitokerau is, and I will start with Mahurehure first, because of my grandfather. His mum, the Hohepa side, Waikare through his grandmother, the **(inaudible 12:25:30)** side. My grandfather is Hamana Mohi Parore, and the other side is my nans side, is coming down here to Ngāti Hine also, Ngāti Kahu, Parawhau, and Patuharakeke.

My whakapapa ties is to Tipene Hari of Ngāti Kahu. I am a direct descendant, along with my aunty, who I am going to acknowledge that's here today, aunty Tangi Rudolph. Me and my aunty have a claim of my mums 2368 claim, about the Mohinui blocks in the development schemes. But I'm not here as a claimant of 2368, I'm here as a descendant of Ngāti Kahu and I'm here to talk about the He Whakaputanga, Whakaminenga and what it means to me.

He Whakaputanga, Whakaminenga.

He Whakaputanga, when I came here, I wanted to know more about my mum's side. I want to know more about who she was to Taitokerau, who she was to Ngāpuhi. Where I was brought up was Auckland, and before I go on that journey, I'd like to take you back to a journey of my mum, because I think it's important.

When my mum came back here, it was in 2007, that was to come back on her whenua **land** of Mohinui. In the 1950s, when the development schemes were here in Mohinui. It was my grandfather that was the farmer, that was allowed to stay on the land with my grandmother, which belonged to her mother, Kataraina Te Peha Pohe.

In saying that, they were there in 1932, before the development schemes living. And it's funny how my grandparents were living there on the lands in 1932, then the development scheme started in 1955 when the Māori Affairs Act came into play. So 1955, 1957, it was agreed upon by owners that were at the hui with Māori Affairs at the time, and then they started developing the schemes. Between 1958 and 59, my grandparents were removed off by killing of a calf.

In doing this, I'm also going to go into generational change in this kaupapa. So, from 1958, 59, my grandfather that was put in jail for six months, my grandmother was put off her mother's lands. They walked from – she took her children and walked from Mohinui back to Pukemiro, Kamau, where her mum was. Her mum lived on Dip Road, is what they called it and that's in Kamau, going up towards Pukemiro on your right. Ōnoke was across the road from where my nanny was living, nanny Kataraina.

So, my nan lived there until her husband came out of jail and then they took their children to Auckland, Mangere, 22 Kiekie Street, and resided in 22 Kiekie Street, right up till when I was 18, because I had my first child at 16. So, in all this time that we were living in Mangere, that's where we know, we called haukainga, to us. We were part of the south side, Mangere, Manurewa, Otahu, those were our walking grounds, right throughout the south side of Auckland.

When growing up, we used to travel from Kiekie Street, Mangere to Mangatawa. Mangatawa is actually called Te Tio, Waima, or Manaia side. So, we used to travel back there all the time when we were kids, and growing up with nan and them, we knew a lot about Mangatawa. To tell you the truth, we didn't even know Mohinui existed when we were travelling from Mangere to Mangatawa.

It wasn't until my nan wanted to know where her lands are, and we came up here to a Ngāti Hine Forestry meeting. Where she asked my mum and her sisters: "Where are my lands, why don't I see my lands?" and it was a part of it, knowing, to being with my nan, and going to the hui of Ngāti Hine Forestry Trust.

At that time, being young, I didn't know what she was talking about, I didn't know that she had any lands. All I knew is that my grandfather had lands and that was Mangatawa, Waima. As sad as it is, it's the changes that was created during the time of my nan, to my mum, and to me. Knowing those circumstances and growing up, and observing those walks with my grandparents, with my mum. It took a toll when we got to know that our nan had lands.

Unspoken truth, it's hard to speak about. The ones that don't speak, it is hidden. When we don't get told about the lands at an early age, it saddens us to know – that we whakapapa to all of you. The sad thing about this hīkoi and journey that I have been taking, was that my mums not here. My mentors are no longer here. I relied on my mentors, that was my grandfather, my grandmother on both sides of my mum and my dad's side. I know more of my dad's side then I do of my mum's. I am so privileged to be here and be a part of Ngāpuhi whānui **all of Ngāpuhi**.

Well, this has been a long week.

So, going back to the walk and the journeys of my mum, and trying to make it short, cut things out. When we came over to He Whakaputanga, Whakaminenga, when I came, and I started this journey way back in 2012, and that was with Hayward Brown and them. For me, it was observing what the kaupapa was all about, what did it mean for me, what did Whakaminenga mean for me in those hīkoi I'm coming up to today.

Going to the 6th of January 2013, first time ever, was going there to learn about Te Tiriti o Waitangi. When I went to those two kaupapa in the different years of 2012 and 2013, I took all that information back to my mum and dad, and it was my dad, he was in curiosity, because he was from Te Arawa. He said: "Well, that's not for us, we are from Te Arawa, missy." I was said: "Dad, the knowledge that I have from here, from Ngāpuhi, is for everyone, because that's what it reads." He wasn't sure of it, because he didn't see a clear picture of it.

It wasn't until the following year, I took him to Waitangi for the first time ever, 2014. My father loved it, he couldn't understand why he wasn't taught it, he couldn't understand why it was hidden from them. They taught so much about their atua, the 72 atua is what they believed in. Every atua had a purpose, my dad used to say to me: "Why would we need a pen and paper, you have your atua, missy." "But dad, maybe this is another journey for us to look into." But he was so staunch: "Your atua, missy, they have your tikanga, they give you everything."

But I saw a bigger picture, while I'm here home with pāpā and nan, Ngāpuhi, I want to be a part of. It doesn't mean that I'm disrespecting my dad. I do believe in the atua and the 72 of them. So, he gave me a book, handed from his grandfather and coming all the way down. In that book is my bible of Io Matua Kore **Io, the supreme being**.

So, every day, I have to read it because it tells me who I am to my dad. It tells me who I am to my atua **gods**, it tells me the rules of each of the atua **gods** and what they mean to me. It also tells me of the ngawake whetu and the whakapapa **genealogy** on how we generated a kaupapa that belongs to Māori. For me, looking at the book that my dad gave me, was law, it wasn't a fairy tale.

My grandparents on my dad's side come from Te Mata a Maui, is the name of our tupuna whare **ancestral house**, and Mata iwi. A direct descendant line to the ariki **paramount high chiefs** and they also say, tai o puru **ranking chiefs**. I never ever thought, when I was a kid growing up, that I would hear that: "Maui, Maui, you're just a Maui." I thought, so I gave this kid a hiding because that's my tupuna, Maui.

But that was me being protective of me being a child at that time, growing up in Auckland. Growing up in Auckland, not a very good place, a city of bricks, stone, it was never a good place for Māori to be, ia rā. Something that they had to go into because of colonisation. Our people had to leave their homes to go work for their families, so they were colonised into going there and doing that

for them. However, on my dad's side, they were told to leave at the age of 13, go and work because you are not going to learn anything over here, so they were stripped from everything.

Now, getting back to the Whakaputanga, Whakaminenga, I have to get it correct because matua yesterday said it's Wakaputanga, not Whakaputanga. So, now I'm going to talk about Wakaminenga **confederation.** To shorten that of my mum, they ended up down there, then she came back. I'm now living on the land of Mohinui, and that's where I will stay and retain my tino rangatiratanga in Mohinui, and also, be a part of my Whangārei whānau.

In Wakaminenga, I believe the Wakaminenga should stay with He Wakaputanga. I believe that Wakaminenga should be a path, or, well, should be a part of the Paremata **Parliament**. That gives us the independence and also the sovereignty under He Whakaputanga me te Wakaminenga **confederation**. So, what I'm saying, in lore, or law, L-A-W, they are taught about L-O-R-E, L-A-W. Well, lore, I believe, there could be room for improvement to put law as the Pākehā, and the lore as Māori, the tikanga under lore. So, you are looking at a dual sense of law. You have two laws, L-A-W, L-O-R-E.

That concludes me for today, kia ora.

QUESTIONS FROM THE TRIBUNAL – NIL

CHIEF JUDGE FOX:

I do not have a question, but thank you all for your presentation, which was a very personal presentation from all of you. Yet, demonstrates the notions that you were discussing about mana motuhake at the very local level. So, tēnei te mihi atu ki a koutou. **I just want to thank you.**

LEGAL DISCUSSION – CHIEF JUDGE FOX TO MR ERSKINE – CLARIFICATION OF STATEMENT OF POSITION (12:44:05)

WAIATA TAUTOKO

(12:48) PATRICIA TAUROA: (#B067)

TAUPARAPARA

Tīhei mauri ata, mauri ora, me tīhei hoki a tātou tūpuna kua ngaro atu ki mua i a tātou. Nō reira, tīhei ua, mauri mate. **Behold the breathe of life, morning, living, mauri, and acknowledge our ancestors who have passed on.**

Ngā mihi ki a koutou kua tatū mai i tēnei rā, ki te whakahohatia e ahau. **I want to acknowledge everyone who has come on this day to make me fed up.** I hope it's just for five minutes.

Engari, tātou mā, e hari ana te ngākau, **(Māori 12:49:00)** e taumaha ana **but I am happy from my heart to** that we have to go through this process to let people know that we are Māori tūturu o te whenua o Aotearoa. Why do we have to do this all the time? We shouldn't have to.

E mihi ana ki te Taraipiunara **I want to acknowledge the Tribunal**, that I believe you have allowed us to write our submission, effectively, and send it to you. So, even though I go off track today, you have it written down. Aroha mai **apologies**, I'm used to going off track, I was born in Ōtangaroa and there are many tracks there that go up to Taratara.

Heoi anō, ki a whakahari i a tātou, he tino taumaha ki te noho, ki te rongo, i ētahi o ngā mamae o a tātou tūpuna i waihotia mai. Ehara i te mea i waiho tūturu mai te mamae ki a tātou, engari, kua waiho mai tātou. **Nonetheless, we cheer ourselves up because it's quite difficult to hear about the pain our ancestors experienced. But we didn't feel that pain, but we were left.** So that we can fix up our relations that are on that side of the fence, nē? Ka pai **good**.

Now, I have a piece of paper here that I'm supposed to read. Engari, tātou mā, I'm only here just to start us off, the other three are going to finish it off and they'll probably make more sense than me. Engari, tātou mā, I'm happy, glad, to the Tribunal, thank you for being here as well, and I think I am right in saying that our written submissions, you have copies of them, and I do stray.

Aroha mai, my name is Patricia Tauroa, that is what was on the paper. I have the joy of being named Bee, when I was younger. I used to like that name because a bee could go and sting other people, so you can guess who got a few whacks on the bottom side, nē. Engari, heoi anō tēnā, he āhua whakahari, **but that's that, I just want to cheer** because I don't really know what I'm supposed to be saying anyway, but I'll get there, aroha mai **sorry**.

In looking at the principles of – as I said, I'm glad that the Tribunal does have copies of the earlier submissions. But there are other statements that we want to add to it, and one of those statements is that we draw strength from the findings of the Waitangi Tribunal in *Te Paparahi o Te Raki.* Which confirm that our tupuna did not cede sovereignty in 1840. This foundational understanding underpins our position in this inquiry, so, we did not cede our sovereignty.

As well, Whangaroa tikanga, as exercised by our hapū, is grounded in collective decision-making, respect for whakapapa and a deep relationship with te taiao **environment**. Our processes for resolving disputes and meaning, and managing resources are living expressions of our rangatira, our Māori rangatiratanga. As I was sitting there, I was thinking, why is it that we as Māori have to go through this all so often.

Why is it that our other side can't accept our kaupapa, our tikanga, our understandings as being part of them as well. We accept the decisions and the aspirations of our taha Pākehā **Pākehā side**, but they don't seem to accept ours. In saying taha Pākehā, I am Irish, I am Scottish, as well as I am being Pākehā. So, I have the whole lot of them to deal with, maybe that's why I go off track so often, aroha mai.

But the other expression I wanted to say, and I add this to the document that you have already received. The role of wahine in our governance structures is vital and has been recognised in evidence presented to the *Mana Wahine Inquiry.* We affirm the importance of mana wahine in our constitutional future.

I want to say this ki a koutou **to you**, we lost a lot of whenua **land**, my whānau, because it belonged to my mother who left it to her daughters. Her daughter married one Pākehā who took that whenua and then he passed away and she married another Pākehā who took the other block of whenua. We were left with pretty much nothing because the processes that our Pākehā had and I believe, still have, is that women do not own whenua. Tika ana tēnā ki a koutou? **Is that right to you?**

Yet, what is that whenua that we carry with us all the time? What is the whenua, he aha te whenua that we give birth to? Is it of no significance? Are you saying that we don't own that whenua? No, because the land means more to you than the person, and not to you, but ki te ao Pākehā i mua nei **the Pākehā world from the past** and it seems as though, e hoki mai ana tēnā āhuatanga i waenganui i a tātou i āianei **that aspect is coming back amongst us now**.

So, while the process is that women could not own land, it was very easy for our tūpuna wahine **ancestresses** to lose that land. Not because they gave it away, but because they married someone for their land. That's how it appeared to me anyway, in terms of, as I grew up and understood that most of all, Tangaroa no longer belonged to me. Even though my grandmother had left it to ngā wahine **women**.

So, that's one of the kaupapa issues that I feel is important for people to know, that Māori had ownership of the whenua, and it was lost through the process of marriage. I don't criticize the fact that āe, mārena ana tātou katoa nē **we all get married**, that's part of the process. But, to automatically lose what is rightfully yours, and what has been given to you and left by your tūpuna is not an easy one to have to live with. I don't feel it is anyway.

Okay, now, I think I have said enough now. I have agitated you enough and I can let the ones who maybe, talk reason, carry on. But I did have a few things written here, but I'm glad that the documents have been written and the Tribunal has copies. You can tell me off if you like, I don't mind, I'm used to being told off, I'm used to making the things and then finding it stings on the bottom at the back anyway.

But e tātou mā, e hari ana kua huihui tātou i roto i tēnei whare, i Waitangi, i konei. **To everyone, I'm happy that we have gathered here in this house, Waitangi.** E hari ana ki te kite ētahi o koutou **I'm delighted to see some of you**, I haven't seen for a long while, and I apologise because if I see you tomorrow, I'll likely to have forgotten your name anyway. Koia tēnā, te āhua o te ao **so, that's the way of the world**, but when you get to 87, I think you have a good excuse nē.

WAIATA TAUTOKO

(12:59) DOREEN PURU : (#B067)

Kia ora, whaea. Every time I listen to her speak, I want to clap.

Ki te marae ki waho nei, tēnā koe. Ki te whare ko Te Tiriti o Waitangi, e tu nei mō ake tonu. **To the marae outside, greetings. To the house, Te Tiriti o Waitangi, standing here forever.**

Ki ngā mate ki runga i te pātū, haere, haere, moe rā. **To the dead hanging on the walls, acknowledgements.**

Ko Taratara te maunga. **Taratara is the mountain.**
Ko Whangaroa te moana. **Whangaroa is the sea.**
Ko Mangaru te waka. **Mangaru is the waka.**
Ko Mangawhero te awa me te whenua. **Mangawhero is the river and the land.**
Ko Ngāti Rangi Mata Momoe te hapū. **Ngati Rangi Mata Momoe is the hapū.**

I te taha o tōku pāpā, ko Wiremu Te Waru Puru, no Hokianga, well, Horeke nō Hokianga. I te taha o tāku māmā, ko Kathleen Nelly Puru **(inaudible 13:00:33)** Green. E noho ia ki Otangaroa, Mangawhero. Ko ahau te kaikōrero, ko Doreen Puru, mō Wai 1684. **On my father's side, Wiremu Te Waru Puru, who is from Hokianga, Horeke, from Hokianga. On my mother's side, Kathleen Nelly Puru (inaudible 13:00:33) Green. She stays in Otangaroa, Mangawhero. I am the speaker, Doreen Puru, for Wai 1684.**

Ka huri au ki te reo Pākehā. Kore au e kaha ki te reo, engari kei te ako au. **I will turn to speak English. I am not strong and fluent in the language, but I'm learning.**

Tēnā koutou. **Thank you.**

I respectfully accept that the Tribunal has read our statement of position. I'm going to step away from that and tautoko everything that has been said by Ngāpuhi, about the everything, about the Treaty, te Tiriti, me Whakaputanga. And maybe bring some next steps to where we are going with the constitutional kaupapa. I'm an administrator, I don't hold whakapapa well, and I don't know the waiata, and all the kōrero and I'm not that clever, but I'm a little bit of an administrator, and I start from the bottom up, and I always work my way up.

Anyway, the thing I see most is, through my life, is that the government, if they were clever, they'd get rid of us. They would just give us what we want and leave us alone. I don't understand, like our roads at home, all the potholes on the road, why they never sealed them, it would save them a ton of money, you know. But give us our tino rangatiratanga, let us govern ourselves and do what we want, because they don't want us.

That's what I feel, that's what I've seen through my lifetime. All the programs that they have thrown at Māori to help us, we don't want them, we just want our tino rangatiratanga. But you know, they would be awesome if they just left us

alone. They won't need to find ways to solve our problems, they won't have to pay our settlement moneys, they won't have to put up with Māori MPs, because they'll be gone too. They won't have to incarcerate us, they can simply just let us go.

But we will go away with all the land owned by the Crown, returned to us. One huge financial package, for what they took and can't give back. All our mātauranga and our taonga that they have hidden in the basement of the Beehive, returned to hapū. We will have a constitution that entrenches the principles and values of He Whakaputanga me te Tiriti.

So that we can disestablish the Māori Land Court and have hapū and whenua without boundaries. We can create our own education system based on mātauranga Māori **Māori knowledge** to give our mokopuna grounding in who they are, so they are able to navigate this world our way. Imagine how many problems would be solved. We can speak te reo without embarrassment and many, many other things, like no Māori MPs. That's because we won't have that system. Well, all well and good in one's head, but the reality is, how do we make this happen. Matike Mai has the values and the models to make this happen. I have a copy of the old one, but I think – you know, have a read.

So, what next, what are our possible next steps? If I may be so bold to suggest that I believe that we practice hapūtanga. We get a copy of Matike Mai, we incorporate our kōrero, there are things that we want to put in there about the constitution and Matike Mai. Once, you know, we teach hapū about this book, and we get them together, ā-hapū, and we talk to them, we educate them, because not all hapū know this stuff.

My young nephew, off he goes to the South Island with his waka, and he has flags flying, He Whakaputanga all over his van, no, I must say, no registration plate, I know. He went down the South Island and they didn't really know about He Whakaputanga. I couldn't believe that they didn't know, but he told me, people were coming up and asking him about it and I thought, that's good, you know, that's awesome.

But yes, so, we need to kōrero with the hapū and hapū changes, we grow up, next ones come along, and we teach them about this again. We just keep going and rolling with it. Once hapū are up with the play, we need to get an agreement from hapū, to endorse the values and a model to help form the constitution.

This has been said before, but it is imperative we involve rangatahi **youngsters**. It's in their hands that we leave it, leave this kaupapa to carry on. Next, we need to engage the Crown, our Māori MPs are the ones who will introduce this bill into the house, so we would need them on our side. Maybe a kōrero kanohi ki te kanohi **face to face conversation** with them to start with, but you know, down the track some time. Next, maybe, at some point, we need to begin drafting a full constitution. I have no clue how that will look, I've never seen one, I can find one and work from that. But except, we do have Matike Mai, which has all the answers, so I'm very grateful to Margaret for doing that.

The kōrero needed has been happening for a long time now, and I believe, after the Waitangi Tribunal, has reduced their report, it will be time to move the kōrero to the public arena, and that could take many forms. But we can start now with the power base we have at our finger tips, ngā hapū o Ngāpuhi. Through these six hui, I'm sure, right through the country, we have hapū that we can start with to get this rolling, you know, after the reports out.

I want to thank the Tribunal for allowing me to speak today. To air my whakaaro, I mean, I have thousands and thousands of things to say, thousands, but I won't because you know, time. Also, to you, thank you for letting me speak.

Pīrangi au te mihi ki a koutou katoa. **I want to thank you all.**

(13:08) WIREMU HORI: (#B067)

Kia ora koutou. **Greetings.**

Ko Ohau Tieke te maunga.
Ko Te Touwai te awa. **Te Touwai is the river.**

Ko Te Touwai te marae. **Te Touwai is the marae.**
Ko Karangahape te whare tupuna. **Karangahape is the ancestral house.**
Ko Whangaroa te moana. **Whangaroa is the harbour.**
Ko Whakaki te tupuna. **Whakaki is the ancestor.**
Ko Wiremu Hori ahau. **I am Wiremu Hori.**

I didn't say what my waka was because our stories are, we didn't come on a waka.

Like my colleague, Doreen, everything in our report has already been said and she ticked all the boxes, our people have ticked them all and we tautoko everything that has been said, can't really add any more to it. For me, if you are talking about a constitutional kaupapa, talk to the experts, that what you do, you know. I'm a farmer, you ask me anything about farming and I'll tell you. But you take me out of my lane and well, I don't know, so, ask the experts and we have them here, we've had them here. Matua Hone, and Margaret Mutu, she's still here, they are the experts. If you want to know something, go and ask someone who knows, so that's my thought on that.

I heard a question being asked, the previous speakers, you know, what does constitution look like, and for me, it looks like this. It looks like a white lady holding a flag, and on the other side it has this Māori holding his taiaha. There's this shield, and on the shield, there is the southern cross, and beneath that, there is a sheath of wheat, it represents agriculture. On the other side, there is a fleece hanging on a scale representing farming and beneath that is two hammers, representing mining and industry. In between that, there are three tall ships representing trade, and get this, the coming of the settlers.

That's what constitutionalism looks like, and what the hell, where the hell are we in that picture. Where have you seen that logo? It's on our courts, it's on our Ministry of Justice system, our people see it every day when they go to court, and they slam that on to our people. Is that constitutionalism? Yes, sir, it is, but it's not for us, it's not for us. What does constitution look like? It looks like that, not looking too black and good for us Māori.

Day one, when we were sitting out there at the pōhiri, me, Owen, and Bryce were talking about, well, why do they leave us last and we had a manuhiri from Wellington say, you fellows are much different up here, much different. So, I – and I'll answer that kōrero as I go on, so, I have been thinking about that right throughout these wānanga. With respect, I'm going to turn mine over and I'm just going to read off my notes.

Matua Monty, you hit the nail on the head, first off, bring the kōrero back here where it began. I heard our whanaunga just before us saying, well, it actually began at Te Ngaere, and tēnā koe e te whaea, that's exactly where it began, so, yes, it needed to come back here. Our counsel said: "You want to go around the country and visit these wānanga going around? I said: "Kao, we'll go when it comes here." This is where it belongs, this is where it should be resolved, here, where it began.

Matua Waihoroi, you know, his kōrero, our last bastion is here, in our marae. This is where our authority, our autonomy, is here, and we express that. Now, I have been a trustee of our marae at Te Touwai for 23 years, my features were quite sharp, I had quite a bit of hair and I look quite fire. But our kaumātua trimmed all that off, got rid of all that, hey, but I'm still standing. So, yes, e matua Waihoroi, tautoko your kōrero, you know, and you also mentioned matua Nau.

I'll just take a minute.

We have a picture of our whaea Tahua, and we just lost her recently, as we all have during this process. I remember standing up at the Turner Centre in 2013 giving evidence on our Wai 1312 claim, this is more than a decade ago. We have lost so many of our people in that time, and as whaea Pat said, when we are still here having to fight our way through it.

Now, I have heard the kōrero right throughout, we have had enough, we have had enough, and as I said before, we support all of those things in there,

Matike Mai, right down to the hilt. Let's do it. But we have lost so many of our people in that time, so many, and you know, Waihoroi, he mentioned that there are certain people who leave impressions on you. Matua Nau did with me, he came up to me one day and he says: "You know something, we entered into this marriage with the queen, Queen Victoria." And I'll say, bleep, took off to Tamaki, then she took off to Pōneke, and we are still waiting for the bleep to come back.

Matua Nau, he was a very articulate man, but he could be very blunt sometimes too, so thank you for bringing his memory back because it jogged mine, what did he say, that's right, that's what he said. He didn't say it to denigrate her, to be derogative to her, but as his subordinate, which meant that he had the mana over the Crown, in that sense.

The other kōrero that I heard was from Huhana and she talked about redress. Redress is about Crown breaches of te Tiriti, it is not about He Whakaputanga, it is not about te Tiriti. They are not negotiable and that's the kōrero that we go with. It's only about the breaches of the Crown, nothing more, it's certainly nothing less, that's what we are here for. We are here to get what they took back, that's it. We are not going to be blackmailed into anything else, that's for sure. She had a panel there, **(inaudible 13:17:56)**, what an incredible kōrero she had. I had to flip it back quite a few times to get to actually, what she said, Minister for decolonisation, yes, I'll support that, I'll support that, 100%.

You know, when you are sitting in this whare and you get a kaumātua like Hone Sadler, hobbling his way up to here, came around here and when he delivered his kōrero I tell you, it had the power of allegiance. I was just absolutely privileged to hear his kōrero, absolutely privileged and I'll never delete that, because I always want to go back to it. Our academics are incredible. We have lost a great man in Moana Jackson in terms of constitutional pātai.

The other kōrero that I heard was from Waitaha. You know, she was talking about 75 generations of her people. Seven generations above me was when

te Tiriti was signed. Seventy five generations, incredible, and that, all the kōrero that I've heard, you all whakapapa back to the tūpuna who signed either te Tiriti or He Whakaputanga. Just about every one of you, that tells me you are authentic, become – you are the real deal. No wonder the kōrero had to come back here, because those tūpuna are still in the room.

You know, Whangaroa, we are all He Whakaputanga people, not very many of our tūpuna signed te Tiriti, didn't have to. Our tūpuna had already done it in the first one. They were not going to demean themselves, we have to sign it again, they did not do that.

I just said my time is up and I'm nowhere near up.

You know, and even our wahine toa **warrior women** from Ngāi Tūhoe. You know, we are talking about our urban whānau now, our gangs and our urban whānau. Come to Te Touwai when one of our black power people pass away. I tell you what, you have to walk down a corridor of them to get to the marae, and there's nothing wrong with that, that's our people, that's our people. From them, as our rangatira, they will come.

It reminds me of one of my kaumātua **elders**, his name was Rawiri Timoti, he's passed away now, and it was during the COVID. Many of us knew, even got to hear that he passed away, let alone was able to go to his funeral. I remember him, one day, he came, and he's got a boom neck and huge shoulders, and he used to be a prop at the Coro rugby team, and he come barracking up to me like this.

He says: "Do you know where decolonisation comes from?" I'm going like this, and he says: "It comes from the word colon." He says: "Do you know what the colon does, and he says: "It devours everything, and it sucks everything out of you, all the goodness. That's what the Crown is doing to us, is devouring all Māori, devouring their culture, devouring their tikanga, devouring all their whenua, devouring their taonga, their ngahere. Everything that they own, and they are sucking it all out. You are here, look, in its puku, kick the puku so that

they spit you out, because you have to go back out where you came in. You do not want to be dropping out the other end."

You know, it took me a while to get, the heck, what is this fellow on about. You need to go back to where you came in. Where do we come in? We came in at Te Whakaputanga and te Tiriti. He says: "Your tūpuna are up there, holding the mouth open, their hands down here, waiting for you to grab a hold of it and they will pull you out of there." And that was his message to me, and it's stuck with me ever since. The tūpuna have put a lifeline in there to pull you out.

That's why we are different, because we have been given a rope and because they are just wanting to bring themselves back out of that, to themselves again. That's the kōrero that sticks in my mind, every time I stand up in front of my hapū, every time I stand up to people who wanted to move forward. We only want redress for what the Crown has taken, nothing more, certainly, nothing less.

Now, there was kōrero here yesterday about the upper house, and I recall Ngāti Ruamahue's kōrero, beautiful kōrero. Inspiration in one hand, challenge in the other and the will to bring them together. What they are doing is, they are getting their house in order. If we are going to run another house, we have to get our house in order. That's the kōrero that I got from Ngāti Ruamahue.

E te whānau mā, kia ora.

QUESTIONS FROM THE TRIBUNAL – NIL

WAIATA TAUTOKO

HEARING ADJOURNS: 1.31 PM

HEARING RESUMES: 1.43 PM

(13:43) MAIKI MARKS: (#B059)

Ko Maiki tōku ingoa. He uri ahau o te whare tapu o Ngā Puhi. **My name is Maiki. I am a descendant of the sacred house of Ngā Puhi.** Now this is new and I will take my original position of statement as read. Kia ora.

This PowerPoint presentation is an in-depth synopsis of my position of statement. This presentation of ideas embodies the Māori worldview where hapū lived accordingly to their own tikanga. This tikanga sustained our way of living within a system designed specifically for us.

MAIKI MARKS TO CHIEF JUDGE FOX – COPY OF POWERPOINT PRESENTATION

Te tīmatatanga ko te kōrero ko te pō, nā te pō ka puta ko te kukune, ko te pupuke, ko te hihiri, ko te mahara, ko te manako ka puta i te whei ao ki te ao mārama. Tihei mauri ora. **The beginning is the void, the darkness… This is the origin of the world. It is hope emerging to the world of light, daylight. Behold the breath of life.**

We had our own system including how we managed our people. It would be fair to suggest He Whakaputanga may well have been the basis for how we operated both within and beyond our hapū system. Our management system served us well. Most modern-day discussions suggest He Whakaputanga or He Wakaputanga was activated because it ventures beyond the hapū and Aotearoa. I propose to you it is already alive and guiding our people within the hapū and you heard some examples from the previous speakers.

He Whakaputanga Constitution of Aotearoa

I propose He Whakaputanga is the foundation upon where our hapū systems function. I also suggest to you that each if not all hapū throughout Aotearoa may have a system that might look something like our current He Whakaputanga. My argument therefore makes claim that hapū already had an effective system to manage its people within and beyond the whenua. If we

take this notion constitution and explore its meaning, we will find that it refers to a set of rules as to how a group of people manage themselves. This confirms Māori had in existence a system that can align to what Pākehā suggest is a constitution. This is my proposition Māori had the first constitution of this country.

Note, in all constitutions European, French, Spain, America included, there are principles that lay dormant until such time they are required and so those are activated to address the new phenomena. This can be identified as the adjustment made by Māori when outsiders came to Aotearoa.

Te Tūtakitanga – Clash of Cultures

This is the clash of cultures. It may be that when outsiders came to our shores there was a misunderstanding, or perhaps because this system was intimately created for our people it was not readily visible to the new parties. Why would we tell outsiders how our system works? The clash for land and resources saw a constant shift of power as the manuhiri began to take more than what they should. This is the tūtaki process that led to te Tiriti.

Te Tiriti o Waitangi, He Whakaputanga

Question, why did we need a Treaty when we had an existing system that served our people well? Could it be to enhance the procurement of lands and resources by the visitors? My claim today is the foundation arrangement in He Whakaputanga was never extinguished so I argue it is still relevant today. He Whakaputanga must be at the forefront of anything moving forward. The strength of He Whakaputanga can be found in the writings of historian and academic researcher the late Dr Mānuka Henare who reminds us the United Nations has endorsed He Whakaputanga as the legitimate constitution of Aotearoa.

Tēnei te mihi ki a Ngāti Rāhiri, Ngāti Kawa ngā kaitiaki o ēnei taonga tuku iho He Whakaputanga/He Wakaputanga o Te Whakaminenga o Ngā Hapū me te Tiriti o Waitangi. **So I want to thank Ngāti Rāhiri, Ngāti Kawa the**

guardians of these treasures passed down He Whakaputanga (The Declaration of Independence of the Federation of the United Tribes and te Tiriti o Waitangi.

Note, transformation, transformative, transformational is a process that brings about change. That said, it is in the working process that determines the most effective outcome. Today change agents use this term loosely. In my view, it is paramount that the correct context in which this term can be used must be understood for it is to foreground positive outcomes mō tātou **for us**. My recommendation is that in order for us to move forward as a country, a conversation and a commitment by all parties both Māori and manuhiri must discuss these constitutional foundations before any new system is developed.

In closing, I reiterate He Whakaputanga is indeed the first and only constitution of Aotearoa. Āe, tēnā tātou e te whare. He pātai? **Greetings to everyone in the house. Any questions?**

I would like to respectfully ask the Tribunal to look at my previous position of statement and the current ongoing modern-day land grab at Walls Bay, Ōpua. Perhaps you could ask me some questions about that. E te whānau **to the whānau**, we're having a picnic protest on Walls Bay, Esplanade Reserve to remind the world that we have a Treaty of Waitangi Act 1975. We have a Waitangi Tribunal to enable that Act to work for us and yet, this is almost a 30 year modern-day land grab that continues.

QUESTIONS FROM TRIBUNAL PANEL – NIL

(13:54) ROSARIA HOTERE: (#B053)

Thank you. I'd like to thank you the Waitangi Tribunal for hearing me, and thank the kaumātua kuia here, all my relations.

I'd like to introduce myself through my whakapapa thank you before I kōrero. Rihi Moumou, ariki of Ngā Puhi and Te Rarawa, rāua ko Mackie Farley ka puta ko Margaret Moumou rāua ko Hoani Maioha, ka puta Wiremu Maioha rāua ko

Kāreti Toi, ka puta ko Sam Maioha, Pōtiki Sarah Maioha rāua ko George Henare, ka puta a Wilson Maioha whāngai Hoani Maioha, ka puta Sarah Maioha rāua Hipiriona Barney Hotere ka puta ki au Rosaria Ana Hotere. Thank you.

WITNESS REFERS TO STATEMENT OF POSITION #B053, PARA 1

This is on behalf of my whānau.

This statement of position is provided to articulate the constitutional, political, and legal context in which my whānau and I continue to uphold our responsibilities as tangata whenua. It sets out the foundations of our tikanga-based constitutional order, the inherent nature of mana motuhake and tino rangatiratanga, and the ways in which Crown structures have systematically constrained these rights. It also addresses the impacts of parliamentary sovereignty, local and national governance systems, human rights breaches, and international treaty-making on our ability to exercise authority in our own rohe.

This statement affirms our commitment to constitutional transformation grounded in He Whakaputanga, te Tiriti o Waitangi, and the aspirations of our tūpuna.

I carry the mātauranga, responsibilities, and aspirations of my tūpuna, who upheld mana motuhake long before the arrival of the Crown. I write this in the spirit of our continuing struggle for constitutional recognition and transformation grounded in our tikanga, guided by He Whakaputanga and te Tiriti o Waitangi, and determined by the right of our people to decide our own futures.

Constitutionalism begins with Tikanga

Constitutionalism is not an abstract or foreign concept. It is embedded in the tikanga of our people. Our decision-making systems, our obligations to whānau, whenua, moana, and taonga, and our principles of reciprocity, manaakitanga, and collective responsibility are all constitutional in nature.

Now I'm going to try and find the favourite best parts of this kōrero; it's too long and 10 pages. Yes, there's certain things.

Marginalisation in Decision-Making

Parliament is not required to consult iwi before passing legislation even where that legislation directly affects our interests. We experience exclusion from decisions about our taonga and lands. We often experience reactive not proactive roles in lawmaking, often limited to making submissions not co-drafting or co-deciding. We also see a fragmented voice in Parliament that is vulnerable to majoritarian politics and public backlash.

Block to Constitutional Transformation

The fact that Parliament alone holds supreme power means there is no shared constitutional space where Māori can exercise co-equal authority.

We remain vulnerable to state decisions about our whenua, moana, biodiversity, and tikanga. There is no constitutional guarantee that our voice will be respected, heard, or acted upon. This perpetuates a reality where te Tiriti exists in rhetoric but not in enforceable law.

As a result, our ability to uphold our responsibilities as kaitiaki, assert tino rangatiratanga, and protect our mokopuna's future remains at the mercy of the Crown's changing political will not their own constitutional authority.

Parliament's unchecked power and the absence of entrenched Tiriti protections means te Tiriti can be breached at will. For us, this means the promise of tino rangatiratanga remains unfulfilled. It points to the need not for mere legislative tweaks, but for constitutional transformation that centres tikanga, honours te Tiriti, and upholds the rightful authority of Māori in our own rohe.

Our constitution must honour intergenerational responsibilities, uphold collective rights, and protect the relationship between tangata and whenua. It must reflect the whakapapa that binds us not only to each other but to Ranginui

and Papatūānuku. It must make space for our rangatahi and mokopuna **grandchildren**, and it must be built to last for them.

A relational and consensual constitutional model is required

The relational model proposed by Matike Mai, one that includes distinct rangatiratanga, kāwanatanga, and shared relational spheres, reflects the vision of our tūpuna and the lived reality of partnership.

We support this approach. In such a model, we can make decisions for ourselves, in accordance with our tikanga and aspirations, while also participating in joint deliberations where necessary, not as subjects but as equals.

We assert that constitutional transformation is not a radical idea. It is a fulfilment of Te Tiriti o Waitangi and the aspirations of He Whakaputanga. It is a long-overdue response to the persistent failure of the Crown to honour its commitments.

We call for good faith dialogue between Māori and the Crown. But more than that, we call for action. The development of constitutional models that reflect our realities, support our mana motuhake, and guarantee our ability to live on our own lands.

The Crown's failure to provide for iwi-based political representation constitutes a breach of Article 2 of Te Tiriti o Waitangi, which affirms the right of hapū and iwi to exercise authority within our own spheres. Our representatives need to be able to whakapapa to the region that they represent, to be able to do the roles on that whenua.

Suppression of Māori political movements

Broader Māori movements seeking constitutional recognition, such as Te Kotahitanga (the Māori Parliament) and other initiatives, were aimed at restoring Māori autonomy.

These Māori-led political institutions were never recognised by the Crown and were systematically undermined. The Crown actively suppressed these initiatives, further entrenching our exclusion from the development of state structures.

The local government system in Aotearoa was developed and legislated by the Crown without the involvement, consent, or consultation of iwi.

Human rights and Te Tiriti o Waitangi

The United Nations acknowledge Te Tiriti o Waitangi as an international document.

Breach of the right to self-determination

UNDRIP Article 3 affirms “Indigenous peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.” The Crown has failed to recognise our tino rangatiratanga and inherent right to govern our own affairs. The imposition of Crown institutions (Parliament, local government, the Native Land Court) without iwi consent has systematically denied us the right to exercise authority in our own rohe. We have been excluded from constitutional and legislative design.

We have experienced significant disadvantage through the Crown’s participation in international treaty-making processes.

Exclusion from international treaty-making

The Crown has repeatedly entered into international trade and investment treaties (for example, the Trans-Pacific Partnership (TPP), Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), and bilateral investment treaties) without consulting or seeking the free, prior, and informed consent of iwi. These processes have been highly centralised, negotiated in secret, and conducted on the assumption that only the Crown has the authority to represent Aotearoa internationally.

Erosion of tino rangatiratanga through trade and investment agreements

Many modern trade and investment treaties include provisions that:

a. Prioritise the rights of foreign investors;
b. Limit the ability of governments to regulate in the public interest (e.g. in resource management or environmental protection); and
c. Restrict the recognition of Indigenous legal systems and governance mechanisms.

These agreements often "lock in" economic policy settings that privilege private property and capital over collective rights and tikanga Māori. We are disadvantaged because:

a. Our ability to exercise kaitiakitanga over land, moana, and taonga is constrained by these frameworks
b. Local and national policy is increasingly shaped by international obligations not iwi-led decision-making; and
c. The Crown has entered into binding legal commitments on behalf of us without our consent.

Threats to taonga and mātauranga Māori

International treaties often contain intellectual property (IP) provisions that risk the commercialisation or misappropriation of Māori traditional knowledge and genetic resources.

Investor-state dispute settlement (ISDS) and jurisdictional conflicts

Many international treaties include Investor-State Dispute Settlement (ISDS) mechanisms that allow foreign investors to sue governments if laws or policies reduce their expected profits. This creates a chilling effect on national or local regulation, particularly in areas where we have sought to assert kaitiakitanga.

The potential for Crown decision-making to be challenged by foreign investors undermines our ability to influence state decisions that affect our rohe and taonga.

Incompatibility with Indigenous Rights

The Crown has failed to ensure that trade and investment treaties are compatible with Indigenous rights frameworks, including:

a. UNDRIP Article 19: The duty to obtain free, prior and informed consent before adopting measures that affect Indigenous peoples; and
b. UNDRIP Article 32: The right to determine the development and use of Indigenous lands and resources.

In some cases, international treaties override or constrain domestic recognition of Treaty settlements, customary rights, or Māori-led development strategies. This results in policy incoherence, where Aotearoa's international obligations conflict with its Tiriti and Indigenous obligations, and the latter are subordinated.

CONCLUSION

The evidence presented demonstrates that the Crown's constitutional, legislative, and policy frameworks have consistently failed to recognise or uphold our tino rangatiratanga, resulting in ongoing breaches of Te Tiriti o Waitangi and international Indigenous rights standards. These failures affect every sphere of governance, from Parliament and local authorities to environmental management, electoral systems, human rights protections, and international treaty-making. The path forward requires meaningful constitutional transformation that restores balance between kāwanatanga and rangatiratanga, embeds tikanga as a foundational source of authority, and ensures that Māori decision-making is recognised, respected, and enforceable. Our rights are inherent not granted, and our constitutional future must reflect the authority, dignity, and responsibilities handed down through our whakapapa.

So that actually asserted me to do my whakapapa. I missed out a few tūpuna, the Wihongi whānau, the Ruhi whānau. Yes, I just got excited. Anyway, that's me. I'd just like to finish with my little chant that I have to my patupaiarehe whakapapa from Maui.

QUESTIONS FROM THE TRIBUNAL – NIL

WAIATA TAUTOKO

(14:15) LEAH WRIGHT: (#B057)

Āe, kia ora. My name is Leah Wright. I'm the named claimant in the Muriwhenua Wai 1662. I'm a direct descendant of Hongi Hika, Hone Heke. I'm also a direct descendant of Matenga Paerata, Hare Matenga, and Te Kanawa. Te Kanawa is not from Ngāpuhi.

My statement has been received by the panel. Because it's been received by the panel, I'm actually not going to read from my statement, whaea. I've lost my mum in July so I'm going to sit down and I'm going to let my taumata kaumātua Ed Moses speak on my behalf.

I wanted to say that we won't use up our 15 minutes. But I wanted to say coming here, up on the wall in the wharekai about 50 years ago, there's mural in the middle of Ranginui and Papatūānuku that's mine. We won that for Kaitaia College. That was presented for Northland College. We had a big competition throughout Taitokerau to present murals to the new wharekai that was here in 1977-78.

Yes, I'm going to ask Ed to carry on. But before that whaea, I heard you say that you worked with Martin Dawson. Martin Dawson and I, we put together a constitution on behalf of our Muriwhenua hapū, and I'll send that in to my lawyer and have that forwarded for our hearings. But in the meantime, I'll introduce Ed Moses. Him and I descend from Poho Tiare hapū which was the hapū of Matiu Rata.

(14:17) ED MOSES:

He whai kororia hareruia tonu ki Ihoa o ngā mano, matua, tama, wairua tapu me ngā anahera pono. Ko te māngai hei tautoko, Arepa, Omeka, Hamuera, Piriwiritua me te māngai anō i runga te matua, tama, wairua tapu me ngā anahera pono. Te māngai hei tautoko mai, aia nei, ake nei, āe. **Hallelujah to**

Jehovah of the thousands. God's mouthpiece for Piriwiritua, the faithful angels, in the name of the father, son, and the holy spirit and faithful angels who will provide us with endorsement, yes, indeed.

Tuatahi, māku e tukuna atu ngā mihi ki te kaiwhakarite i whakapurea te rā nei i roto i te ture wairua o te whakamoemiti. Tēnā koe matua. Tautoko kaha ana ngā mihi ki lhoa mō tōna manaaki, tiaki i whiwhi mai ki a mātou mai i ngā rā ki muri tae noa ki tēnei wā tae atu ki ngā rā kei te haere mai. **Firstly, I want to thank who gave thanks to god. Thank you elder. I strongly support the acknowledgements towards Jehovah for his blessings upon us from the past days until today and into the future.**

E mihi atu ki te tuahine nei i tukuna mai tēnei wāhanga ki te tukuna atu ngā kōrero e pā ana ki te constitution. Ko mātou ngā kaitiaki o ngā kawenata e rua i pūmautia kei Te Rerenga o ngā Wairua mō Te Tiriti o Waitangi, arā ko Piriwiritua. Te tuatahi, i te tau 1928 te kawenata i taua wā o Tahu Pōtiki Wiremu Ratana riro whenua atu, hoki whenua mai. Anō, i te tau 1986 i taua wā a Matiu Rata mā ngā kaitiaki, ngā kaiwhakakawe o te kaupapa a Piriwiritua me te tautoko ngā hāhi katoa i taua wā, Piriwiritua. Tēnei te mihi nui ki a koutou. **I want to acknowledge the sister who has given me this opportunity to provide some information in relation to the constitution. We are the protectors of the two covenants and affirm them at Te Rerenga Wairua, Piriwiritua. Firstly, in 1928 the covenant at that time of Tahu Pōtiki Wiremu Ratana was here, he said that if the land is taken, then it must be returned. And in the year 1986 at that time Matiu Rata and others they were the guardians and were responsible for Piriwiritua and had the support of all the churches at that time, Piriwiritua. So I want to thank you very much.**

Ko wai tēnei? I tēnei taha mātou ko Tikorangi te maunga. Waitiki me Karatea ngā awa. Parengarenga te wahapū. Whitireia me Rēhua ngā moana. Ngāti Kawa me Te Mingi ngā pā kāinga. Ko Moetangi te urupā. Ko Poho Tiare te hapū. Muriwhenua te iwi. Ko Kurahaupo te waka. Pōhurihanga te rangatira mai ki te tupuna whaea. Ko Raharuhi rāua ko Te Ngara ngā tokorua ngā rangatira i te wā o te Tiriti. Ko Heki Mohi Moses Pene tō mātou matua, ana ko

Eddie Moses tēnei. **Who is this? On this side, Tikorangi is the mountain. Waitiki and Karatea are the rivers. Parengarenga is the harbour. Whitireia and Rēhua are the seas. Ngāti Kawa and Te Mingi are the homes/settlements. Moetangi is the burial ground. Poho Tiare is the hapū. Muriwhenua is the iwi. Kurahaupo is the waka. Pōhurihanga is the chief and ancestress. Raharuhi and Te Ngara are the two chiefs during the time of te Tiriti. Heke Mohi Moses Pene is our father and I'm Eddie Moses.**

Tēnei taha maui, ko Kohuaranaki te maunga. Ko Waitiki me Waihuahua ngā awa. Parengarenga anō te wahapū. Whitireia me Rēhua ngā moana. Te Hāpua te pā kāinga. Te Reo Mihi te marae. Te Reo Pōwhiri te temepara. Ngāti Kuri te hapū. Muriwhenua te iwi. Kurahaupo te waka. Pōhurihanga te rangatira mai ki anō te tupuna whaea. **On the left, Kohuaranaki is the mountain. Waitiki and Waihuahua are the rivers. Parengarenga is the harbour. Whitireia and Rēhua are the seas. Te Hāpua is the home/settlement. Te Reo Mihi is the marae. Te Reo Pōwhiri is the temple. Ngāti Kuri is the hapū. Muriwhenua is the iwi. Kurahaupo is the waka. Pōhurihanga is the chief and ancestress.**

Nō reira, tēnei te mihi nui ki a koutou e te Taraipiunara. E mihi atu ki a koutou katoa ngā hapū me ngā whānau whānui o Ngāpuhi. I tae mai mātou ki te tautoko i a koutou i raro te kawenata i pūmautia kei Te Rerenga o ngā Wairua, te hononga o Muriwhenua me Ngāpuhi i taua wā mō Te Tiriti o Waitangi. I whakaū tonu mātou ki te kaupapa o ngā kōrero poropiti a Aperahama Taonui i te tau 1963 ōna kōrero i taua wā te tama i kawea te paipera tapu i tētahi ringa me Te Tiriti o Waitangi tērā atu, kei konei mātou mai te taha raki o Maungataniwha kei roto o Muriwhenua ki te tautoko wēnei kōrero. **I want to thank you all of the Tribunal. I want to acknowledge everyone, the hapū, and all of the whānau throughout Ngāpuhi. We came to support you under the covenant that was confirmed Te Rerenga Wairua, before Muriwhenua and Ngāpuhi in terms of Te Tiriti o Waitangi. We continue to affirm the prophecies of Aperahama Taonui in 1963 when he made his statement where the man took the holy Bible in one hand and had Te Tiriti**

o Waitangi in the other hand, so we're here from that time from the north of Maungataniwha and the Far North to support these discussions.

Āe, i tēnei wā ka huri ki te reo pihikete ki te whakamārama. E mihi atu ki a koe e te Tiati, ki a koutou te Taraipiunara. Tēnei te mihi, tēnei te mihi, tēnei te mihi nui ki a koutou, ki a tātou katoa. **At this time, I will turn to speak the biscuit language to explain. I want to acknowledge you Judge and all of the Tribunal. Thank you, thank you, thank you very much.**

First, I pay tribute to you the Waitangi Tribunal that I know had come from out of our rohe and our kaumātua is going to address the case of the 99-year leases that were coming off in 1971. They started in 1963 up home to address that. They took it into the courts. This is the Reweri Hongi the son of Kipa Hongi who is the rangatira up in our rohe i taua wā, 150,000 acres. It was Reweri Hongi, the descendants, who took the case into the courts in 1971. The courts didn't know how to handle it, so they took it to their cousin Matiu Rata, the Waitangi Tribunal. As far as we know, it was borne from that case.

In a kōrero with Dr Barry Rigby just this year, I said to him: "It's ironic that the Waitangi Tribunal is borne out of the 99-year leases kōrero and yet, the recognition of the Muriwhenua claim was only allowed to go to 1865 in the starting up of the Māori Land Courts, thereby missing the 99-year leases and those are mega." So I know it was done purposely to do that.

I pay to tribute to Matiu Rata mā who, when they started the claim in 1986, they had done it because of the illegal removal of section 71 of the 1852 constitution. This is why I can absolutely talk into this constitution debate because that is what started them off to do the claims as Muriwhenua and Ngāpuhi. The reason why they did it as Muriwhenua and Ngāpuhi is that when they went to set up the Waitangi Tribunal, the Crown managed to put iwi into the legislation. When they set up their legal corporation in 1986, Matiu Rata and them went to the map drawn by Tuki and Huru up in the Norfolk Islands in 1793 and at the time on that map was Muriwhenua and Ngāpuhi, so that's how it was started.

In carrying those cases, I pay tribute now to the lawyers that started those cases, David Baragwanath and with Sian Elias as his number two, were the ones that took in the Wai 22 Fisheries Claim, and Eddie Durie and Joe Williams were the ones who took in the Wai 45. So Privy Council won cases.

I pay tribute also to Ko Huiarau who came to tautoko those kawenata done as Muriwhenua and Ngāpuhi. In the tautoko for the Muriwhenua claims, and this came from the taiapure or the head of Ko Huiarau himself who said that he had taken the mandate Treaty to the Governor-General in 1986 to show that there is Pākehā version Treaty with sovereign seals on, thereby our version stands.

Those cases it had taken in, unfortunately, for us in what the Crown have done, they've used the 1995 Kīngitanga settlement to then set the one per cent moral on all the tribes that followed them. When we got involved in 1996 there was only the three iwi that I know of, Ngāti Whātua, Tainui, and Ngāi Tahu. I see there is currently nearly a hundred and they've all taken one per cent and less and they've all made the illegal corporation the sovereign. So, we're fighting ourselves so e pai ana.

In addressing our claims up home as Muriwhenua and internal raruraru, what had happened is it helped us to then pick up the Ko Huiarau kaupapa in 1996. In 1997 our Poho Tiare hapū supported the karanga; we supported the karanga to reinstate that parliament. Part of that was myself being put into that parliament by our hapū Poho Tiare and sitting beside the likes of Hone Pihema and Lester Bowden who were the representatives for Ngāpuhi who actually put the treason case into the Waitangi Tribunal. That's in March of 2013. Part of that, ourselves, we did a high treason case in Mangataipa in Oneroa's marae in December of 2021. We put our names on to that with seals against the illegal corporation and that's in 2021 because of the agenda '21 genocide case that's been put on our people over the last five years. Part of that was putting the high treason to tautoko Oneroa. Mihi atu ki Ngāti Kiore, Kohatutaka, all of us katoa that have been here over many years with each other since the time of the beginning of He Whakaputanga in 2010.

I want to honour Judge Coxhead, whaea. I was honoured to be there with our kaumātua, dad, Uncle Abe, Rima Edwards when he said on that day: "If it wasn't for Matiu Rata, we wouldn't be doing this case." He said: "This will be the biggest case that will be heard." Unfortunately for us, our mum died the very next day, and we always know there's a price to be paid.

In listening to the sister here talking about Martin Dawson, our taumata was actually put in place to help Martin to take that case into the United Nations where that case was won using the Waata Tipene case of 1957 where he had won the 90 Mile Beach. So it's pretty disappointing when I see our one you know whether it's the Māori Council or whoever going into these cases doing the MACA claims when they should be using the covenant claims of the Wai 22 and also that claim that was taken into the United Nations by Martin Dawson. Because as you would be aware, whaea, Martin Dawson himself was the price that was paid for that kawenata.

So I'm just here to remind us all that this was won a long time ago. Our own parliament has been brought back at a recess a long time ago and we're here because of the ngāngara down in Wellington that is a corporation that if you're talking constitution-wise they've gone against their own adopted statutes of Westminster of 1947 nērā. Why they've had to adopt it in 1947 that you might not know is that the Ko Huiarau parliament had gone into recess in that year.

Prior to that, we had been the kaitiaki of the League of Nations by virtue of our tūpuna had been given in 1832 the Herbalist Charter and the Free Carriage of Westminster by King William. Again, in 1832 by the Dauphin, Louis Phillipe XVIII, he'd gone and given us the rights of man of Louis XVI and the 300 BC gat seals. In that same year, America had come into the GAT seals via James Clendon being made the consul to the taiapure. I'm only saying this because everything I've just said I was supposed to have delivered into a hearing in Panguru but I was taken off the table. In the book that came out *Ngā Puhi Speaks*, there is actually no Ko Huiarau history in there at all. So this is a gentle reminder of that.

Even though you had the sign-off of the Tainui Settlement in 1995, this has come back to Matiu Rata in 1997 on his birthday at Mahimaru Marae. This was the evidence that everyone talks about of the unextinguished native land title. This is the Piriwiritua document. Just bear with me a little bit, if I can just show. Even though this would be hard to see for all those ones out there, but this is the day of the kawenata in 1986 with Eddie Durie there and Matiu Rata just behind him. I'm sorry you can't see it. Dad's first cousin is Rapina Aperahama who was there on behalf of the mōrehu at that time but everyone was there Katorika, Mihingare, Ringatū, Pai Mārire.

You know say as Kīngitanga go to settlement, it goes and pulls Pai Mārire out of the kawenata. And then as our Te Rarawa side when they went against the Muriwhenua, it pulled the Katorika out of the kawenata. And then Ngāti Kahu – I'm only talking about the ones from the 1990s – as they've gone into settlement as Ngāti Kahu ki Whangaroa who pulled out of the kawenata, it's pulled the Mihingare out. Ngāti Porou, it pulls out the Ringatū et cetera, et cetera. So we tried to find our way back to that. Tūhoe, āe, e tika ana. Aroha, nāku te hē, aroha mai. **It's my mistake, sorry.**

So the way forward is because as the Piriwiritua even though we started it many years ago, we're the ones that have been left to clean this up. Ki a koutou katoa **to you all** Ngāpuhi, I must say kia tūpato **be careful** in the Niu Tireni kaupapa nē because under that kaupapa there, you'll end up with a house full of spiders nērā. It's just a gentle warning. Because this has all been done in whakapapa with you fullas mai rā anō **a long time** and we're here to clean it up.

Because the warning from Ratana himself that if we got the Treaty wrong the second time that it would be the second death of the world by fire. And over the last five years with what we've seen with 5G towers, vaccines, et cetera, we know smart meters Harp, we know exactly where the second death can come from if we do not offer what's here in this country. And the GAT seals brings in nearly 80 countries of sovereign countries from 300 BC and we're the kaitiaki of that to bring it back out nērā, he pai.

Nō reira, ki a koutou e ngā hapū whānau whānui kei roto Ngāpuhi, kei roto Muriwhenua hoki kua tae mai te wā ki te whakakotahi ai te ture wairua me te ture tangata. I runga i te matua, tama, wairua tapu me ngā anahera pono, māngai hei tautoko mai, aia nei, ake nei, āe. Kia ora tātou. **So to you all the hapū and all of the whānau throughout Ngāpuhi and also the Far North, we've reached the time to come together and unite in the spiritual law and the humans. In the name of the father, son, holy spirit and faithful angels amen.**

QUESTIONS FROM THE TRIBUNAL – NIL

WAIATA TAUTOKO

(14:35) KAWHENA PAUL: (#B058)

Kia ora. Ko Kawhena Paora tōku ingoa. **Greetings. My name is Kawhena Paora.** My father is Maru Paora o Ngāi Tupango, Te Ngaere. My mother is Nellie Murray of Kenana of the Ihaia Tukariri whānau. My parents built their homestead at Mahinepua in Whangaroa in 1949 the year I was born. I live in the kāinga tūturu of my parents. The kāinga and myself are 76 years old.

I want to thank the Tribunal, this is my second time speaking in front of the Tribunal. The first time was in Matauri. I want to thank the Tribunal for being here with us and all the people who are making things happen in the background. My thanks to our lawyers Richard Gayfer and Caitlyn Fellows for being with us, thank you.

I am here to support this kaupapa on behalf of Wai 2389 claimants Rapine Hona, Louis Hohaia, Charlie Hikuwai, Mereihe Kool, and Tahua Murray, my sister, all of whom have now passed. My sister Tahua passed in June of this year and now that I'm standing here at Waitangi, I want to acknowledge her service as a past trustee of the Waitangi Trust Board and following in our mother's footsteps a kaikaranga here at Waitangi. I was meant

to be standing here with my sister Tahua. She is with me and this kōrero is ours.

Using our Whangaroa pūrākau and histories, we wanted to talk on our understanding of mana motuhake to inform the Tribunal that any approach should use mana moana, mana whenua, and mana tangata.

Mana Moana – Kupe and Te wheke-a-Muturangi

Kupe lived in his homeland o Hawaiki was a fisherman and he started to notice they weren't catching any fish. He found out that Muturangi who was a tohunga had a pet wheke and the wheke was stealing all the fish from their nets. Kupe wanted to kill the wheke so he built him a waka and chased the wheke to Aotearoa.

When the wheke came to Whangaroa, Kupe followed it in and crashed his waka into the tip of Mahinepua and he named that bay, Pakaru. It's still known as Pakaru today and it's on the maps. Because of that crash, it separated the land in two islands, Motuekanui and Motuekaiti commonly known as Big Flat and Little Flat.

When Kupe crashed unfortunately his kuri drowned. Today on Motuekanui is a sharp rock and Kupe named that rock Te Ure o te kuri o Kupe. It's a well-known kōrero in Whangaroa.

With his waka being badly damaged, Kupe stopped in a small bay in Te Wainui to repair the damage and he used his bailor to bail out the water. When his waka was sea worthy, he named that little bay, Tieru, naming it after his bailor. It is still named that now today.

Kupe carried on to Mata Uri commonly known as Matauri where he stopped his chase once he saw a sharp maunga come into view. Kupe climbed that maunga to gather stones and burn a fire to cook his kai. Kupe named that maunga Whakaaraara commonly known as Whakarara. From there, Kupe carried on the chase to the Cook Strait where the Wheke o Muturangi was killed.

Whangaroa have many coastal hapū. Kupe named many landmarks along the coastline and many of our stories come from these journeys. But then our lands were sold and re-sold or taken. Some of these names were erased or replaced from the history books and these books are now being taught to our mokopuna. This is still happening now.

Mana motuhake is to reclaim and retain the use of our histories, our identity, and to ensure our mana and the rights of our mokopuna to those stories are protected.

Mana Whenua – Rākau Kahika Paehau

Before I begin on mana whenua, I want to acknowledge my whanaunga Anaru Kira for his kōrero last night at the wānanga on the He Whakaputanga. There is a Pōhutukawa tree in Te Ngaere which recall the Rākau Kahika Paehau, the red bearded Pōhutukawa tree. This is the site where the first Whakaminenga was held, and our chiefs gathered to talk on matters as a collective.

The Pōhutukawa and Puriri tree was used in Whangaroa for the placing of our dead and in our birthing rights on our whenua to bury placenta. These trees are still scattered across Whangaroa and we protect them. But if the trees are on privately land, they have historically been chopped down.

Mana Motuhake is the right to govern ourselves as we have always done, be it on day-to-day matters or when we have come together as a collective to discuss matters across tribes. These ceremonies are not new to us. They are part of our collective memory and is still being practiced and still in use today in some form or another.

Mana Tangata – Raorao and his kites

We have a tupuna Raorao. He was a tohunga and a grandson of our ancestress Moemoe. Raorao lived on Otenge and owned all the land. Raorao would sit on his tūru on Otenge and send kites out when he wanted to

communicate messages to the three villages of Mahinepua, Te Wainui, and Te Ngaere. Even when he was hungry, he would send a kite out and young boys had to come and feed him because of his tapu. No one else was allowed near him.

One time Raorao flew his kite to Mahinepua to the local hapū Ngāti Meru. That tribe was said to cut the kite of Raorao. In response to this, Raorao planned a mock fight between his warriors and those of Ngāti Meru. A second mock fight was organised, but this time Raorao's men hid real weapons in the sand and in the grass and the trees. When Ngāti Meru came down, they were all killed except for two children who were hidden in a cave at Mahinepua. From there, those two children went to Whangaehe to be with another tribe.

You can still find the bones along Mahinepua Peninsula. Their bones were not removed or buried. They were just left there.

One day as a child, I found a skull and I went to my dad with it. But he said: "If you find a bone you don't uplift it or touch it." I had to take the skull back and bury it where I found it. My mother also used to bury sea shells across our lands to remind us of our occupation of that whenua.

For mana motuhake, this kōrero reminds me of Raorao's whakapapa and how it is presented in Raorao's leadership and Raorao's skills to navigate conflict. Through whakapapa, his mokopuna also displays these talents.

We have examples of our tikanga, kawa, and rituals in our lives that help us determine as a whānau, hapū, or iwi what is right, what is wrong, what is ours and what is not.

Mana Motuhake – The Manu Kūaka (Godwit)

Mahinepua was in the flight path of the migration bird the kūaka (or the Godwit). Our people used to go to Mahinepua beach to trap and snare the kūaka for kai, then along came the shotguns, and where once they caught one or two kūaka,

our people would now kill many. Over time, the kūaka never landed in Mahinepua again.

For mana motuhake, the collective matters, just as the kūaka have been wounded and returned to Mahinepua so has our people been wounded and not returned to their haukāinga. Any approach to mana motuhake must ensure that our people, especially our mokopuna, return to their haukāinga and for them to know that wherever they go in the world they can always return to the mana that resides back home with their people.

Thank you for giving me this time. Kia ora.

(14:49) CHIEF JUDGE FOX TO KAWHENA PAUL:

Q. Ngā mihi ki a koe e kui. He rawe te whakarongo ki a koe i tēnei rā, anei rā te mihi. **I want to thank you e kui. It's good to listen to you today, thank you.**

A. Kia ora.

Q. We don't have a copy of your presentation, but I noticed your lawyers have copies and they were following them, and it bears no resemblance to what was filed on your behalf. Would you prefer us to deal with that rather than what was filed?

A. I'll leave for you to answer that one.

Q. And you will need to give the Crown a copy before you leave.

A. I'd like that kōrero to be added to the briefs, thank you.

Q. Okay, thank you, that's good to know.

A. Kia ora.

Q. Ngā mihi ki a koe me o whakaaro nui.

A. Thank you.

(14:51) KAWHENA PAUL: (SHOWCASE OF BLANKET)

Now during the first of the hearings that came to Whangaroa of the Tribunal, our whānau and I wanted to be part of what can we do or what can we help with part of the kōrero for Whangaroa, so we decided to stitch the blanket which is called Ngā Kohinga Kōrero of Whangaroa. All these people down here, they

were all part of the claim. They were our tūpuna and they're all stitched on this blanket, and they all left us kōrero.

Over here, we have Wainui here on this side. They were well known for the rua kūmara through our ancestor Moemoe. She brought the kūmara in Wainui. And down here, we have Te Ngaere with the oil pot. They still got their oil pot today. And on that side, which is Mahinepua, they were well known for ngā rua kūmara me ngā mahinga kai. All the stories are all stitched in here.

Now when you see this whai here, it's a grey whai, she is the guardian of Mahinepua. She lives in Whangaehe. She swims to Wainui and breathes there in a little bay called Piopio where she breathes and then she goes back to Whangaehe. No name was given but the kōrero was. Here are the bitterns of the Māori Battalion. My father was one of them, Maru Paul and my uncle, my dad's brother Waihora Paora. Neither of them knew they were going to war and neither of them knew that they were going overseas to fight but they met on the boat that was taking them over.

Unfortunately, my dad's brother died over there in the western desert. He was only one year fighting and now his body lies in, I've forgotten the name of the place where he is, aroha mai. I think he needs to be brought back. My father only fought for a year or so and he became a prisoner of war and was taken to Austria and Stalin, Germany. There he remained for the rest of the war but he came back.

So those are all the stories of Whangaroa that all these tūpuna here they are now gone. My sister is part of that now, but I haven't stitched her on, wareware ahau **I forgot**. That was our contribution to Whangaroa.

WAIATA TAUTOKO

(14:57) NATALIE KAY BAKER-MARTIN: (#B065, #B065(a))

WITNESS REFERS TO SPEAKING NOTES #B065(a), PARA 1

E tū aroha nui tēnei ki a mihi ki a ngā kaikōrero kua mihia. Nā koutou i whakamana i ngā taonga tuku iho nā ngā tūpuna. **I stand with much love and wish to thank those prior speakers. You have empowered the treasures passed from the ancestors.**

E tū mihi ana ahau ki a koutou te haukāinga mō o koutou mahi hei whakakaha i te mauri o tēnei marae. Nō reira, tēnā koutou. **I stand to acknowledge the home people, the locals for your work in strengthening the mauri of this marae. So thank you.**

E ngā mana, e ngā reo, e karangatanga mahi tēnā koutou, tēnā koutou, tēnā tātou katoa. Ngā mihi te Taraipiunara. **To the mana, to the voices, to all of the people from throughout greetings, greetings, greetings all. I want to acknowledge the Tribunal.**

Ko Pūtahi me Te Roto ngā maunga. Te Kūaha me Waitaruhe me Wairoro ngā awa. Ōmāpere te roto. Ngatokimatawhaorua me Māmari ngā waka. Te Uri o Hua, Takotoke, Ngāti Kura, Ngāti Rangi ngā hapū. Ngāpuhi te iwi. **Pūtahi and Te Roto are the mountains. Te Kūaha and Waitaruhe and Wairoro are the rivers. Ōmāpere is the lake. Ngatokimatawhaorua and Māmari are the waka. Te Uri o Hua, Takotoke, Ngāti Kura, Ngāti Rangi are my hapū. Ngāpuhi is my iwi.**

Ko Ani Manihera Kauwhata Baker-Martin tōku māmā **Ani Manihera Baker-Martin is my mum**. She is 93 so definitely got to mention her. Ko Natalie Kay Baker-Martin tōku ingoa, and yes, that is my name. That's my husband's surname.

It is with a deep sense of honour and responsibility that I stand before you today. I am kaitiaki trustee, secretary for Lake Ōmāpere Trust. Mum and I and my husband live on the shore of the lake. We're one of the only landowners Māori.

I am trustee, secretary for Mid-North Māori Wardens established 2012. As you can see here, I'm Kaikohekohe.

Trustee, secretary, treasurer for Kaikohe No 2 Māori Committee.

Trustee, secretary, treasurer for our whānau trust, Te Pirikotaha Whānau Trust.

As the chair of the Waimate Taiamai ki Kaikohe Claims Alliance, I want to acknowledge the incredible mahi we have done together, the challenges we've overcome: Te Paparahi o Te Raki Inquiry, the Ngāpuhi Mandate Urgency, and the kaupapa that brings us here today. To those who have walked before us who carried these claims in their hearts but did not live to see them realised. Kei ngā mate haere, haere, haere atu rā **to the dead farewell, farewell, farewell**. Your contributions remain at the heart of our journey; I hope I don't cry

You might wonder who are Te Waimate Taiamai ki Kaikohe Claims Alliance. The alliance was formed in the late 1990s to provide Waitangi Tribunal claimants from the Waimate Taiamai ki Kaikohe rohe with a group to progress their claims. I became a chauffeur for my mother, then progressed to do just a little report, then became the secretary, then just run a few meetings, and then became the chairperson after we lost our chairperson John Rameka Alexander. I was reminiscing with Dr Grant Phillipson as he used to spend time talking to Uncle John when he was doing the research reports for Wai 1040, ngā mihi.

The alliance has developed into a group of claimants from Te Waimate, Te Ahuahu, and Ngāwhā. We welcome all those people associated with that area. Then we eventually had Kaikohekohe join us which was Aunty Diane Ruawhare. We do not speak exclusively for our hapū, but we do have a right to speak as members of those hapū.

Reflecting on our history, I am reminded of the sacrifices made by generations before us. From the breaches of the colonial through the process and advocacy that led to the establishment of the Waitangi Tribunal to the pivotal hearings of today, our legacy is one of resilience. The evidence we have presented has

shaped reports, policies, and even judicial decisions. It has sparked dialogue and planted seeds of change, but the journey is not complete.

When we wrote up this statement of position for this inquiry, we wanted to reflect on where we have come from and look to the future. I should also say that I am here to speak for the alliance, but I didn't draft this statement on my own. It might be that I can't answer all of the questions if there might be some asked. What I can say is that it represents a consistent position from what we were taught as we grew up, what we told the Tribunal in the five weeks of hearings that we had for Stage One of Te Paparahi o Te Raki, and then the 26 hearings that we had for Stage Two of that inquiry.

I don't want to take up too much time today, so just to summarise that position:

1. In 1840, the hapū of Te Waimate Taiamai ki Kaikohe exercised mana and authority over our lands, environment and resources. We lived in our rohe according to tikanga and kawa. Our tūpuna were actively engaged in the economy of mana and asserted and protected our rangatiratanga.

2. We are grateful to Dr Mānuka Henare who worked with us on the Waimate Taiamai Oral Traditional History Report for the Wai 1040 hearings. He spoke with us about his views on an economy of mana which he said was worldview and kinship tribal modes of production that among other things consider spiritual and human ancestors and descendants not yet born and prioritised holistic wellbeing and value creation, including creation of taonga and art aesthetics over profit maximisation.

3. We agree with Dr Henare's view that the Crown's plan was to create a pōhara economy of mana, forced poverty as an effective deliberate Crown policy. This is something that we are going to come back to in the next Stages of the inquiry, but we can file more information if the Tribunal would like us to.

4. Our tūpuna expected the mana they exercised over taonga katoa to be preserved when they signed, He Wakaputanga and agreed to the articles in Te Tiriti o Waitangi. Our leaders agreed to a relationship and to ongoing engagement with the Crown. They did not agree to give up authority over their lands, their people, or their tikanga.

5. Hapū authority stands in its own right. It has not been replaced by our other system. Our authority is expressed through our tikanga, our decision-making, our responsibilities to whenua and wai, and the leadership of our people. We reject any argument that the Crown's view of sovereignty overrides hapū authority.

6. The issue for today is that two understandings of authority exist and the relationship between them has never been resolved. For us, hapū authority continues in full. Any constitutional discussion must start by recognising that our sovereignty was never ceded and that it remains today.

7. While the Crown has stamped power all over this country, it has achieved its power by means that violate te Tiriti.

8. We should not mistake the abuse of power for legitimate sovereignty.

Finally, I'm going to talk about our first niece mokopuna that has now had her moko kauae done last weekend. I just want to end with her kōrero on how it's been for the last week, Natasha Harris. Māhurehure is where her father is from so that's Waima, Hokianga:

> Honestly, my moko kauae has revealed itself to be more beautiful than I could have imagined. I feel complete in the deepest sense of my being. In a time when our government is actively attempting to strip Te Tiriti o Waitangi from our **(inaudible 15:06:00)** and attempting to silence our voices, receiving my moko kauae feels like a profound act of sovereignty. It is a permanent unerasable

declaration of my whakapapa. I am filled with an immense sense of aroha to be able to stand visibly and unapologetically Māori. It is a testament that while policies can be change, our presence, our stories, and our rights as promised by te Tiriti are indelible. He Māori ahau mō ake, ake.

So ngā mihi nui ki a koutou katoa **thank you all very much**. Kia kaha, kia māia, kia manawanui **be strong, be brave, and be resilient**. This is a little different to what I had put forward so I will make sure a copy is sent through to you via my lawyer, Bryce Lyall, and his apologies for not being here.

(15:07) CHIEF JUDGE FOX TO NATALIE BAKER-MARTIN:

Q. Ngā mihi ki a koe and thank you for the succinct presentation, it's very helpful. I was going to ask you if we could have a copy. My next question was going to be so what do we make of the statement of position?

A. Can that still be there, and this one added as well?

Q. Yes, it can.

A. Thank you.

Q. Ngā mihi **thank you**.

WAIATA TAUTOKO

DEREK FOX: (MIHI WHAKAMUTUNGA)

Kia ora everyone. That brings our wānanga to a close. We'd like to thank all of the people who have presented. There is a huge amount of information and very valuable kōrero happened in the last week. This was the sixth and final one of our wānanga and the longest I might add too. The others were usually a couple of days, and one was even one day, but with this one it's certainly the longest. It was entirely appropriate that it should be here so that is that.

Now before we close, I've been approached by the lost property department. Is there someone out there missing an earring? So, you can have a look at it. And also, I haven't checked to see what fluid is in there but there is some fluid in there. I think those two were together. Whether the fluid in there had

something to do with the loss of the earring, I'm not going to surmise but it may have been.

Anyway, Wimutu nāhau i tīmata ngā kōrero i te tīmatanga o tēnei wiki, māhau pea e kapi i tō tātou hui. **Wi Mutu you begun this at the beginning of this week, and you can close our hui.**

MIHI WHAKAMUTUNGA (HAUKĀINGA)

WAIATA (KIA WAIATA KI A MARIA)

KARAKIA WHAKAMUTUNGA

HEARING CONCLUDES: 3.17 PM

MINISTRY OF JUSTICE
Tāhū o te Ture

Notes of Evidence Legend

National Transcription Service

Indicator	Explanation
Long dash –	Indicates interruption: Q. I think you were – (*Interrupted by A.*) A. I was – (*Interrupted by Q.*) Q. – just saying that – (*First dash indicates continuation of counsel's question.*) A. – about to say (*First dash indicates continuation of witness' answer.*) This format could also indicate talking over by one or both parties.
Long dash (within text)	Long dash within text indicates a change of direction, either in Q or A: Q. Did you use the same tools – well first, did you see him in the car? A. I saw him through – I went over to the window and noticed him.
Long dash (part spoken word)	Long dash can indicate a part spoken word by witness: A. Yes I definitely saw a blu – red car go past.
Ellipses … (in evidence)	Indicates speaker has trailed off: A. I suppose I was just… *(Generally witness has trailed off during the sentence and does not finish.)* Q. Okay well let's go back to the 11th.
Ellipses … (in reading of briefs)	Indicates the witness has been asked to pause in the reading of the brief: A. "…went back home." The resumption of reading is noted by the next three words, with the ellipses repeated to signify reading continues until the end of the brief when the last three words are noted. A. "At the time…called me over."
Bold text (in evidence)	If an interpreter is present and answering for a witness, text in bold refers on all occasions to the interpreter speaking: Q. How many were in the car? A. **There were six.** Q. So six altogether? A. **Yes six** – no only five – **sorry, only five.** *(**Interpreter speaking** – witness speaking – **interpreter speaking**.)*
Bold text in square brackets (in evidence)	If an interpreter is present and answering for a witness, to distinguish between the interpreter's translation and the interpreter's "aside" comments, bold text is contained within square brackets: Q. So you say you were having an argument? A. Not argue, I think it is negotiation, ah, re – sorry. **Negotiation, bartering. [I think that's what he meant]** Yeah not argue.