

**IN THE WAITANGI TRIBUNAL  
KEI MUA I TE TARAIPUNARA**

**Wai 3300  
Wai 1515**

**UNDER**

**The Treaty of Waitangi Act  
1975**

**CONCERNING**

**Constitutional      Kaupapa  
Inquiry**

**AND**

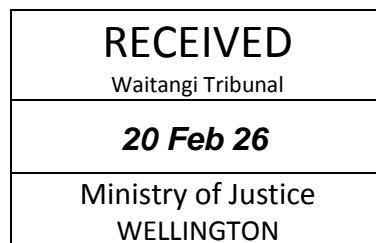
**a claim by Tarawau Kapa and  
Raewyn Kapa for and on  
behalf of themselves and Te  
Whānau Kapa**

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**STATEMENT OF RESPONSE OF RAEWYN KAPA (WAI 1515)**

Dated: 19 February 2026

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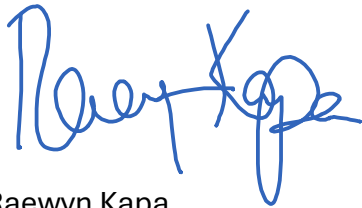
**KŌKIRI  
CHAMBERS**

1. My name is Raewyn Kapa. I am the daughter of Tarawau Taha Kapa; grand-daughter of Whakataha Piri Kapa and great-grand-daughter of Iritana Kapa (neē Hāmi Pia) and Piriwāta Matiu Kapa of Kaikohe.
2. I make this statement as an additional claimant of Wai 1515 and its lead researcher.
3. This statement is filed in response to the Crown's position presented at the 13 February 2026 sitting of the WAI 3300 Constitutional Inquiry.
4. I note in this sitting that the Crown submitted that local government is not directly bound by Treaty obligations in the same way as the Crown itself. I note also the Crown's position in regard to the cessation of sovereignty found in the Stage 2 Report of the Te Paparahi o Te Raki Inquiry.
5. For Wai 1515, the Crown's position is conflicting, restrained and not credible.
6. Failing to devolve clear Treaty obligations in delegated authority and responsibility by the Crown to local government (regional government included until such time it is fully abolished) is an incredible breach of Article 2 of the Treaty.
7. It is a breach based on the framework under which our whānau relied on of whenua administration, rating and working of the farm upon consolidation.
8. Tūhuna 37B2C2 was occupied by whakapapa ownership by our whānau.
9. The Māori Land Court and Māori Affairs records confirm our permanent residence comprised of a wharenuī (meeting house), private dwelling and milling sheds.

10. The balance of the block was later included in the Scheme under the Rangihamama Development Scheme.
11. No transfer instrument recording how our shares moved into Rangihamama X3A has been identified.
12. During this period, rating charges were imposed and deducted through administrative processes controlled by the Māori Trustee.
13. Local government mechanisms therefore, were used in a way that reduced equity and facilitated consolidation.
14. The Crown's position that delegated bodies operate outside direct Treaty accountability is therefore directly relevant to our claim.
15. For Wai 1515, the consequence has been ongoing prejudice and concealment of administrative undertakings.
16. The papakāinga was destroyed. The land was usurped into administrative process, and there has been no lawful pathway for restoration of Tūhuna 37B2C2.
17. This statement does not amend the original Wai 1515 claim and does not seek to fully address the broader constitutional issues in this inquiry.
18. Those matters require our evidence to be addressed more fully at a later stage.
19. The purpose of this filing is to record that the Crown's constitutional position has significant adverse implications for our whānau.
20. Our view is that the interactions between Crown administration, Māori Trustee operations, and local government mechanisms is central to understanding the breach and prejudice our whanau suffered of displacement, disenfranchisement and disadvantage.

21. Wai 1515 maintains that Treaty accountability cannot be avoided by devolving Crown authority without Treaty obligations inferred to its agencies.
22. Wai 1515 contends that local government frameworks permitting the removal or dilution of Māori authority at the point where land is administered and rated warrants careful inquiry, investigation and redress for its claimants.

Dated: 19 February 2026



Raewyn Kapa