TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 1750

E PĀ ANA KI
CONCERNING

te Treaty of Waitangi Act 1975

Ā,
AND

te North-Eastern Bay of Plenty District Inquiry

HE PĀNUI WHAKAHAU A TE MANA WHAKAHAERE

MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER REGARDING THE EVIDENCE OF PROFESSOR TAIARAHIA BLACK

9 Hepetema 2026

Regarding the evidence of Professor Taiarahia Black

1. During hearing week 10, on Wednesday 26 August 2026, the Tribunal again had the privilege of hearing from Professor Taiarahia Black.

2. Professor Black presented and spoke to a presentation entitled *"Te Tiriti o Waitangi Breaches and the Erosion of Ngāti Ngahere Identity*" (Wai 1750, #G18). Due to the constraints of time, the Tribunal did not have an opportunity to question Professor Black.

3. Accordingly, I indicated that subject to Professor Black's availability, we would invite him to submit written responses and/or further evidence on a number of the themes touched on in his presentation that we wished to explore.

4. The matters about which we would welcome further evidence from Professor Black are set out in these directions. We ask counsel to liaise with Professor Black and ascertain whether he would be able to provide further information in writing in the first instance, and to also indicate if there may be time in the forward programme to re-call Professor Black so that he can speak to this supplementary evidence.

Topics and themes for further consideration

5. At slide three of his presentation, "*Crown conduct and the foundations of its colonial authority,"* Professor Black makes the point that the Crown's conduct, consisting of violent military invasion, brutal land confiscation and alienation, unjust imprisonment and exile of Rangatira, discriminatory legislation and dismantling of Ngāti Ngahere's social, political, cultural and economic base were attacks upon the foundations of Tino Rangatiratanga. These measures fractured the living, cultural, intellectual, spiritual, and economic environment within which reo, tikanga, mātauranga, customary law, governance and identity were sustained and renewed.

6. Slide four makes the point that whenua was not merely an economic resource, it was the physical and spiritual foundation of whakapapa, identity, customary authority, and mātauranga. As access to tipuna, lands, and traditional institutions diminished, opportunities to practice and transmit knowledge diminished with them. This disrupted knowledge systems that sustained kaitiakitanga and responsibility.

7. Slide five makes the point that these actions were a failure to actively protect treaty taonga.

8. Theme four addresses tangihanga. At slides five and six, Professor Black notes that the protection of taonga and recognition of Tino Rangatiratanga require conditions in which Ngāti Ngahere can practice, transmit, and govern its own reo and tikanga. Professor Black argues the Tribunal should assess tangihanga as evidence of enduring Crown impact, cultural resilience and the continuing exercise of Ngāti Ngahere rangatiratanga. Can Professor Black offer any further insights with regard to the significance of Crown forced changes in the practices of tikanga in tangihanga and how that might have affected Ngāti Ngahere and Te Whakatōhea?

9. The military invasion and subsequent raupatu following the killing of Volkner are distinguishing features of this inquiry district. The subsequent arrival and the enduring influence of Te Kooti and Hāhi Ringatū are also key features of this inquiry. With these themes in mind, the Tribunal would value a fuller exposition of what insights are available concerning Crown conduct, Treaty breaches and prejudice embodied in the 8 mōteatea summarised in theme seven of the presentation.

10. With respect to mōteatea number four (Pinepine te Kura), we note that when Professor Black appeared before the Tribunal in June 2023, we received from him a publication

entitled *Ka ū ana ko Whareongaonga* (Wai 1750, #C64). At pages 30 and onwards of that publication, there is a detailed exposition in te reo Māori by Professor Black about this waiata. The Tribunal would appreciate an English translation of that part of the publication if Professor Black is able to provide one. If not, we ask counsel to confirm so that the Tribunal can commission its own translation.

11. With respect to the other mōteatea covered in theme seven of Professor Black's presentation, the Tribunal would appreciate a fully copy of each mōteatea together with an English translation of each mōteatea, and any further analysis that Professor Black is able to provide. Professor Black also referred to relevant publications on these mōteatea, and counsel are directed to file any of these that have not previously been placed on the Tribunal's record.

12. At slide six, Professor Black makes the point that prejudice arising from Crown conduct in the 19th century is cumulative and intergenerational. Each generation of Ngāti Ngahere inherits not only the consequences of earlier Crown actions but also a reduced capacity to restore what was disrupted. Professor Black invites the Tribunal to assess prejudice across cultural, intellectual, spiritual and constitutional foundations. The Tribunal would appreciate any further insights or observations Professor Black may be able to provide concerning the extent to which contemporary Crown conduct has caused or compounded prejudice to Ngāti Ngahere (since 21 September 1992).

13. It would assist if counsel could take instructions from Professor Black as to his availability to respond to these matters and provide an update to the Tribunal on or before **25 September 2026**.

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 1750, the North-Eastern Bay of Plenty District Inquiry.

The Registrar is to send this direction to counsel for the claimants, Crown counsel and all those on the distribution list for Wai 1750, the North-Eastern Bay of Plenty District Inquiry.

WHAKAPŪMAUTIA ki Te Whanganui-a-Tara i te 9 o Hepetema 2026

Kaiwhakawā Judge M J Doogan
Te Mana Whakahaere
TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI