I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI **Wai 3565**
IN THE WAITANGI TRIBUNAL **Wai 1628**

In the Matter	of the Treaty of Waitangi Act 1975
And	
In the Matter	of the Te Tinihanga o Ngā Mātāpono o Te Tiriti – the Treaty Principles Reform Urgent Inquiry (Wai 3565)
And	
In the Matter	of a claim by André Baker and Matiu Baker on behalf of themselves and the descendants of Matenga and Haua Baker and ngā uri o Te Āti Awa ki Whakarongotai (Wai 1628)

BRIEF OF EVIDENCE OF ANDRÉ BAKER

Dated 18 May 2026

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Waitangi Tribunal
19 May 26
Ministry of Justice
WELLINGTON

Mahony Horner Lawyers
Counsel: Rox Soriano / Dr Bryan Gilling / Richard Gayfer
PO Box 24515
Wellington 6142
04 974 4036 / 04 974 4028 / 04 974 4206
rox.soriano@mhlaw.co.nz / bryan.gilling@mhlaw.co.nz /
richard.gayfer@mhlaw.co.nz

TĒNĀ E TE TARAIPIUNARA
MAY IT PLEASE THE TRIBUNAL

"Ahakoa iti te whetu ki runga ki te rangi, nui pokeke ao uhia kia ngaro, e kore e ngaro" – nā Marangaiparoa[1]

"Even though the star in the heaven can be obliterated by the clouds in the sky and lost from view the stars will always return".

He Kupu Arataki i te reo Māori

1. Tuatahi, e tika ana ngā maumaharatanga ki ngā tini aituā o te wā, ā, ngā mate huhua e whakangaro atu ki te pō, koutou te hunga e pēhi ana, e māuiui ana. Nō reira, kia piki te ora, kia piki te kaha, kia piki te māramatanga ki ngā tāngata katoa.

2. Nei rā te mihi tēnei ki te kaiwhakawā, ngā kaiwhiriwhiri o Te Kooti, me ngā kaituarā o te iwi tokotoru, tēnā koutou katoa. Ko tō koutou oranga te mahi whai tikanga o tēnei pūrongo.

3. I tupu ake au i Te Papaioea i roto i te takiwā o Rangitāne. Ko mātou tētehi o ngā whānau Māori kua nuku mai ki ngā tāone.

4. I kuraina au ki te kāreti o Te Aute. I reira mātou ngā tauira e ako ana ki ngā mātāpono o ngā rangatira, a Māui Pōmare, a Te Rangi Hīroa, a Apirana Ngata. E ono tau ahau e noho ana ki reira.

5. I whakahaere au i te tukuruatanga o te whare karakia o Rangiātea ki Ōtaki, i muri i te ahi o te tau 1995. He tūāhu nā te iwi o Te Ātiawa, o Ngāti Raukawa me Ngāti Toa Rangatira i hanga i te tau 1848.

6. I tēnei wā, ka whakamānawa te roopu whakahaere o Ātiawa ki Whakarongotai Charitable Trust.

7. He Pou Takawaenga Whaiora tāku nō te iwi o Ngāti Toa, koia nei te pūkengatanga o āku nei mahi ki te hunga tamariki, te hunga taiohi, te hunga

[1] Stated by Marangaiparoa, in reference to the bravery of his youngest son Te Haunga in battle, who is the grandson of the eponymous tūpuna Toa Rangatira.

rangatahi me ngā matua.

8. Ko ahau te kaituhi o tēnei pūrongo i tuku ki Te Kooti.

Introduction in English

9. As outlined above in te reo Māori, we respectively reflect in the memory of those who have since passed and extend our thoughts and enlightenment to those who are unwell, oppressed and sick.

10. Greetings are extended to the Judge, Court officials and our Confederation of hapū and iwi of Āti Awa ki Whakarongotai, Ngāti Raukawa and Ngāti Toa Rangatira. This evidence is submitted with the deepest respect and reverence to all concerned.

11. My name is André Baker. I was raised in Palmerston North in a populated urban Māori environment located in the tribal region of Rangitāne iwi. I am a named claimant for Wai 1628, which is a claim on behalf of the uri of Matenga and Haua Baker who whakapapa to Āti Awa ki Whakarongotai Ngāti Raukawa ki te Tonga , and Ngāti Toa Rangatira, (together called the **ART Confederation**).[2] Wai 1628 is currently participating in the Wai 2200: Porirua ki Manawatū District Inquiry and I have provided evidence in that Inquiry for both Te Āti Awa ki Whakarongotai and on behalf of our Baker whānau in the Ngāti Raukawa and affiliated groups phase.[3]

12. I was privileged enough to attend Te Aute College for six years, and learned about the principled leadership of famous old boys such as Sir Māui Pōmare, Sir Te Rangi Hīroa, and Sir Apirana Ngata.

13. In 1995, I was engaged to project manage the replication of Rangiātea Church in Ōtaki, destroyed by fire because of arson. This Church built in 1848 was the traditional tūāhu and sacred Christian altar of the Confederation of hapū and iwi of Te Ātiawa, Ngāti Raukawa and Ngāti Toa Rangatira.

14. I am a retired Trustee and former iwi Chairperson for Ātiawa ki

[2] ART is an acronym for Ātiawa, Ngāti Raukawa and Ngāti Toa Rangatira.
[3] Wai 2200, #F13; Wai 2200, #F6; and Wai 2200, #S10, for example.

Whakarongotai Charitable Trust, the Mandated Iwi Organisation.

15. Te Rūnanga o Ngāti Toa Rangatira currently employs me as Team Lead for our Iwi Led Social Services, and as a Care and Protection Co-Ordinator, with statutory delegations, working with children, youth and their parents, and extended whānau.

16. I am also a kaumātua and experienced Cultural Assessor and Advisor.

17. I am the son of Matau (Peter) Matenga Baker and Lloma Violet Baker (nee Woolley), and affiliate to Ātiawa ki Whakarongotai, Ngāti Raukawa ki te Tonga and Ngāti Toa Rangatira through my father Matau Baker who was born in Ōtaki. My mother was born in Aramoho, Whanganui.

18. I currently live in Ōtaki with my wife, our four adult children and six mokopuna. I am active as a kaitiaki of my iwi and I provide this evidence as committed descendant of my three iwi Ātiawa ki Whakarongotai, Ngāti Raukawa ki te Tonga and Ngāti Toa Rangatira, and the inherited responsibility I have as whānau takawaenga, a family grouping whose rangatiratanga and kaitiakitanga is defined by shared whakapapa across the Confederation of hapū and iwi of all three iwi.

19. The responsibility of senior whakapapa to all three iwi provides me with the legitimacy and standing to speak confidently about matters that concern the ART Confederation. For example, my whakapapa to all three iwi was an important part of the role I played in supporting the reconstruction of Rangiātea Church in Ōtaki after it was destroyed by arson in 1995.

20. In fact, many roles are undertaken by me because of my shared whakapapa to all three iwi and because of the inherited responsibility as whānau takawaenga to express kaitiakitanga in a way that upholds the mana of all ART iwi but recognises the uniqueness of each iwi rangatiratanga.

21. In particular, my senior shared hononga rangatira affiliations to Āti Awa ki Whakarongotai and Ngāti Toa Rangatira have seen many uri mokopuna located in Waikanae for generations, who affiliate to Whakarongotai marae, the principal marae of Āti Awa in the Kāpiti region. We also have whānau

takawaenga affiliations to Raukawa marae in Ōtaki and Takapūwāhia marae of Toa Rangatira in Pari-rua.

Significance of whakapapa

22. The whakapapa I have outlined establishes the ancestral obligations and responsibilities we as whānau takawaenga inherit and continue to manage as uri mokopuna of Āti Awa ki Whakarongotai, Ngāti Raukawa and Ngāti Toa. Our whakapapa is a source of strength in times of need and the basis for our expression and exercise of rangatiratanga and kaitiakitanga. To not uphold and protect the seniority of our hononga rangatira would be neglectful and instead this has been maintained generationally and the succession of our rangatiratanga is evident in my tamariki, ngā whakatipuranga o tēnei wā.

Hinetuhi
|
Te Rerehua = Mutunga
|
Tuwhareiti = Korokino
|
Toa Rangatira
|
Marangaiparoa
|
Te Maunu
|
Pikauterangi
|
Toitoi = Waipunāhau
|
Te Rangihīroa = Pohe
|
Metapere Te Waipunāhau
|
Te Kakakura Wi Parata = Unaiki Whareangiangi Pukehi
|
Ngāpera Wī Parata = Tuhera Kiriona
|
Haua = Matenga Baker
|
Rev. Matau Matenga Baker = Lloma Woolley
|
André Baker

Whānau Takawaenga

23. ‘Whānau takawaenga’ refers to those whānau who have shared ancestral whakapapa to all three iwi of the ART Confederation and continue to uphold the responsibilities inherent in that whakapapa. For example, our whakapapa from Te Maunu and notably Te Rangihīroa, Te Akamapuia and Te Haunga requires us to observe the significance of those marriages. Similarly, through Te Kākākura wife Unaiki we are obligated to uphold our rangatiratanga and kaitiakitanga responsibilities to Ngāti Huia ki Katihiku. This has not been ignored by our whānau generationally.

24. Shared whakapapa means it is entirely appropriate for whānau takawaenga to undertake certain roles and responsibilities, and to ensure that rangatiratanga and kaitiakitanga is maintained. For example, Te Kākākura exercised his authority in 1896 because he was worried that Pākehā learning where we fished at Kapukapuariki near Paekākāriki, would commercialise kūtai (mussels) and diminish our traditional harvesting of kaimona. Te Kākākura met with Tā James Carroll in Wellington to ask for a closed season. My great-great grandfather was exercising his authority as a Ngāti Toa Rangatira but also a Te Āti Awa rangatira.

25. Our whānau continues to uphold responsibility of the senior Te Maunu line. This is evidenced from the various appointments that I have had and still maintain, as a result of my father Matau and his siblings facilitating our hononga rangatira succession plan that we have maintained generationally. My grandmother Hauā and grandfather Mātenga represent this obligation and their tamariki and us mokopuna reflect their legacy.

Tino Rangatiratanga and Kāwanatanga

26. This journey to have our rights and obligations upheld in te ture Kāwanatanga started at the signing of Te Tiriti. Our tupuna signed te Tiriti o Waitangi here in Waikanae. Since then, every generation has carried an obligation to advocate for and uphold our rights. We, of the ART Confederation, are privileged to have kaumātua who held staunch to our rights in every way conceivable. From our tūpuna who argued in the Native Land Courts and fought for our land rights, all the way to our kaumātua who

had the foresight and heralded the Māori renaissance. My generation, the generation after me, and the generation to come after them are privileged to walk in the footsteps of those who came before us, but we also inherited the responsibility to continue this journey down a path that should not have existed if te Tiriti o Waitangi was honoured properly in the first place.

27. I want to make it clear upfront that the Crown has an obligation to act with transparency, and specifically in this case to engage directly with uri mokopuna of a signatory to te Tiriti o Waitangi, arā, Te Rangihīroa.

28. Te Rangihīroa of the Ngāti Toa senior hapū, Ngāti Te Maunu, joined with other significant rangatira including his tuakana Te Peehi Kupe, and uncles Te Rauparaha, and Tungia and Te Rangihaeata in Te Heke Mai-i-raro migration. Te Rangihīroa signed the Cook Strait (Henry Williams) sheet of Te Tiriti o Waitangi on 4 June 1840 at Motungārara, a small island off the southern tip of Kāpiti Island. He was a rangatira of the Ngāti Te Maunu and also Ngāti Mutunga hapū (subtribes) of Ngāti Toa Rangatira. Te Rangihīroa occupied Motungārara with Te Hiko, the son of his brother Te Peehi Kupe. Te Rangihīroa is buried at Waiorua Bay, at the northern end of Kāpiti Island.

29. Te Rangihīroa grandson Te Kākākura Wīremu Parata Waipunaahau, who was born on Motungārara, and their descendants continue to uphold our relationship and partnership with the Kāwanatanga. His inherited obligations and responsibilities as a significant rangatira of our whānau are strongly referenced during a time of unprecedented and irreversible social change.

30. Te Kākākura was elected to the House of Representatives as the member for Western Māori in 1871, and he remained the sitting Member of Parliament for the duration of the 5th New Zealand Parliament until 1875.

31. We respectfully acknowledge and recall a most notable case taken by Te Kākākura to the Supreme Court in 1877 against Octavius Hadfield, Bishop of Wellington, regarding tuku whenua provided by Ngāti Toa to Te Haahi Mihinare (Anglican Church) in 1848 to establish a school for the education of Ngāti Toa tamariki.

32. A school was not established, and in 1850 a Crown grant was issued to the Church, which was challenged by Te Kākākura through a judicial process. Chief Justice James Prendergast declared the Treaty of Waitangi was "*a simple nullity*" having been signed by "*primitive barbarians*". This offence and serious injustice was progressed in 2025 when Ngāti Toa Rangatira regained control over the whenua at Whitireia, 177 years later, for just under $5 million.

33. An account describes Te Kākākura expressing the view that Pākehā were not qualified to make informed decisions regarding Māori and presented for Māori and Pākehā MPs to work together on laws for the benefit of both peoples. The Crown's deceitful behaviour and neglectful ignorance of my great-great-grandfather Te Tiriti o Waitangi principles and leadership is a breach of Te Tiriti o Waitangi, and it should be redirected to mutually respectful consultation with ngā uri mokopuna, consistent with its latest offensive response that the Crown is now consulting with iwi.

34. Five generations later, our individual whānau Baker expression of tino rangatiratanga and kaitiakitanga is reflective of our tūpuna leadership and their competency to uphold te Tiriti o Waitangi in respective, constructive, and often innovative bicultural partnerships with local and regional authorities and central government.

The Confederation

35. The ART Confederation describes those peoples who whakapapa to Te Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga, and Ngāti Toa Rangatira, who descend from tūpuna that were involved in the heke and pakanga, that established rangatiratanga along the Kāpiti Coast in the following area:

'Mai i Waitapu ki Rangataua, mai i Mīria-te-kākara ki Whitireia,

whakawhitia Te Moana o Raukawa, ki Wairau, ki Whakatū'

36. The Confederation, and the underlying shared whakapapa, has been important in maintaining and exercising our rangatiratanga in our rohe. For example, there are ventures in each ART iwi rohe where we historically have

come together as ART, such as:

a. the establishment of the Ōtaki-Māori Racing Club in 1886. To become a member of the Racing Club requires you to whakapapa to one of the three iwi of ART;

b. the Ōtaki Porirua Trusts Board (OPTB), which contains Trustee representation from all three ART iwi, provides educational scholarships to all descendants of the Confederation;

c. Raukawa Marae Trustees with mana whenua representation of hapū and iwi of ART and responsibility for the reservation gifted by Ngāti Pare for Raukawa marae. The Trustees also carry authority to endorse OPTB educational scholarships.

d. the establishment of Te Wānanga o Raukawa in 1981, was part of an experiment in iwi development called Whakatupuranga Rua Mano Generation 2000.

37. These examples of the ART collective initiatives are an important reflection of our shared history and whakapapa. However, they are also an important foundation for how each iwi exercises rangatiratanga and mana motuhake in their own rohe.

38. As a contemporary example, a more recent project developed by Jordan Housiaux, Tūtarakauika and Project Manager in 2019, a uri mokopuna of Te Kākākura, is the Āti Awa ki Whakarongotai marine mammal stranding protocol named Ngā Tikanga Tohorā, which the Āti Awa ki Whakarongotai Charitable Trust, as the Mandated iwi Organisation has also endorsed. For the Trust the protocols are an important expression of the rangatiratanga of mana whenua that those protocols are adopted, have been tested and were followed recently in the stranding of a tohorā on 31 January 2022.

39. As Chairperson at the time, it was important to me that our community understood that our protocols were an important expression of the rangatiratanga of mana whenua, and that those protocols were followed

and ensured that all parties could work together cohesively'.[4] The tohorā was named Kena Kena and buried by our iwi.

Te Whakatupuranga Rua Mano – Generation 2000

40. Whakatupuranga Rua Mano – Generation 2000 was created by the generation of my grandparents Haua Kiriona (a grand-daughter of Te Kākākura) and Matenga Baker in 1975 for all descendants of the confederation of hapū and iwi of Āti Awa ki Whakarongotai, Ngāti Raukawa and Ngāti Toa Rangatira to prepare for the twenty-first century. The four key principles of Whakatupuranga Rua Mano, are described below:

    a. That the marae is our principal home and, as such, it must be well serviced and maintained and thoroughly respected. It is the place where distinguished manuhiri (visitors) are to be extended hospitality and where extended families meet for significant events.

    b. That the language, as a deeply treasured taonga left by the Māori ancestors of New Zealand, is to be protected from further decline and our activities must guarantee revival.

    c. That the people are our wealth and that their development and retention is more important that the development and retention of any other tangible resource.

    d. That we will strive to govern ourselves. (That all decisions of significance to the confederation and its people be subject to initiatives or responses from and close scrutiny by the Trustees or their representatives.

41. Te Whakatupuranga Rua Mano is outstanding because the visions are;

    a. so simple but far sighted for the time,

    b. absolutely achievable,

[4] See Department of Conservation "Stranded pygmy whale euthanised humanely at Paraparaumu Beach: Media release 31 January 2022 (doc.govt.nz)".

c. still valid, and

d. determined by the needs and visions of the Iwi and hapu.

42. Whatarangi Winiata, widely regarded as the architect of this future vision, is responsible for helping to establish Te Wānanga o Raukawa in 1981 - the first Māori tertiary institution in the country.

43. Te Wānanga o Raukawa began teaching in 1984 relying on volunteer contributions from tertiary qualified lecturers and experts, alongside pūkenga of te reo, mahi toi and matauranga Māori.

44. Respectfully, no government assistance or financial support was provided to the A.R.T. confederation for this iwi led initiative.

45. As a mokopuna, a tamatāne, and koroua, I have also inherited the guidance and responsibility to maintain our tino rangatiratanga and kaitiakitanga.

Roles and Responsibilities

46. I have held a number of roles relevant to my Āti Awa ki Whakarongotai, Ngāti Raukawa and Ngāti Toa Rangatira confederation responsibilities, including:

a. From 2016 until May 2023, the Chairperson of Āti Awa ki Whakarongotai Charitable Trust (**Trust**). I retired as a Trustee in February 2024 when my term expired. The Trust was established in 2005 as the Mandated Iwi Organisation of Āti Awa ki Whakarongotai under the Māori Fisheries Act 2004. The role of the Trust is to act as the iwi representative body of Te Āti Awa ki Whakarongotai and to oversee the management of fisheries settlement assets.

b. Since 2011, I have been a Ngāti Pare Trustee for Raukawa Marae.[5] Ngāti Pare, whose views I represent as a Trustee, is a hapū of Ngāti Raukawa ki te Tonga. Raukawa Marae is situated on a Māori Reservation in Ōtaki (Ōtaki Town Section 166, 167, 168 and 169

[5] I was appointed trustee by the Māori Land Court on 24 November 2011. See Māori Land Court minute book reference 275 AOT 232-239.

Reserve) and is the principal marae for the ART Confederation. The Trustees have representation from all hapū of Ngāti Raukawa ki te Tonga, as well as Āti Aawa ki Whakarongotai and Ngāti Toa Rangatira. My grandfather Matenga Baker was a founding member of the Raukawa Marae Trustees in 1936.[6] Raukawa Marae is one of our Confederation Marae, along with Whakarongotai Marae in Waikanae and Takapūwāhia Marae in Porirua.

c. From 2017, I have been a member of Te Whakaminenga o Kāpiti (**Te Whakaminenga**). Te Whakaminenga is an external committee of the Kāpiti Coast District Council. In 2024, I was elected to hold office as the Chair of Te Whakaminenga o Kāpiti. Te Whakaminenga o Kāpiti is a partnership between mana whenua and the Kāpiti Coast District Council, and therefore Te Whakaminenga o Kāpiti has representatives from all ART iwi, who have full voting rights. Te Whakaminenga o Kāpiti was established in 1994 and had its first meeting on 8 March 1994. Te Whakaminenga o Kāpiti discusses a wide range of kaupapa of importance to ART, including social, environmental, economic and cultural significance to mana whenua.

d. In 2020, Āti Awa ki Whakarongotai Charitable Trust led an independent partnership review of the Kāpiti Coast District Council (**Council**), and as a result a new Memorandum of Partnership was agreed in 2023 to appoint ART representatives to Council, the Strategy, Operations and Finance Committee, the Social Sustainability Subcommittee and the Climate and Environment Subcommittee. The mana whenua kaitieki (elected representatives) on Council committees have full voting rights and are remunerated in line with Elected Members of the Council.

It is important to note, the Kāpiti Coast District Council is a relatively young local authority established in 1989, as part of a nationwide restructure of local government in New Zealand, and the partnership with the ART confederation reflects a uniquely

[6] https://natlib.govt.nz/records/22388991.

respectful and contemporary model based on the integrity of both Te Tiriti o Waitangi partners.

e. This successful review is consistent with the innovative and creative leadership that reflect our tūpuna as iwi partners with Kāwanatanga ensuring the co-governance structure adapts to evolving iwi priorities and our shared legislative needs.

f. The Chairperson of Te Roopū Whakahaere o Rangiātea, (Vestry Committee) from approximately 1995 until 2003. The Vestry is responsible for the mission of Rangiātea Church, including pastoral and liturgical services across the traditional rohe, from Poroutawhao north of Levin to Paekakariki in the south. The Vestry is responsible for the maintenance of the historic whare karakia and urupā (cemetery) which was originally constructed under the leadership of Te Rauparaha and Rev. Octavius Hadfield in 1848. The Church was burnt down by arson on 7 October 1995.

g. I was also appointed as the Project Manager on behalf of the Vestry Committee in 1998 following the fire in 1995, with the shared responsibility of concluding the negotiation of the insurance claim in relation to Rangiātea Church, and overseeing the ART led decision to replicate the oldest Māori Church in Aotearoa. This required engagement with the Raukawa Marae Trustees and the ART Confederation over a 10-year period.

h. The Chairperson of the Ōtaki Community Board as an Elected Member of the Kāpiti Coast District Council from 2004 to 2010. The Ōtaki Community Board is a board whose mandate covers the Ōtaki Ward from Te Horo Beach Road and School Road in the south to Forest Lakes and the Waitohu Stream and Ōtaki River watersheds in the north, and the Tararua Range watershed in the east. The Board is responsible for engaging with and making recommendations and reports to Kāpiti Coast District Council as advocates for the Ōtaki community, including environmental and climate issues, parks and reserves, infrastructure matters, naming streets and roads.

i. The Community Board engages with Ngā Hapū o Ōtaki Incorporated Society, an incorporated customary body that is convened by the five Raukawa hapū based in the Ōtaki area.[7] The Community Board also engages with community service agencies and Crown agencies and administers grants to the local community.

j. I have been a Steward of the Ōtaki-Māori Racing Club since 2008, the only Māori Racing Club in Aotearoa. As a Steward, I am also a member of the Management Committee. I follow the tradition of both my koroua Mātenga Baker who was the Patron and longest serving Clerk of Scales, and his son Te Raumoa Baker who was a Vice-President of the Racing Club. I am currently a Vice-President of the racing Club which was formed in 1886, some 40 years after thoroughbred horses were introduced into the Ōtaki district in the 1840s. This is a significantly historic institution of the ART Confederation.

k. From 2003 to 2017, I was a Trustee on the Ōtaki and Porirua Trusts Board (**Trusts Board**), a Trust established under the Ōtaki and Porirua Trusts Act 1943. The role of the Trusts Board is to administer assets transferred to it under the 1943 Act from the Porirua College Trust Board and administer an education scholarship programme. The members of the Board include representatives of Āti Awa ki Whakarongotai, Ngāti Toa Rangatira and Ngāti Raukawa ki te Tonga.[8] The scholarships for descendants of ART are endorsed by individual hapū and iwi members who are Raukawa Marae Trustees.

l. From 2007 to 2016, I served on the Ōtaki College Board of Trustees. I was on the Board of Trustees as the Ngāti Raukawa ki te Tonga representative.

m. I was a founding Director of Āti Awa ki Whakarongotai Holdings Limited from 2005 to 2018, supported and mentored by my

[7] The five hapū are Ngāti Maiotaki, Ngāti Pare, Ngāti Koroki, Ngāti Kapumanawawhiti, and Ngāti Huia ki Katihiku.
[8] See s 4 of the Otaki and Porirua Trusts Act 1943.

kaumātua who were also Directors.

n. I was an RMA Hearing Commissioner for Āti Awa ki Whakarongotai from 2016 until 2021. Commissioners are accredited to carry out statutory hearings and decision-making duties on the council's behalf, or to serve as an independent advisor. Most of the work I was commissioned to perform was with the Kāpiti Coast District Council.

o. I have been the Māori delegate for the Horowhenua-Kāpiti Rugby Football Union since 2006, initiating a constitutional change to recognise ART Confederation as mana whenua and obtaining voting rights. In 2024, I retired as the Chair of Te Tini-a-Māui Regional Māori Rugby Board and as a member of the New Zealand Māori Rugby Board.

p. I am currently employed by Te Rūnanga o Toa Rangatira as Pou Takawaenga Whaiora, Team Lead for Kairangahau, iwi researchers and whakapapa experts, and support our iwi led social services professionals. I also have statutory delegations as a Care and Protection Coordinator for our iwi, supporting in both Ngāti Toa Rangatira and Āti Awa ki Whakarongotai rohe. This role also includes priority engagement with ART members who may be in Prisons, Youth Justice Residences, Bail Houses, Youth, Family and Criminal Courts, and strong advocacy to develop comprehensive Whānau Plans in partnership with the Kāwanatanga (the Crown).

q. I am also a Kaitakawaenga, an independent Cultural Advisor and expert, responsible for helping to undertake research to provide cultural identification of rangatahi, wāhine and tāne and cultural reports for Youth Court and Criminal Court across the Manawatū and Wellington region. In March 2024, Kāwanatanga removed funding for Section 27 cultural sentencing reports through the legal aid scheme. A statement by Justice Minister Goldsmith at the time stated cultural reports were doing nothing for the victims of crime, which is rejected.

The Crown Keeps Changing its Stance

57. As of 15 May 2026, Minister Goldsmith has stated, "*We are now consulting with Iwi, and the legislation will go through a full select committee process where all New Zealanders can have their say*." At what point after publicly declaring his intentions to modify, amend and repeal the application of Te Tiriti o Waitangi in 19 separate pieces of legislation was there any intention demonstrated to first consult with mana whenua transparently?

47. We are still awaiting confirmation of his formal intention to engage with us directly. This is a requirement and expectation I want to affirm as an individual whānau takawaenga to maintain and uphold our tino rangatiratanga and kaitiakitanga, and has greater intergenerational authority than the convenience of Mr Goldsmith referring to a Ministerial Advisory Group (**MAG**) whose advice and direction he has purposely ignored.

48. The MAG encouraged the use of stronger standards, such as "give effect to", when evaluating Treaty obligations. Mr Goldsmith's review ignored this guidance, instead pushing for the weakest possible threshold.

49. We tautoko the Waitangi Tribunal's warning that this approach demonstrates a "*reckless disregard*" for the Māori-Crown relationship and actively ignores the expertise of departmental officials.

50. We support the Ngāti Hine claim that this proposal is inconsistent with Te Tiriti and its principles, and that it has already had adverse effects to mana whenua.

51. We object strongly to the Crown's plans to amend a wide range of legislation, whether it is to water down our rights by obliging the Crown to merely "take into account" Te Tiriti o Waitangi, rather than "give effect to", or to remove those provisions entirely. Accordingly, I provide a number of examples that our hapū and iwi have engaged in with Crown and Crown-adjacent agencies and how changes to legislation will impact our whānau, hapū and iwi and trample our mana and tino rangatiratanga.

Environmental Management

52. Though not in scope of this urgent Inquiry, I refer to what is happening with the Resource Management Act (**RMA**), and the proposal to remove Part 2, specifically sections 6(e), 7(a) and 8 of the RMA. I strongly condemn Kāwanatanga for not upholding their obligations to tangata whenua. The proposed reforms are inconsistent with our inherited and guaranteed rights to express our tino rangatiratanga and kaitiakitanga in partnership. Furthermore, the fact that there was a proposal to exclude pre-settlement iwi from consultation means that we further lose our ability to protect tuku whenua and take tuku, whenua tapu, wāhi tapu, ara wai, wai tai and taonga as whānau kaitakawaenga.

53. To honour our environmental obligations we, as whānau takawaenga of Te Āti Awa ki Whakarongotai, have taken the initiative to put proposals to the Crown and local bodies regarding ways these organisations can honour Te Tiriti o Waitangi and partner with us. We as mana whenua have established a partnership agreement with the Kāpiti Coast District Council for matters of mutual interest and to work together to achieve outcomes that both of us, as mana whenua, and the Kāpiti Coast District Council agree to. We are working through something similar with the Greater Wellington Regional Council.

54. This includes, for example, the allocation of financial resources to build iwi capacity, to better enable both the Kāpiti Coast District Council and mana whenua to achieve agreed strategic and operational goals and objectives. We have developed a Kaitiakitanga Plan to help us as mana whenua better navigate and mobilise legislative and regulatory requirements in conjunction with KCDC and other Crown and Crown-adjacent bodies, while still honouring our obligations as kaitakawaenga to the environment.

55. We also have dedicated mana whenua representative seats at Kāpiti Coast District Council. I have been fortunate enough to be appointed to this role in the past. As the Te Āti Awa ki Whakarongotai representative, I had full speaking rights and voting rights. This, I think, is a step forward in the right direction towards recognising our Te Tiriti o Waitangi partnership, because

we are actually at the decision-making table, in a near equal position with our Kāwanatanga counterparts, except at Council meetings. Of course, it could always go further to recognising true partnership, where we are equal, and where our obligations to our people, as their representative, are also completely met, consistent with our elected representation on committees of Council.

56. The watering down of our Tiriti rights to "take into account" puts decades of hard work in jeopardy. Again, not just with the immediate and recent relationship with Kāpiti Coast District Council but dating all the way back to the signing of Te Tiriti o Waitangi and the partnership envisioned at that time. To get to this point would not have been possible without the resilience and perseverance of our tūpuna, who passed that trait on to us. And yet, this Government is doing all it can to test our abilities and prevent us from fulfilling our obligations to te taiao.

Social Wellbeing

57. When I was reflecting on this kaupapa, I was also reminded of the mahi I have undertaken as an iwi led social worker for Ngāti Toa Rangatira and the impacts of social welfare legislation on whānau Māori. The concerns I have with the legislation are covered more extensively in my brief of evidence in the Wai 2200: Porirua ki Manawatū inquiry (Wai 2200, #F13), but for the purpose of this Inquiry, I refer to the proposal to amend or repeal the Tiriti o Waitangi provision within the Oranga Tamariki Act 1989 (**OTA**). Section 7AA had been repealed before it could really be tested for its potential as a vehicle of better partnership. Now section 4(f) of the OTA is now under threat.

58. As a iwi social led worker, I have seen firsthand what happens when there is no ability to hold Crown agencies accountable to its obligations under Te Tiriti o Waitangi. The "mistakes" might be minor to Ministry for Children, but the resulting trauma to whānau is multigenerational and takes even more generations to heal. Had we had better engagement with Ministry for Children social workers who work in our rohe, we would be able to minimise these mistakes.

59. I also wanted to bring to the attention of this Tribunal our aspiration for a kaupapa and legislative based framework for partners of Te Tiriti o Waitangi in the care and protection and youth justice social work space. We have iwi social services who have the authority to act alongside Ministry for Children, where we have the responsibility for rōpū tuku iho and tangata whaiora, and Ministry for Children has responsibility for citizens of Aotearoa New Zealand. This would be a truer bicultural partnership where we are not only able to exercise tino rangatiratanga, but also exercise equity, and hold the Kāwanatanga accountable where it fails us by having statutory authority to complement our tikanga based model of practice.

60. To be clear, I am not saying that these low-level "give effect to" and "take into account" legislative provisions are enough. In fact, it is arguable that these provisions are not working in practice. However, they do provide, at the very least, a place to start from, and a direction to walk in. Instead of weakening Te Tiriti o Waitangi provisions, I expect Kāwanatanga considers strengthening these provisions instead so that our whānau, hapū and iwi can meet and go beyond the aspirations our tūpuna rangatira have set for us.

CONCLUSION

61. We express our rangatiratanga every day through our marae, our claims processes, our responses on environmental planning and management matters in our rohe, and local government processes. To us, we do not draw arbitrary distinctions between te moana and the whenua – they are all domains to which we collectively belong as mana whenua, and for which we have a whakapapa-based responsibility to protect and nurture for future generations.

62. The practical day to day exercise of kaitiakitanga, and the expression of Ātiawatanga, Raukawatanga and Toa Rangatiratanga are an active an inherent tikanga of our iwi, and an inherited generational responsibility that my whānau like many others have maintained and demonstrated within our collective rohe, before and after our tūpuna signed Te Tiriti o Waitangi. The transfer of this relationship and inherited responsibility is not taken for

granted nor is our whakapapa as hononga rangatira.

63. I provide all of this information to the Tribunal because I wanted to demonstrate the consistency of our Baker whānau takawaenga honouring Te Tiriti o Waitangi across 8 generations as signatories, and despite the historical narrative that identifies the challenges we have faced including breaches to Te Tiriti o Waitangi.

64. This creates an expectation that the ignorance of Justice Minister Goldsmith and Kāwanatanga, will not diminish the demonstrated examples of true Te Tiriti o Waitangi partnership we have upheld for more than 185 years, but it is long overdue that the Kāwanatanga should do the same.

Dated at Ōtaki this 18th day of May 2026

André Baker
Named Claimant for Wai 1628