

From:
Sent: Monday, 14 July 2014 12:20 a.m.
To: OTS_Sub
Subject: Ngati Wai deed of mandate opposition

Withheld under section 9(2)(a) of the Official Information Act 1982.

To Whom it may concern.

I am a descendent of Te Waiariki, Ngati Korora, me Te Waiariki O Ngunguru

We demand that you remove our Iwi, Hapu, Marae and People from the deed of mandate of Ngati Wai

this is a direct Takatahahi on my tupuna who's mana precedes and is sovereign to Ngati Wai

This is a breach of Te Tiriti to include our iwi "under" an Iwi of lesser Mana and integrity.

There can be no settlement if Te Karauna does not settle with our Iwi and Hapu directly

How can there be? You are not dealing with us, you are dealing with Ngati Wai

We are numerous in number mana and strength.

Who are you to include OUR monies whenua and grievences to another Iwi?

How will we attain the "settlement" for the destruction your crown has served to us?

This is a disgrace and an outrage

DO THE RIGHT THING AND SETTLE WITH TE WAIARIKI DIRECTLY, OR YOU ARE NOT SETTLING WIT US

Our Tupuna signed the Treaty a/s Te Waiariki honour the treaty as our tupuna honoured and signed the treaty

The Uri of my great grandfather numbers over 250 people I speak for these people of Te Waiariki

The descendents of (Te Waiariki) raua Ko (Ngati Korora)

From:
Sent: Monday, 14 July 2014 12:37 a.m.
To: OTS_Subs
Subject: No to mandate.

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Do not want ngati wai mandate

Sent from Samsung Mobile

From:
Sent: Monday, 14 July 2014 12:52 a.m.
To: OTS_Subs
Subject: Ngati Wai mandate opposition

Withheld under section
9(2)(a) of the Official
Information Act 1982.

My name is

of :

I am a descendent of f and .

Te Waiariki Te Iwi and Ngati Korora Te Hapu O Te Waiariki Are not part of Ngati Wai

Please remove our hapu iwi and marae and claims from Ngati Wai mandate

his is a breach of te tiriti and he whakaputanga

Settle with Te Waiariki as our tupuna signed the treaty with the queen

Thank you

From: [redacted]
Sent: Monday, 14 July 2014 10:53 p.m.
To: OTS_Subs
Subject: Oppose Mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Kia Ora

I [redacted] as a direct descendent of Te Waiariki Ngati Korora Ngati Taka hapu/iwi oppose the inclusion of our hapu/iwi in the Ngati Wai mandate.

Kind regards

From:
Sent: Monday, 14 July 2014 11:39 p.m.
To: OTS_Subs
Subject: Ngatiwai mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

I as a direct descendent of Te Waiariki Ngati Korora Ngati Taka hapu/iwi oppose the inclusion of our hapu/iwi in the Ngati Wai mandate.

From: [redacted]
Sent: Thursday, 17 July 2014 10:14 a.m.
To: OTS_Sub
Subject: Te Waiariki

Withheld under section
9(2)(a) of the Official
Information Act 1982.

If [redacted] a direct descendant of the three Hapu of Te Waiariki, Ngati Korora and Ngati Taka oppose their inclusion in the Ngati Wai mandate.

Sent from my iPhone

From:
Sent: Sunday, 20 July 2014 10:42 a.m.
To: OTS_Sub
Subject: Ngati wai mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

I] _____ as a direct descendent of Te Waiariki Ngati Korora Ngati Taka hapu/iwi oppose the inclusion of our hapu/iwi in the Ngati Wai mandate

From:
Sent: Tuesday, 22 July 2014 2:57 p.m.
To: OTS_Subs
Subject: Attention:

Withheld under section
9(2)(a) of the Official
Information Act 1982.

I am giving permission for _____ to up lift my evidence of research which _____ the
Crown historian holds. I _____ oppose strongly to the Ngati Wai Trust Board Mandate that was
advertised. I can prove with my Te Waiariki research that our Tupuna of Te Waiariki/ Ngati Korora/ and
Ngati Taka are of Ngapuhi. We are already aligned with Ngapuhi not Ngati Wai Trust Board.

Please advise.

Regards,

Email: _____

05/08/14

File Note – Phone call from [redacted] to add information to submission

- [redacted] explained that Pātaua Marae, of which NTB trustee Hori P Mahanga is representative, is currently under investigation for what [redacted] claimed to be the misappropriation of funds. [redacted] claimed there have been no audits and no AGMS, and there is no building at the marae site. [redacted] stated Chief Judge Fox is involved in the investigation.
- [redacted] also claimed that there is no basis for Haydn Edmonds, NTB Chair, to represent Punaruku Marae.
- [redacted] stated that [redacted], as a descendant of Te Waiariki, Ngāti Korora, and Ngāti Taka, did not whakapapa to Ngātiwai, and the whakapapa NTB had described in its mandate was incorrect. [redacted] explained that the eponymous ancestor for Te Waiariki was Te Māui. [redacted] also stressed that [redacted] hapū, and her hapū Wai claims, are not Ngātiwai and cannot be represented by NTB. [redacted] stated that Te Waiariki is closer to Ngāpuhi, and that [redacted] would rather support the Tūhoronuku mandate as a registered member of Ngāpuhi.
- [redacted] concluded by stating that, if the Crown recognised a Ngātiwai mandate that included Te Waiariki, [redacted] believes it would create another Treaty breach.

Withheld under section
9(2)(a) of the Official
Information Act 1982.

From:
Sent: Monday, 28 July 2014 7:50 p.m.
To: OTS_Sub

I, a direct descendant of the three hapu TE WAIARIKI, NGATI KORORA & NGATI TAKA oppose there inclusion in the NGATI WAI MANDATE.

Address:
Phone: --

Kia Ora.

Withheld under section
9(2)(a) of the Official
Information Act 1982.

From:
Sent: Monday, 28 July 2014 7:51 p.m.
To: OTS_Sub

I, _____, a direct descendant of the three hapu TE WAIARIKI, NGATI KORORA & NGATI TAKA oppose there inclusion in the NGATI WAI MANDATE.

Address:
Phone:

Kia Ora.

From:
Sent: Monday, 28 July 2014 7:51 p.m.
To: OTS_Sub

Withheld under section
9(2)(a) of the Official
Information Act 1982.

I, _____, a direct descendant of the three hapu TE WAIARIKI, NGATI KORORA & NGATI TAKA oppose
there inclusion in the NGATI WAI MANDATE.

Address:
Phone:

Kia Ora.

From:
Sent: Monday, 28 July 2014 10:26 p.m.
To: OTS_Sub
Subject: RE: Submissions to oppose Te Waiariki, Ngati Korora & Ngati Taka their inclusion in the Ngati Wai mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Occupation: Legal Secretary

From:
To: ots_subs@justice.govt.nz
Subject: Submissions to oppose Te Waiariki, Ngati Korora & Ngati Taka their inclusion in the Ngati Wai mandate
Date: Mon, 28 Jul 2014 21:57:28 +1200

I,, a direct descendant of the three hapu TE WAIARIKI, NGATI KORORA & NGATI TAKA oppose their inclusion in the NGATI WAI MANDATE.

From:
Sent: Tuesday, 29 July 2014 2:54 a.m.
To: OTS_Sub
Subject: Submission for Te Waiariki Ngati Korora Ngati Taka to oppose The Ngatiwai Trust Board Treaty Claims Mandate

To whom this may concern

" I, _____, being a direct descendant of the Iwi Te Waiariki Ki Ngunguru do oppose any and all Treaty claims lodged under Te Waiariki Ngati Korora and Ngati Taka to be included in the Ngatiwai Trust Board Treaty claims Mandate. This Ngatiwai Trust Board Treaty Mandate have no authority to act on my behalf in the Treaty Of Waitangi Claims within my Te Waiariki Iwi boundaries "

To support this statement I can be contacted on

or via post

Kia Ora ra

Withheld under section
9(2)(a) of the Official
Information Act 1982.

From:
Sent: Tuesday, 29 July 2014 8:04 a.m.
To: OTS_Sub
Subject: Opposition to the inclusion of Te Waiariki and Ngati Korora in Ngati Wai mandate?

To whom it may concern

I (), being a direct descendant of the Iwi Te Waiariki Ki Ngunguru do oppose any and all Treaty claims lodged under Te Waiariki Ngati Korora and Ngati Taka to be included in the Ngatiwai Trust Board Treaty claims Mandate. This Ngatiwai Trust Board Treaty Mandate have no authority to act on my behalf in the Treaty Of Waitangi Claims within my Te Waiariki Iwi boundaries.

I may be contacted at the following details should you need any further information to my opposition:

Postal Address –

Email –

Home number –

Cellphone –

Regards

From:
Sent: Friday, 1 August 2014 2:56 p.m.
To: OTS_Subs
Subject: Mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

I as a direct descendent of Te Waiariki Ngati Korora Ngati Taka hapu/iwi oppose the inclusion of our hapu/iwi in the Ngati Wai mandate



1 AUG 2014
draft

CORBAN REVELL
L A W Y E R S

29 July 2014

Our ref: 016751-5\JPK

Minister in Charge of Treaty Settlements & Minister of Maori Affairs
Parliament Buildings
WELLINGTON

Tena Korua

NGATIWAI MANDATE STRATEGY

Introduction

1. As you know through your officials, we act Te Waiariki, Ngati Korora, Ngati Takapari, Hapu Iwi. You will also know that our clients have registered claims before the Tribunal. We are instructed that these are carefully calibrated and are being carefully calibrated to deal exclusively with their interests under the following numbers:

- 1.1 Wai 620;
- 1.2 Wai 1411;
- 1.3 Wai 1412;
- 1.4 Wai 1413;
- 1.5 Wai 1414;
- 1.6 Wai 1415;
- 1.7 Wai 1416; and
- 1.8 Wai 2239.

2. The Ngatiwai Trust Board has just recently asserted that it holds a mandate to effectively extinguish by negotiation with the Crown our clients Treaty claims, and more fundamentally the rights and interests that derive from the ancestral hereditaments of Ngatiwai. This is done under the pre-tense that such an extinguishment will only go as far as the claim relates to Ngatiwai or a Ngatiwai tupuna.

Partners
Lawrence Ponniah
John P Kahukiwa
Lisa Roberts

Associates
Frank Chan
Craig Orton
Ivan Vodanovich
Dayle Takitimu

Consultants
Phillip G Revell
Brian PN Corban CNZM, QSO
Mark N Tolich

3. The trouble is, that assertion is based on an erroneous assumption, which is that the interest of our clients by dint of a geographical picture is somehow synonymous with that of Ngatiwai. But to be clear, it is not. More troublesome however is the appearance that the Crown through OTS officials has had a hand in giving some force to that trouble which in turn is unsurprisingly causing some significant upset to our clients. More troublesome again is the appearance that the Crown is ignoring the protest of our clients to this situation.
4. Our clients ask you to uphold the honour of the Crown by meeting the Treaty obligations to our clients.

Background

5. For their constitutional and institutional integrity our clients trace their descent in whakapapa terms. That is from the two key marriages of the Te Waiariki chiefs Tukaiteuru and Te Uihi to the Ngai Tahu women Te Huaki and Te Kahuwhere, who by virtue of bestowal of the Mana from Te Tuatahi of Ngai Tahu, these unions and their descendants took or superseded his territories under the Mana of Te Waiariki. Consequently their "estate" was vast, and included large stretches of the eastern sea board. On that basis, for instance:
 - 5.1 the Mana of Te Waiariki is a constitutional phenomenon in its own right;
 - 5.2 Ngati Te Taka Pari, which memorialised the Te Waiariki chief Rangitukiwaho's victory over Tirarau, is a Hapu of Te Waiariki,
 - 5.3 Ngati Korora is a Hapu of Te Waiariki;
 - 5.4 Ngunguru is a marae of Te Waiariki;
 - 5.5 Pataua is a marae of Te Waiariki.
6. Conversely:
 - 6.1 Te Waiariki is not a hapu of Ngatiwai;
 - 6.2 Ngati Te Taka Pari is not a hapu of Ngatiwai;
 - 6.3 Ngati Korora is not a hapu of Ngatiwai;
 - 6.4 Ngunguru is not a marae of Ngatiwai; Pataua is not a marae of Ngatiwai.

7. Axiomatically, while there has been intermarriage with people of Ngatiwai, the Mana of Te Waiariki, and its coverage in terms of land and resources has carried on, unabated.
8. On 16 August 2013 our clients through Mr P Mahanga wrote to your officials declaring their objection to their being included in the then iteration of the Ngatiwai Mandate Strategy, based as it is on these historical and constitutional tenets, that is the Mana of Te Waiariki, and which is jealously guarded.
9. On 8 July 2014, the Ngatiwai Trust Board publicly notified its deed of mandate, the purpose of which, as it states, is to formally demonstrate that it has obtained a robust mandate to represent Te Iwi o Ngatiwai in negotiations with the Crown for a comprehensive settlement of all remaining historical Treaty claims¹. By that deed "Te Iwi o Ngatiwai" is in turn defined rather broadly in terms of: founding tupuna; shared or related interests; and rohe (or area of interest as shown by a geographical picture)². But, it becomes more specific in respect of Hapu and of Historical Claims. Here, in terms of Hapu, it includes under the rather nefarious descriptor "Ngatiwai hapu and Ngatiwai related hapu", the constitutions of Ngati Te Takapari, Ngati Korora and Te Waiariki, and further on in its reference to hapu who have exercised or descend from those who have exercised customary rights within the Ngatiwai rohe it includes these hapu: Ngati Te Takapari, Ngati Korora, and Te Waiariki. The deed also has an appendix entitled "AB", which is a letter of 8 August 2013 from your official Mr T Townsend of OTS to Mr H Edmonds, the chair of the Ngatiwai Trust Board. In that letter he stated:

"We consider that the following 14 Wai claims relate to Ngati Wai and need to be included in the Ngati Wai Trust Board's mandate strategy insofar as they relate to Ngati Wai: ...

- *Wai 620 – this claim was brought on behalf of Te Waiariki Ngati Korora and Ngati Takapari. Ngati Korora and Ngati Takapari are listed in Ngati Wai claimant definition;*
- *Wai 1411, 1412, 1413, 1414, 1415, 1416: these six claims have been brought on behalf of Te Waiariki, Ngati Korora and Ngati Takapari are both listed in the Ngatiwai claimant definition;"*

¹ Ngatiwai Trust Board Deed of Mandate, 8 July 2014 at page 6 of 42.

² Ibid, at pages 7-9 of 42, and with the said geographical picture on page 9 of 42.

10. On 8 August 2013, an addendum was included with the deed, and which we note was before the meeting with our clients on 17 August 2013 to discuss such matters. It records that the inclusion of our client's claims by the Ngatiwai Trust Board was as a result of the Crown's request.

The deed of mandate

11. Our instructions are that the current iteration of the deed of mandate is defective (and thus inaccurate), misleading and mischievous insofar as it purports to include our clients as being synonymous with Ngatiwai and vice versa, but against their will. Primarily, the defect appears to stem from this logic: if a hapu exists within the area of interest "of Ngatiwai" and as baldly expressed by the Ngatiwai Trust Board in the form of a geographical picture, then it is a hapu of Ngatiwai. While it may be a logical deduction, it is a false conclusion, since the first premise is flawed. The geographical picture cannot be assumed to be of Ngatiwai, notwithstanding the qualifications employed. The counter-factuals to that premise to prove its falsehood include the following:
 - 11.1 The integrity of Te Waiariki whakapapa (ana ko etahi o nga tupuna- Ko Rangitauwawaro, Ko Tukaiteuru raua ko Te Huaki, Ko Te Uhi raua ko Te Kahuwhero, Ko Te Mawe, Ko Rangitukiwaho);
 - 11.2 The passing of the Mana of Hikurangi, through Tuatahi, of the Ngai Tahu territories to Ko Tukaiteuru raua ko Te Huaki and Ko Te Uhi raua ko Te Kahuwhero of Te Waiariki and their descendants;
 - 11.3 By 1800, the settlements of Te Waiariki at Kauri, Waikare, Taiharuru, Taraunui, Tahere, Whanui, Pataua, Pukahakaha, Ohuatahi, Horahora, Ngunguru, Kiripaka, Maruata and Whareora;
 - 11.4 Native Land Court blocks awarded to Te Waiariki that are clearly within the capture of the said geographical picture including Pukahakaha, Owhetu;
 - 11.5 The case for Wai 620 that was first presented to the Kaipara Waitangi Tribunal in 2000. Crown Law was present. Ngatiwai did not participate to oppose that korero in any way shape or form. The case included:
 - (a) the evidence of Mitai Paraone Kawiti which highlighted not only the core territories of Te Waiariki, but also the whakapapa of Te Waiariki and Ngati Korora (a copy attached hereto and marked "A");

- (b) the evidence of Ngaire Brown, which highlighted not only the essential historical tenets of this great hapu, but also the modern error of categorising the entire eastern sea board as being *of* Ngatiwai and thus to usurp the independent constitutional position of Te Waiariki (a copy attached hereto and marked "B")
 - 11.6 The fact that Ngatiwai have never opposed or questioned the claims of Te Waiariki including under Wai 620 in the Kaipara Inquiry or in this inquiry;
 - 11.7 In the 2005 Te Waiariki brought case for clarification of the correct beneficiaries of Pukahakaha East 5B, Ngatiwai argued that the land derived from Ngatiwai ancestry, in opposition to Te Waiariki. In his decisions of 2007 and post, the Chief Judge did not agree. He found that this coastal place was a land block *of* Te Waiariki;
 - 11.8 Our clients informal request made to Ngatiwai Trust Board to have their fisheries interest (as defined by the Maori Fisheries Act 2004) withdrawn from the Ngatiwai iwi mandate to correct a clear anomaly as to legal title, a matter which our clients are preparing to take formal steps on;
 - 11.9 In the present time the continuation of the case for Wai 620 together with the other claims of Te Waiariki listed above before the Wai 1040 Tribunal, including the important Te Waiariki claim to their whenua underlying the Glenbervie Forest, and the absence of any Ngatiwai case to oppose or to ultimately refute those claims
12. The Crown's involvement in saying "who belongs to, or with, whom" in this instance can only be described as uninformed intermeddling, as is highlighted by its letter to the Ngatiwai Trust Board on 8 August 2013, particularly when one takes into account the key narratives we have set out. More stark however is the fact that this involvement of the Crown has continued unchanged since 8 August 2013, despite the protests of our clients before and after this time.
13. It is now accepted as part of Treaty jurisprudence that it would be wrong for the Crown to recognise a deed of mandate that is erroneous in terms of its capture, and prejudices another Hapu. Accordingly, and if this trouble continues, there is clearly a case for Te Waiariki to make against the Crown for Treaty breach including in failing to actively protect this great hapu, upon the grounds of:

- 13.1 The Crown's failure to properly examine whether the basis on which Ngati Korora, Ngati Te Taka Pari and Te Waiariki have been included is correct as a matter of fact and of tikanga;
 - 13.2 Mr Mahanga's submission of 16 August 2013;
 - 13.3 The hui held on 17 August 2013;
 - 13.4 The potential significant and irreversible damage to relations between Te Waiariki and Ngatiwai.
14. In these circumstances, our client seeks the following:
- 14.1 For the Crown to firstly review its base line assumptions, in view of our clients facts as summarily set out, including whether Ngati Korora and Ngati Te Taka Pari are rightly listed by the Ngatiwai Trust Board as hapu of Ngatiwai, whether the said geographical picture is fundamentally accurate, and whether it can ever be said that the Treaty claims or absolute rights of Te Waiariki have Ngatiwai elements within them; and
 - 14.2 Secondly, on the basis that none of the base line assumptions made to this point are true, for the Crown to:
 - (a) acknowledge that it is wrong as a matter of its Treaty obligation to Te Waiariki to include or recognise the inclusion of any of their interest in a settlement mandate for Ngatiwai, whether as a matter of fact, of tikanga or as a matter of opposition by Te Waiariki; and
 - (b) require the Ngatiwai Trust Board to remove all Te Waiariki references and inclusions from the said deed of mandate, if the Crown will proceed to recognise its validity.
15. Your prompt attention to this matter would be appreciated.

Yours faithfully
CORBAN REVELL



John Kahukiwa
Partner
DDI + 64 (9) 837-3501
jkahukiwa@corbanrevell.co.nz

"A"

BEFORE THE WAITANGI TRIBUNAL

WAI 620

IN THE MATTER OF The Waitangi Act 1975

AND

IN THE MATTER OF The Kaipara Consolidated Claims aggregated
under WAI 674

A N D

IN THE MATTER OF A Claim by the Descendants of and the
Rightful Successors to the Chiefs and People
of Te Waiariki Ngati Korora Hapu

THE EVIDENCE OF MITAI PARAONE-KAWITI

CORBAN REVELL
Barristers & Solicitors
First Floor
The Big Top
19 Alderman Drive
Henderson
Phone: 837-0550
Fax: 838-7187
DX: DP 92558
Person Acting: John Kahukiwa

THE EVIDENCE OF MITAI PARAONE-KAWITI

1. INTRODUCTION

- 1.1 My name is Mitai Paraone-Kawiti.
- 1.2 I was born on the 12th December 1960 at Kawakawa.
- 1.3 Until I was seven we lived in the Bay of Islands area. We then moved to Whangarei and I have lived there ever since.

2. WHAKAPAPA

- 2.1 I am Te Waiariki. My father is Kerepeti Te Peke Paraone-Kawiti. My mother is Freda Moira Ngakuru. I am their third son of five sons. My father is the product of "tomo" (arranged marriage) between Te Waiariki and Ngati Hine.
- 2.2 My Te Waiariki whakapapa line is set out in the attached sheet and marked Whakapapa.
- 2.3 My knowledge is from my father and my mother. In addition I have been allowed to study the Whakapapa books of Te Waiariki, and I have attended many Wananga about Te Waiariki things.
- 2.4 I am the holder of Te Waiariki whakapapa and the holder of knowledge about Te Waiariki on behalf of our whanau
- 2.5 My mother passed away five years ago. My father is still alive and he consents to me representing Te Waiariki before this Tribunal.

Furthermore I have the consent and the support of Te Waiariki to give this evidence on their behalf and support of our claim in respect to this enquiry district.

3. TE WAIARIKI IN THE YEAR 2000

- 3.1 I would like to describe who Te Waiariki is in the year 2000. Today, we do not fit what might be thought of as a conventional hapu in terms of being defined and identified by certain marae at which we might gather. We are defined and identified by our whenua blocks, our significant kainga and settlements, and our wahi tapu. In other words these locations define our traditional tribal areas.
- 3.2 Te Waiariki are characterised by the comparatively large tracts of land retained in Te Waiariki ownership and that were exclusive to us, and despite the later creation of titles by the Maori Land Court.
- 3.3 I refer to the map shown "A" which shows such areas and localities that are Te Waiariki.
- 3.4 We now number well into the thousands, and we are preparing a register of members.
- 3.5 We have established and operate a Resource Management Unit, especially for Te Waiariki. We want to maintain our uniqueness and not to be politically overborne by the likes of Ngati Wai and the Ngati Wai Trust Board, or to have territorial authorities' making decisions in our rohe without our consent.

3.6 Because of our committee and its effectiveness to date, the status of Te Waiariki is recognised by Whangarei District Council and Northland Regional Council, and as such we are consulted as to local issues that arise.

3.7 Matters that we are currently involved with include:

3.7.1 Providing cultural impact assessments for resource consent applications, eg Port Corporation development.

3.7.2 Local government matters.

3.8 Te Waiariki/Ngati Korora has incorporated a charitable trust known as Te Waiariki Ngati Korora Charitable Trust. The trust was settled in 1996 on the wish of the Kaumatua and Kuia of Te Waiariki. While its object is to provide a formal structure to manage and address such charitable purposes as are appropriate to Te Waiariki/Ngati Korora, the Trust is only an administrative tool to secure the objectives of the hapu. The hapu is always above the Trust.

3.9 I am the current chairperson of the trust and I have been since 1996. Our current projects are:

3.9.1 Kaitiakitanga of our resources, including our fisheries and relevant to Te Ohu Kai Moana.

3.9.2 Having input into topical government policy so our hapu is not impacted upon adversely.

4. **TE WAIARIKI AND THE MANGAWHAI - DIRECT ANCESTRAL LINK BETWEEN TE WAIARIKI AND NGAITAHUHU**

4.1 I would like to mention before I give my korero on Te Waiariki's relationship to the Mangawhai, the fact that this stage III district would have been better suited to the Whangarei enquiry instead of the Kaipara, because the Mangawhai is more appropriately linked to the Ngapuhi allied peoples. Te Waiariki only became involved in the Stage III enquiry into the Kaipara because it's eastern seaboard was captured. We were waiting for the Whangarei enquiry to present about the Mangawhai before it was made part of the stage III of the Kaipara.

4.2 It is our korero that Ngai Tahu were the "ancient" owners of the land comprising the Mangawhai area. Whakapapa to the land is paramount.

4.3 It is therefore our korero that Te Waiariki has ancestral inheritance to the Mangawhai and that we may rely on our tikanga of "take tupuna" in that regard.

4.4 I support the korero of Ngaire Brown that you will hear in regard to Te Waiariki links to Ngai Tahu.

5. **TE WAIARIKI AND THE MANGAWHAI - RELATIONSHIP TO NGA PUHI**

Te Waiariki and tohungatanga

- 5.1 It is important and relevant to any discussion about the Mangawhai and surrounding areas to acknowledge the former presence of the military might of Nga Puhī, and particularly for the period preceding the Crown's first contact there.
- 5.2 "Te Waiariki ko hao rau, no Nga Puhī nui tonu". This pepeha describes in an overall way the relationship of Te Waiariki to Nga Puhī. The alignment of Te Waiariki to Nga Puhī was supported by important intermarriage, for instance the union between Rangituehu of Te Waiariki and Roha Te Angiangi of Nga Puhī.
- 5.3 Another important relationship that Te Waiariki had with Nga Puhī was that we were called upon by Nga Puhī to perform certain ceremonies before battle. We were acknowledged as the hapu who were specialists in tohungatanga. An example of our tohungatanga in relation to warfare was in our performing the pre-battle rite known as "karaka whati". A karaka branch that had been blessed would be applied to the back of the warrior by the Te Waiariki tohunga. If the leaves fell off the branch it was a sign that he should not go to war that day, for it was a sign that he may not survive the battle and worse that he might be the first killed (or "mata ika) which in itself was a bad omen for the rest of the army. If it did not, the warrior would be anointed and he could proceed. I note that the practice of "karaka whati" was undertaken over the northern soldiers of the Maori Battalion before they left to go overseas during World War II.

Te Waiariki and the Battle at Te Ika a Ranganui

- 5.4 The tohungatanga of Te Waiariki was significant to Nga Puhi just prior to the battle at Te Ika a Ranganui which occurred about 1825 between the Nga Puhi alliance and the Ngati Whatua alliance. The outcome of that battle in turn was significant to the area known as the Mangawhai.
- 5.5 It is my understanding that some two or three years before Te Ika a Ranganui, a Rangatira of the Ngati Wai hapu of Nga Puhi called Korewhai was killed by Ngati Rongo and Ngati Whatua while at a place south of the Mangawhai between Pakiri and Omaha known as Kohuroa. It was claimed that he desecrated a wahi tapu there.
- 5.6 When Hongi Hika arrived back from England with muskets, it is my understanding that Hongi used this event as a reason to utu for another earlier defeat suffered by Nga Puhi at the hands of Ngati Whatua at Moremonui. (The battle of Te Kai a te karoro)
- 5.7 Hongi gathered his army comprised of many Nga Puhi hapu and camped with Te Waiariki at their kainga of Taiharuru. The army's progress to the battle site of Te Ika a Ranganui, chosen specifically by other tohunga before hand, was dependent on a positive sign determined by Te Waiariki Tohunga using the sacred pools at Taiharuru.
- 5.8 Once the sign had been given by Te Waiariki, the Nga Puhi army, inclusive of Te Waiariki, proceeded to battle with Ngati Whatua at Te Ika A Ranganui.

5.9 Nga Puhi, along with Te Waiariki, were overwhelmingly victorious.

5.10 I understand that under the mana of Hongi, Nga Puhi pursued Ngati Whatua without relent over time to the southern interior. The rangatira Kawiti of Nga Puhi however saved some 2000 survivors of the Ngati Whatua. They were later settled under his mana at Kakaraea and under his son Maihi. Nga Puhi, and more importantly those who were geographically proximate to the Mangawhai, namely Te Waiariki, would have continued an unopposed use of the Mangawhai.

5.11 However Nga Puhi, Te Waiariki nor anyone else occupied the Mangawhai area after Te Ika a Ranganui. Rather under the mana of Nga Puhi, Te Waiariki continued to use this area, along with others, as our needs as a coastal tribe related to the area dictated. This was the effect of Te Ika a Ranganui and the resulting aftermath, that the Mangawhai area continued in this way without change until Johnson arrived in 1853-4.

5.12 It is of note that Kawiti had passed away in about 1852.

6. TE WAIARIKI'S CUSTOMARY USE OF MANGAWHAI AREA

6.1 Te Waiariki's fishing grounds extended along the eastern coast, and to and beyond the Mangawhai. In my own lifetime, I can remember Te Waiariki men making double oared fishing scowls from timber sourced from Ngunguru. They were designed to travel great distances.

6.2 Of particular significance was fishing for mango pare outside of the Mangawhai area.

6.3 Te Waiariki customarily used the Mangawhai area as a portage for access to the Kaipara.

6.4 Te Waiariki would camp temporarily from time to time at the Mangawhai during fishing expeditions and expeditions to the Kaipara.

7. TE WAIARIKI AND THE CROWN - FIRST CONTACT AT MANGAWHAI

7.1 In 1853-4 Te Waiariki was very much still aligned to and a supporter of Nga Puhī and in particular the Bay of Islands hapu. Nga Puhī were at times in conflict with the Crown, and by that allegiance so too were Te Waiariki.

7.2 The Te Waiariki rangatira who were alive at this time were : Kamira Te Mahara, Mohi Te Peke, Kerepeti Te Peke and Hohepa Mahanga.

8. TE WAIARIKI AND THE MANGAWHAI TODAY

8.1 We do not access the Mangawhai area today. The title does not belong to us.

8.2 We have been unable to freely access the battle site of Te Ika a Ranganui and to exercise our tikanga thereon.

WHAKAPAPA OF MITAI PARAOONE-Kawiti

NGAITAHUHU / TE WAIARIKI / NGATI KORORA

(NGAITAHUHU) HIKURANGI

TAMATEA

KUIHI

WHAKAMOERANGI

TUATAHI

KAHUWHERO

TE HUAKI

WHAKARUAKITERANGI (TE WAIARIKI) TE MAWE

SKAITEWHEHUA — RANGITUKIWAHO RANGIKORERO

TAUKE

MOHIA

RANGI

TE IPU

PIKO

MOHI TE PEKE

KURI

KATARINA =

KEREPETI TE PEKE

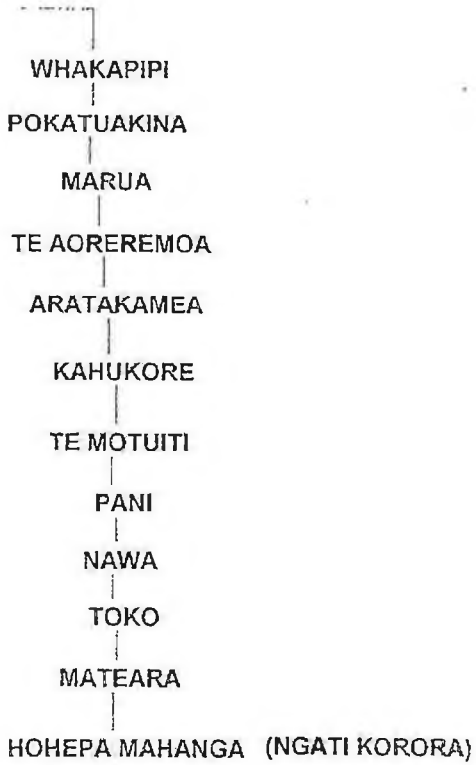
HOHEPA MAHANGA

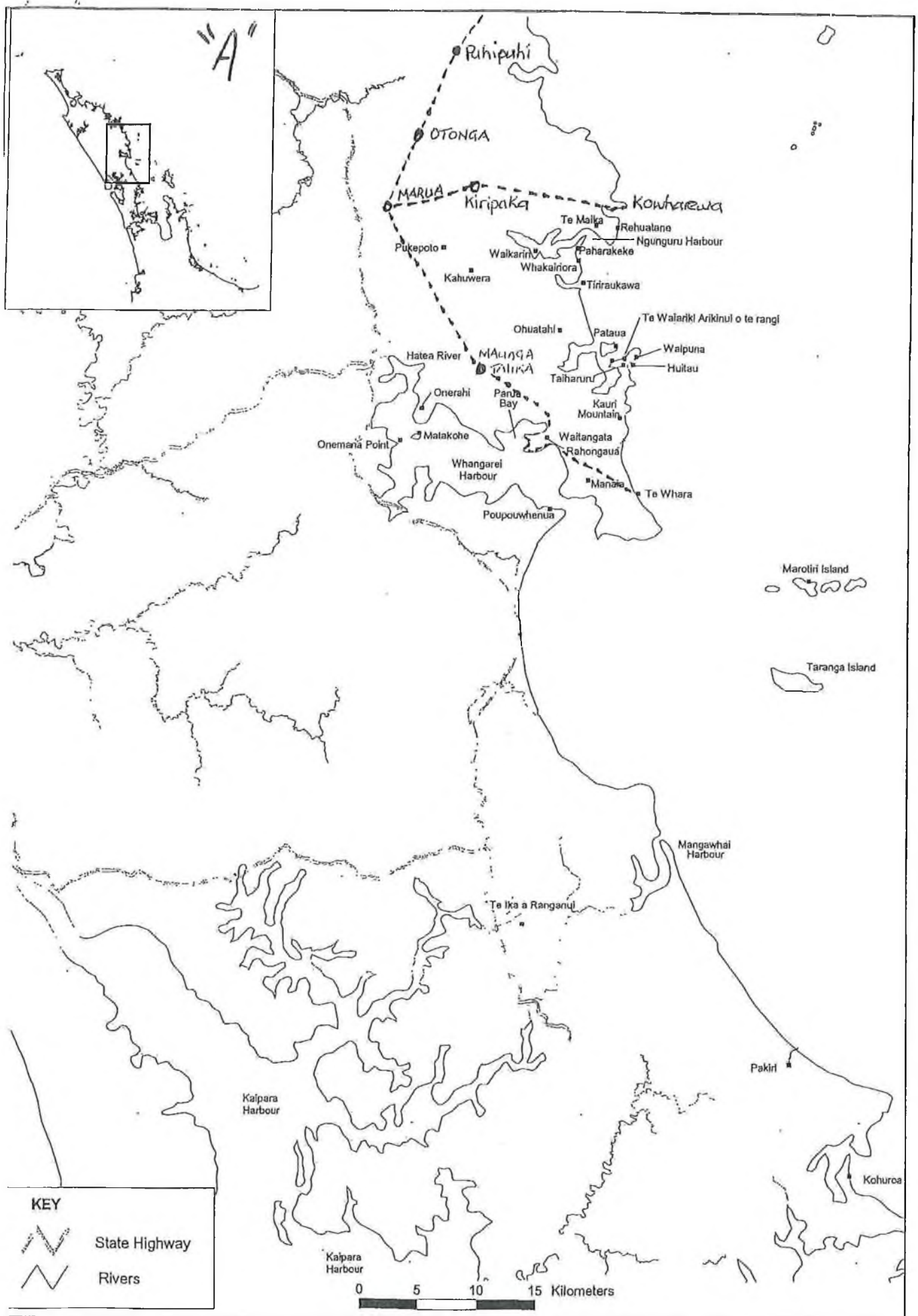
HONI

Paahi

KEREPETI TE PEKE PARAOONE

MITAI PARAOONE-Kawiti





Map 1 Some Significant Places of Te Waiariki / Ngati Korora

"B"

Wai 620
In the matter of the
Treaty of Waitangi Act 1975

And

In the matter of The Kaipara
Consolidated Claims aggregated
under Wai 674

And

In the matter of the claim by the
Descendants to the Chiefs and
People of Te Waiariki Ngāti Korora
Hapu

**TE WAIARIKI/NGĀTI KORORA IWI HAPU AND
THE CROWN IN THE NORTHERN KAIPARA**

A Traditional Report

The Evidence of Ngaire Brown

September 2000

INTRODUCTION

Manawhenua is essentially a product of genealogy and history that establishes a tribe's relationship with their land. The primary aim of this report therefore is to outline the nature of this relationship from its earliest origins to the point at which it was severed by actions of the Crown. Te Waiariki's interests in the present Kaipara Tribunal Hearing District, specifically Mangawhai, are shared rights. This implies a need to also examine Te Waiariki's historical relationship with other tribes.

In view of the above, it is also important to point out that those rights are derived from Ngaitahuhu and Te Kawerau, tribes that have long since disappeared but at one time occupied the region from Mahurangi to Whangaruru, on the East Coast of Northland. Consequently, both Te Kawerau and Ngaitahuhu were identified by the Crown as being the former owners of Mangawhai, thereby acknowledging the communal nature of the region. However, this is in complete contrast to the actual deed which heavily favoured one tribe, Te Uri O Hau.

This report will also emphasise that the Mangawhai block is part of a vast coastal estate that Te Waiariki had ancient associations with. This was not only through descent from the ancestor, Hikurangi and Tuatahi who were the true owners of the area, but it was also commonly used as a portage to the West coast. The area was also the site of the famous battle Te Ika a Ranganui in which

Te Waiariki actively participated, yet despite these affiliations, Te Waiariki were not directly included on the deed.

An early response to articulating these ancient tribal rights was to repackage the muddle of overlapping interests into one single entity; namely Ngāti Wai. Their formation highlighted a fear, proven by the Mangawhai Deed, that the rights of small, dispersed coastal hapu would be disregarded. Its effect however cannot be underestimated for even today, when one refers to the East Coast, it is naturally assumed of as Ngāti Wai territory. This assumption is reinforced by the Ngāti Wai Trust Board themselves, who claim Mangawhai as part of their iwi rohe.¹ (see Figure 1) and further accepted by Te Ohu Kai Moana (The Māori Fisheries Commission).

The present problem however is the fact that the Ngāti Wai lacks genealogical integrity having no eponymous ancestor or reference point, making the process of defining manawhenua a daunting and complex task. Representation issues were also recently stressed in the case of Ngatiwai Trust Board v Pouhere Tāonga/ New Zealand Historical Places Trust and Attorney General when Ngatiwai failed to convince the court that it was the authorised body to represent Te Waiariki/Ngāti Korora.²

The crown's initial action of not recognising the shared nature of this region has created huge representation issues, which are still

¹ Letter from Ngāti Wai Trust Board to Te Waiariki/Ngāti Korora March 22, 1998.

² Briefing Paper: Ngāti Wai Trust Board v Pouhere Tāonga/ New Zealand Historic Places Trust and Attorney General. Minister of Māori Affairs 22.10.1997

prevalent today. Even the current Tribunal process ignores the distinctive coastal character by having the area divided into four separate hearing districts thereby creating an administrative nightmare for the claimants.

Te Waiariki's relationship with the Crown is dependent on effective communication and in that respect proper representation is essential. However in order for this to occur, it would be necessary to have an understanding of the tribal dynamics of the region.

A wider aim of this report therefore is to examine those intertribal relationships not only in relation to Mangawhai, but also as a background to Te Waiariki's major claim in the Whangarei Hearing District, in particular their exclusive zone from the mouth of the Whangarei Harbour to Tutukaka.

In view of the above, it would be necessary to firstly describe the origins of Te Waiariki and their distinctive tribal characteristics.

The second part of this report will discuss the means by which Te Waiariki gained manawhenua and their consequent relationship with other tribal groupings within the present hearing district.

Finally, the report will focus on Te Waiariki's close association with Ngapuhi which confirmed their ongoing rights to Mangawhai .

This report has attempted to gather the few secondary sources about Te Waiariki that currently exist. Most of this material is often

of an esoteric nature and is usually difficult to understand. Consequently, this report should be considered as a background to Te Waiariki's oral evidence which will be presented in more detail during the hearing process.

TE WAIARIKI - ORIGINS

Because of their antiquity, conflicting views about the origins of Te Waiariki abound. It is generally understood that Te Waiariki were formed prior to the current major tribes and were once a big tribe to whom most of the hapu in Hokianga were able to trace their descent. The dwindling political fortunes of Te Waiariki consequently led to the emergence of new tribal groupings like Te Rarawa and Ngapuhi leaving a small but dedicated core whose identity became defined by matters of an ethereal nature as they are still remembered in the Hokianga today.

One of the carvings depicted in the Motuti Marae, Panguru, shows the flight of the two Waiariki ancestors, Rakaihautu and Te Mawe. While they lived in different epochs, both are known to have possessed the power of flight. This is portrayed in the carving by wings above the head of the earlier ancestor Rakaihautu, who was the originator of Waitaha and credited with the discovery of the South Island. Te Mawe, who is pictured below him, was a powerful tohunga who flew between Hokianga and Ngunguru.³ (see fig. 2)

³ Motuti Community Trust – *Karanga Hokianga*, 1986, p. 118

The canoe credited with bringing Te Waiariki ancestors to Aotearoa was the Huruhurumanu. In one version, Te Operurangi acquired the canoe from its owner, Te Moretu. Taiehu was the captain and his adze was Paki-tua. The guardian spirit of the waka was Tukaitauru, (also the name of the deity whose visible manifestation was a glow on the Western horizon. Te Atua Wera was also a priest of this deity). Those who travelled on the waka were known as Te Tini-O-Te-Pararakau. The Maeroero people, also claim to have voyaged on the Huruhurumanu.⁴

In another version, the voyage commenced at a place named Patu-nui-o-Aio and gives Tukete as the captain of the waka. Apparently he went on to achieve the reputation of a great navigator. During their voyage to Aotearoa, the crew met fifty gigantic seas that threatened to swamp their waka but the crew were able to smooth the sea with Karakia, so that in years to come the Uruao and other waka were able to sail safely in the wake of the Huruhurumanu. The voyage ended at the North Cape where the crew settled. There they built a pa called Ritoa and remained until they were overrun by another tribe.

The early history of Te Waiariki in the Hokianga is notable for the numerous and ancient wāhitapu attributed to them. Wāhitapu mentioned in the Papatupu committee hearings include Pukewhariki, Umutamure, Puketapu, Patiki, Te Whatanui, Pukekowhai, Taami, Pukepoto, Okahui and Rotopotaka. Rotopotaka was described as "Te nuinga o nga tangata I takoto ki

⁴ Jeff Evans – *Ngā Waka o Nehera – The First Voyaging Canoes*, 1997, p.62-63

reira, no Te Waiariki” (most of the people buried there are from Te Waiariki), and Taami, “E tapu ano inaianei” (it is tapu even now) ⁵

These observations perhaps led later court witnesses to remark that “Te Waiariki were an old and tapu tribe”⁶ or “Te Waiariki were once known as the Big Tribe”.⁷

Even though they had left the cradle of Hokianga some 400 years prior, many of the mystic elements of Te Waiariki’s identity survived into the recent times. Tribal links were maintained by periodic exchanges between the two regions. Wharetohunga, a notable 19th century Waiariki warrior lived his adulthood in Ngunguru before returning to Waihou where he died.⁸ But the most famous of these journeys gave rise to one of Te Waiariki’s more important tribal narratives relating to Te Mawe.

Although he was born in Ngunguru, Te Mawe married and had a family to Te Maku from Te Mahurehure in Hokianga. His regular journeys between Hokianga and Ngunguru were marked by the speed in which he travelled. He would send his servants days ahead with provisions and reach Ngunguru before them. As a renowned Tohunga, it is said that he transformed himself into a comet.

Oral evidence suggests that Te Waiariki was a specialist tribe. Stories such as Te Mawe’s transformation from mortal to comet

⁵ Motuti Community Trust – *Karanga Hokianga*, 1986, p. 5, 6, 7, 37

⁶ NMB2 WH2 p.239-265

⁷ NMB42 p. 133-134

⁸ Motuti Community Trust – *Karanga Hokianga*, 1986, p.118

reinforces the theory that Te Waiariki's forte lay in the science of astronomy and other sciences essential to economic survival such as agriculture, fishing, navigation and warfare among many other things.

Te Waiariki's vast knowledge was largely promoted by study and observation amassed over centuries through the institution of Whare Wānanga. These Waiariki Whare Wānanga were situated throughout their region and were part of a wider institution known as the Whare Tapu O Waiariki based in Waima, Panguru, Ngāti Hine and Ngunguru. Ngunguru was known as Te Whare Ariki, the training ground for frontline warriors. Te Whareumu was characterised as the foundation of the whare, the umu being a hangi with deep significance capable of determining the spiritual, physical and social health of the people.⁹

The process of planting, harvesting and the cooking of food required a high degree of organisation and skill, the end result being the presentation of a perfectly cooked hangi. This indicated that the people were able to successfully act together towards a common goal. The emphasis on the outcome of the hangi to many Māori, is still today a sign of ill or good fortune. The process is described in the following account by Florence Keene in her book *Tai Tokerau* about the ritual performed by Te Waiariki/Ngāti Korora Tohunga Ngaronoa Mahanga:

"There remained one more part to the ceremony. In the early hours of the morning, Ngaronoa Mahanga had prepared a hangi with stones

brought from Pataua Beach. At 7 a.m., he had sealed up the hangi, and at 1 p.m. he led the people out to the far corner of the section for the opening up ceremony. If the food were cooked, it signified that the spiritual life of the marae and the people who used it would be blessed. On the other hand, if it were raw or undercooked, it would be considered an ill omen. Fortunately, lying in a hollow of willow leaves was a large sliced kumara and a generous portion of lamb – both cooked to perfection. The food was taken into the new hall, cut up into small pieces and handed around with due ceremony to those present. The marae hall was now free from tapu¹⁰

Whether by accident or design, the members of Ngāti Korora have taken the preparation of food to an art form, with an inordinate number of them becoming qualified chefs and caterers, indicating the importance they place on this seemingly humble but deeply significant task.

Mystical themes formed an integral part of Te Waiariki's identity and adds to the quandary when attempting to define them for in many ways, Te Waiariki does not conform to a simple definition of what constitutes a typical tribe. Though all members have a common ancestor, they also share a common line of expertise giving them the reputation as a tohunga tribe. While they occupy territory in close proximity to Ngapuhi, technically they are not Ngapuhi nor have they been conquered or subsumed by them. In addition, Te Waiariki have no identifiable chiefs who signed the treaty or acted as court assessors. When the issue of how Te Waiariki escaped Ngapuhi expansion was addressed in early land

⁹ Oral evidence presented by Pereri Mahanga

¹⁰ Florence Keene, *Tai Tokerau*, 1992, p.100

court records, the explanation by Whataparoa from Ngapuhi was simply that “they are an old and tapu tribe, we never molested them, they joined us in fighting the Ngaitahu.”¹¹

Te Waiariki’s gift of picking the winning side also ensured their survival, for Te Waiariki have never been involved in a battle that has not had a successful outcome. Their reputation as being one of the oldest tribes in Aotearoa is testimony to this uncanny ability. In the following narrative, Morere Piripi relates the story of Taiharuru that possibly explains why:

“A cave near Ngunguru contains sacred waters. If you look into it you can tell the future. In this pateru it is used to seek a battle omen. The tohunga would throw a divining rod into the water: if this turned in the direction of wehenga: it would mean defeat: in the other direction for Kumeroa: it would mean victory.”¹²

Prior to the battle of Te Ika Ranganui, warriors from Ngapuhi were camped at Taiharuru with Te Waiariki a month before both tribes went into battle. It is said that they waited until they received a favourable sign from the pools before embarking on the warpath to Mangawhai where they met Ngatiwhātua and defeated them.

NGAITAHUHU

¹¹ NMB Pokapu WH2 p. 239-265

¹² Morere Piripi – *Te Ao Hou* History of Ngāti Wai.

In the mid 1500s Rangitauwawaro, to whom all Whangarei Waiariki owe their descent, led a group from Hokianga to settle in Kaipara. They stayed for awhile before eventually moving to Ngunguru where they settled permanently. There he married Whakaahu and had two sons Tukaiteuru and Te Uihi. These sons married two daughters of Tuatahi from Ngaitahuhu. One daughter, Te Huaki married Tukaiteuru and the other Kahuwhero married Te Uihi. Both tribes lived together and when Tuatahi died he gifted Te Mawe the land from Te Whara to Rehuatane where they still live today.¹³

By the time land title investigations had reached the north, Ngaitahuhu had long since disappeared. Evidence given in the Land Court suggests their fate was not due to extermination but rather they had simply disappeared.¹⁴ Because of this, many versions abound as to their origins. However, The canoe credited with bringing the Ngaitahuhu to Aotearoa was the Tū-nui-a-rangi. In the following version by Jeff Evans in his book *Ngā Waka O Nehera* it is said that:

“The Tū-nui-a-rangi first made land at Motu-Kokako, an island in the Bay of Islands named after Kokako himself, and then voyaged south to Ngunguru, where it was decided to resupply the water stores. Because the seas were running high and it was too dangerous to beach the waka, Te Kokako volunteered to take a handful of men from the bow and swim to shore to fill the empty water containers. The swimmers managed to reach the shore, but were unable to find water suitable for drinking. Te Kokako putting his plan into action, thrust his bewitched

¹³ Te Ranga Te Rangatira Rahirahi Mahanga – *extract from whakapapa book.*

¹⁴ NMB WH2 p. 239 - 265

spear into the ground and instantly a spring appeared. His thirsty companions drank deeply and almost immediately fell to the ground and died. Te Kokako returned to the waka empty handed and told his brother that the waters were poisonous and suggested that they better sail on. This was agreed to and sailed south to Whangarei where the crew were able to beach their vessel safely. From here Ngāi Tahu are said to have spread and inhabited all the land from the Auckland Peninsula to approximately eighty kilometres north of Whangarei.”¹⁵

It is also said that the screams from the dying men gave Ngunguru its name.

An inscription on a tribal monument in Taiharuru gives Te Waiariki-nui-o-rangi as the founding ancestor of Ngaitahuhu. Whakapapa also exists which confirms this. The practice of Ngaitahuhu related tribes crediting their own ancestors with this honour is common and was perhaps a means of driving home the fact that the mana of the once great tribe had been truly dispersed among those who had succeeded them. For example Te Uri o Hau claim Hotunui from the Tainui¹⁶ canoe as the progenitor of Ngaitahuhu and similarly Manaia from Ngati Manaia and Hinetu from Ngati Te Ara all appear as primary ancestors of Ngaitahuhu.

In spite of these obvious variances, there appears to be collective agreement about the Ngaitahuhu ancestor Hikurangi who is credited with having gifted land to individuals whose tribes later occupied the eastern region of the Kaipara.

¹⁵ Jeff Evans – *Ngā Waka o Nehera*, 1997, p.181-182

¹⁶ Kaipara MB9 46-55

Hefa Paikea of Te Uri Ō Hau claimed that the land around Oruawharo was gifted by Hikurangi to Mauku, the daughter of Haumoewarangi on her marriage to Paharakeke of Ngati Rangi.¹⁷ Similarly, when Hikurangi's daughter Pae married Te Kahore from Ngati Ruangaio, land was given in Waipu as a wedding gift.¹⁸ Ngarokiteuru, a nephew of Hikurangi and ancestor of Ngati Kahu secured land around Whangarei.

Te Waiariki owe their manawhenua on the coast to Tuatahi, a great grandson of Hikurangi, but were not included on the Mangawhai Deed despite deriving their manawhenua from the same ancestor as Te Uri o Hau.

Through settlement and intermarriage with Ngaitahuhu since the late 14th century, Te Waiariki firmly entrenched themselves into the local landscape. By 1800, Te Waiariki were well established at the settlements of Kauri, Waikare, Taiharuru, Taraunui, Tahere, Whānui, Pataua, Pukahakaha, Ohuatahi, Horahora, Ngunguru, Kiripaka, Maruata and Whareora.

In contrast to the rough seas of the west coast, the east coast of Northland is particularly known for its many sheltered bays and harbours. It was here that Te Waiariki introduced another dimension to their identity. The stargazing mystic coupled with an oceanic element produced a magical result demonstrated by the creation and manipulation of sea-dwelling taniwha as told in the

¹⁷ NMB8 Kaipara p. 202-208

¹⁸ Nancy Picmere – *Limestone Island*

following account by James Cowan about the famous Waiariki tohunga Te Mawe:

"Seven generations ago Pokopoko destroyed the Okaka Pa and all its inhabitants. A tohunga named Mawe, who cherished a grudge against the Ngati Whatua people of the Kaipara, journeyed here from the Bay of Islands and invoked the assistance of the Lord of the Taniwha. He performed his makutu ceremonies and repeated his incantations, and called upon Pokopoko to raise and destroy the Pa, which stood on the cliff-top. And the monster, responding, roused himself in his salt cave, hung with waving masses of kelp. He raised his voice like the rolling thunder, and in the turmoil of the elements the Pa collapsed, the hill crumbled, tottered and crashed down into the furious surf, carrying with it the people and their dwellings. All perished, and what a feast was Pokopoko's when Okaka fell."¹⁹

And more recently in 1958, Florence Keene described a ritual by Tohunga Ngaronoa Mahanga of Te Waiariki/Ngati Korora in her book *Tai Tokerau*:

"On 18 April, 1958, an example of the removal of tapu from a building in modern times, took place in Whangarei when the Māori Community Centre in Porowini Avenue was opened. For this ceremony, the Tohunga, Ngaronoa Mahanga, of Ngāti Korora sub-tribe, bought seawater from his home at Pataua and sprinkled it on the doorsteps and walls of this marae hall, as he did so he quietly chanted a karakia to the taniwha of the sea"²⁰

¹⁹ James Cowan – *The Maori – Yesterday and Today*, p. 219-220

²⁰ Florence Keene – *Tai Tokerau*, p.100

These narratives characterise the deep spiritual relationship formed between Te Waiariki and the sea, a feature still maintained by Te Waiariki today.

Coastal settlement also brought Te Waiariki into contact with other tribes within the present hearing district.

THE FORMATION OF NGATI WAI

In recent times, it has been widely assumed that the eastern seaboard of Northland from Mahurangi in the south to Whangaruru in the North was occupied by a single tribal entity with a common whakapapa, namely Ngati Wai. In truth, the region is composed of a number of hapu who can trace their descent from three separate and unrelated tribal groupings, Te Kawerau, Ngaitahuhu (also known as Ngāti Manaia) and Ngare Raumati.

The other significant factor is that none of these groups are Ngapuhi. For many reasons, which will be discussed later, it was politically convenient from time to time to distinguish themselves from the mightier tribes of Ngapuhi and Ngāti Whatua with whom they share their inland borders. The tribal composition of this region could therefore be best described as 'a non-Ngapuhi political alliance based on a common coastal landscape' rather than part of 'a single geneological defined entity' or iwi. This is particularly important when establishing manawhenua since manawhenua is essentially a product of genealogy and history.

Two other factors have blurred tribal distinctions even further giving rise to the image that homogeneity exists among the inhabitants of the East Coast. Some hapu were forced to migrate losing their land and taking refuge among their distant kin. This resulted in a number of key intermarriages between not only the three primary tribes but also between the larger tribes of Ngapuhi and Ngāti Whatua.

A deeper analysis will find that the condition is not beyond recognition, so in order to fully understand the complex social nature of this region, it would be necessary to briefly describe each group by the area they occupy, their descent lines and their important intermarriages. Complicating the matter somewhat is the fact that all three tribes have been out of existence for over a century hence there is very little to draw from other than land court records and Te Waiariki's own tribal history books.

Representation issues often arise as no single eponymous ancestor for Ngāti Wai can be identified. Ngāti Wai themselves claim they have a number of ancestors but research shows that these ancestors are unrelated and in fact derive from the three tribes previously mentioned.²¹ This suggests that when seeking refuge, survivors from a series of wars along the coast resettled themselves among their distant kin. While they assimilated themselves through marriage into their hosts, they also retained their original identity resulting in a confusing mixture of descent.

²¹ letter to John Gardner from Marion Kerepeti Edwards, 19 March 1998

Te Aki Tai, a hapu of Ngare Raumati* now situated in Matapouri, inhabited the region in and around Rāwhiti prior to 1830. Their ancestor Kaipo was a primary chief who fought valiantly against Ngapuhi expansion in three arduous battles from 1800 to 1830.²² During early land court hearings, one of Kaipo's descendants, Ikanui Maki was successful in claiming land in Matapouri. According to the records, his ancestor Te Ruaki was gifted land for avenging the death of Te Pona Harakeke's father, a local chief. Although not related to the local people, extensive intermarriage with the inhabitants resulted in their tribal distinctions becoming blurred. Today the people of that area consider themselves a blended tribe acknowledging all their ancestry equally.²³ The descendants of Ikanui Maki were also prolific breeders who eventually married into many of the neighbouring tribes adding to the geneological mix of Ngāti Wai.

Another earlier example of conquest, eviction and resettlement occurred in Whangaruru many generations ago. The historian, Morere Piripi relates the story of Ngāti Manaia:

"The cause of this battle was the murder of Te Waero by Ngāti Manaia. This man Te Waero was from Ngapuhi. He married the descendants of Manaia. The big battle was fought at Mimiwhangata and the majority of Ngāti Manaia was killed. Those who survived, fled to Whangarei heads, to Omaha, to Pakiri and even to the vicinity of Auckland. Some of these people went to Great Barrier Island."²⁴

²² Jeffrey Sissons, *The Puriri Trees are Laughing*, p. 144-146

²³ NMB WH4 P.36-35

²⁴ Morere Piripi *Te Ao Hou*

The above incident also coincides with another battle and could be part of the same event. It concerns Rangitukiwaho from Te Waiariki, a grandson of Tukaiteuru and Te Huaki. His mother was Hinetapu, an important ancestor who married both a grandson and greatgrandson of Rangitauwawaro. She was from Ngāi Tahuu, the tribe who once occupied the Whangaruru district.

About 260 years ago, while residing in Whangaruru, Rangitukiwaho was involved in a skirmish with Te Tirarau the 1st from Ngati Ruangaio. This famous duel was fought precariously close to a cliff edge above the pool now called Punaruku. Both chiefs attempted to manoeuvre the other off but the fight ended in a fatal draw as both fell, Tirarau to his death and Rangitukiwaho died later from his wounds. As a result of this event Ngati Ruangaio became known as Te Parawhau after the whau leaves that encased Tirarau's body to preserve it for the journey back to his home. The descendants of Rangitukiwaho became known as Ngati Taka, on account of the manner in which he was killed. This incident occurred a short time after Ruangaio/Ngapuhi's expansion into Whangarei in the 1700s.

Although both chiefs died in the fray, the fact that Rangitukiwaho survived marginally longer than Tirarau was perceived as a victory for Rangitukiwaho and his people over Ngapuhi. Four generations later, the tribes of Te Parawhau and Te Waiariki were joined again, this time in peace by the three granddaughters of Te Mawe who were married to Kukupa. One of their children was Te Tirarau. Tirarau himself, was a distant relative. His ancestor, Whaari was a

first cousin to Hinetapu and from where he derives his Ngāi Tahu ancestry.

As previously discussed, the remnants of Rangitukiwaho's people, Ngāti Taka were dispersed into the area from Whananaki to Mahurangi. The first incident of intermarriage between Ngāti Manaia and Te Kawerau occurred some 250 years ago between ^{Ku}Kupapa from Te Kawerau and Turua from Ngāti Manaia.

Their grandson Te Kiri, a well known identity in the Rodney District during the 1860s, signed the Mangawhai deed representing Te Kawerau. Te Kawerau had become subsumed into the larger Ngāti Whatua and possibly for this reason the children of Te Kiri as a matter of self-preservation chose to distinguish themselves from Ngāti Whatua by identifying with their Ngāti Manaia/Ngāti Wai side. The Little Barrier land court minutes clearly demonstrate the conflict that existed between the two groups. In the end Ngāti Wai including Ngāti Taka a hapu of Waiariki, were granted title to the Island based on long-term occupation even though Ngāti Taka had no Te Kawerau ancestry. Similar examples occurred on the mainland.²⁵

The above accounts highlight the pitfalls of sharing borders with the numerically stronger tribes of Ngapuhi and Ngāti Whatua. Inhabitants of the coast usually had two choices, to either join forces with each other or join the larger tribes. Te Waiariki's response was to choose both; often fighting on the frontline of

²⁵ W. M. Hamilton, Little Barrier Island. P.18-24

many Ngapuhi battles and sometimes supporting their kin against Ngāti Whatua as proved during the Hauturu case.

TE WAIARIKI AND NGAPUHI

While Te Waiairiki have their own whakapapa, the first incident of a Ngapuhi/Te Waiariki marriage occurred between Rangitauwawaro's father Rangituehu and Rohateangangi who was a sister of the famous Hokianga ancestor Kairewa who married Waimirirangi.

While they had a close association with the Bay of Islands chiefs, they were not closely related. Their relationship therefore was based on another level, that of the Whare Wananga alliance as discussed earlier which consequently involved a high degree of obligation.

Te Waiariki support at Te Ika A Ranginui was substantial. As discussed previously, Ngapuhi warriors had stayed with Te Waiariki a month prior to going into battle. Taiharuru was an ideal place to lay in wait due to its sheltered bays and easy access to the Mangawhai coast. The battle was overwhelmingly victorious for the Ngapuhi and its allies. Te Waiariki's involvement was by way of confirmation of a powerful allegiance with Ngapuhi that strengthened and ensured the continuation of Te Waiariki's presence in the hearing District.

Te Waiariki also played a part in other Ngapuhi expeditions.

Hauturu (The Little Barrier Island) was also used as a calling place by Hongi on his expeditions to Hauraki and the Bay of Plenty. Sir James Cowan (1930) recorded that Paratene Te Manu who lived on Hauturu and was from Te Waiariki/Ngāti Taka, accompanied Hongi on eight excursions between 1822 and 1830.

The Waiariki support of Ngapuhi battles did not go unnoticed by Johnson, the Land Purchase Commissioner who reported that:

“The Northern side of Whangarei is not subject to Tirarau, the natives in that portion of the district are scattered in small parties and are not under the immediate command of any important Chief; they maybe said to be peaceably inclined, but having no controlling power over them, are guided in their disposition towards the Government by the attitude of the Chiefs in the Bay of Islands. They are in the habit of taking the law into their own hands when they have grievances and have been hitherto kept a little in awe by the occasional visits by one of Her Majesty’s sloops of war to this harbour, when any petty outrage had occurred, and a repetition of occasional visits of Her Majesty’s vessels would have a beneficial effect for sometime to come”²⁶

The above statement exposes the animosity that existed between Te Waiariki and the Crown. Johnson’s determination to close the Mangawhai Deed was in part an attempt to form a buffer zone between Auckland and the Bay of Islands. Tirarau, not wishing to upset his resident settlers, had refused passage to Hone Heke when he threatened an invasion of Auckland but on the northern

²⁶ Turton Deeds No. 30 p.71

side of the Whangarei Harbour, Te Waiariki had openly welcomed their presence.

CONCLUSION

Despite their extensive interests in the Mangawhai through their Ngaitahuhu ancestry and as well their long term use of the area, Te Waiariki were excluded from being participants to the Mangawhai deed.

Te Waiariki were not consulted about whether they wished to extinguish their rights largely because the Crown did not take the proper steps to indentify all the representative tribes. As a result of these breaches, Te Waiariki were deprived of economic advantages and opportunities in not being able to use the land as a portage, stop over or other uses common to coastal tribes.

Above all, Te Waiariki's special relationship with the battleground of Te Ika A Ranginui as a waahi tapu has not been afforded recognition or protection on our terms.

Te Waiariki's participation in the Northern Wars were extensive and ended with the return of Tuhaia's body to Te Waiariki as described in the following account by Tawai Kawiti:

"So Kawiti went to Whangarei to return one of the tribes who came to help – the Waiariki. One Waiariki warrior, Tuhaia, had lost his life at Ohaeawai. The meeting took place at Pukepoto, a pa near Glenbervie on the road to

Ngunguru. This must have been of no little importance for the local tribes. For, was it not this the Kawiti who answered 'yes' to Te Whareumu's appeal for help against his enemies in the past? Was it not right that he should return the death of Tuhaia? "Ka Tika" – quite right. During the meeting it is said that Kawiti uttered the now famous saying "E te whanau, i tū au ki te riri ki te atua o te pō, a, kahore au i mate. Nā reira, i tēnei rā tkakhia te kino ki raro i o koutou waewae. Kei takahia e koutou ngā papapounamu a koutou tupuna e takoto nei i te moana. Tirohia atu ngā tuatea o te moana. Hei poai pakeha koutou i muri nei. Kia mau ki te whakaponu. Waiho mate kakati o te namu ki te whārangī o te pukapuka, ka tahuri atu ai. Whai hoki, te tangata nana i tātai te kupenga, waiho mana anō a tuku, mana anō e kume".

"My beloved people, I have stood before the God of Darkness, and I was not destroyed. Therefore, from this day, trample hatred under your feet. Do not dishonour your ancestors' peace memorials in greenstone that lie on many seas. Observe the white objects of the ocean. You shall be pakeha boys. Be firm to retain religion, turning only when the sandfly bites upon the page of the book. Also, whosoever weaves a net let him set it himself and let him draw it in himself".²⁷

In many ways Te Waiariki along with the rest of North have heeded the words uttered by Kawiti on that significant occasion. To this end Te Waiariki perceive the present process as a means of re-establishing their Rangatiratanga as our ancestors had wished.

²⁷ Tawai Kawiti *Te Ao Hou – Heke's War in the North*, Oct 1956

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Date: 19th August 2014.

Email: [redacted]

Address for correspondence

Withheld under section 9(2)(a) of the Official Information Act 1982. 9(2)(a)

Submission opposing the Ngati Wai Trust Board seeking the mandate to enter into Treaty Negotiations with the Crown for the comprehensive and final settlement of the Ngatiwai Historical Treaty of Waitangi claim Wai 244 relating to Hauturu, Mangawhai Block and Forest South, Pakiri Seabed and Sand Minerals and seabed Rohe resources, including Customary fisheries.

The grounds for my submission is as follows:

That Wai 244 Ngati Wai claim includes and covers islands, forestry, Land Blocks, sea minerals and rohe in my Area in Mahurangi that belongs and relates to me as a Maori claimant and Maori central land owner Tangata Whenua of Pakiri Beach. I am and my whanau family are directly affected by the Little Barrier Island Mangawhai Forest and Block, Pakiri Seabed and minerals to be returned to the NWTB.

As the head representative of Whanau claim Wai 532, This claim was forced into the Ngati Manuhiri "Private" Settlement Deed of Settlements, and having no voice, or say, or Representative status in this Settlement, I say it does not work, And not all Whanau and Claimants get Represented in a fair, evenly way. But are used for numbers to help raise certain people up the ladder by such Crown entities.

Ngati Wai Trust do not Whakapapa in to our area in Mahurangi Ngati Manuhiri such as Mangawhai, Hauturu, they got no Makinui connection. Tangata Manuhiri, not marriage relations, but the person Manuhiri. Everything we own land, Hauturu etc comes from the oldest son of Makinui, Ngatiwai can't whakapapa into that.

And the majority and all the beneficiaries of Omaha marae did not give a Mandate to Ngati Wai Trust Board for their mandate.

I wasn't notified or consulted as many others within our hapu.

The Ngati Manuhiri Deed of Settlement was signed by individuals, and is a legal documents, but the claimants and representatives of Claim Wai 532 are not represented, or they have any say on this deed, so we are not legally binded properly, And there seems to be no accountability to us on any redress or return of lands, islands, forestry from the Crown.

This is a classic example of why I oppose this mandate over our area.

I believe the same problem will occur is this Mandate is accepted.

My grandfather was born and raised on Hauturu the last to leave this island, with his mum and dad, [redacted] by the Crown unlawfully, evicted.

I will be putting in a submission opposing the Hauturu Management Plan soon, as I was refused entry wrongfully onto Hauturu by [redacted] when they all went over there last year.

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Myself as rep for claim Wai [redacted] and as a great grandson of [redacted] must be included in any Management Plans for Hauturu, Mangawhai Forest (South) Fisheries in Pakiri Rohe, around Hauturu, and extractions. We did not obtain these lands from Ngati Wai.

Ngati Wai Trust Board, were originally called the Whangaruru Ngati Wai Trust Board, and it was shorten to just, Ngati Wai Trust Board, in the 1980's. Only when they were able to include Pakiri, Mangawhai, Hauturu, and sands into their iwi, however we came from Kawhia. They own no Maori lands in Pakiri, or Mangawhai, or Hauturu, Including Takutai Moana Foreshore and Seabed in this Rohe.

Yours sincerely,

[

Relief Sought to be Included.

I wish to be heard.

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9(2)(a) of the Official
Information Act 1982.

20th August 2014

Tim Townsend
Manager Settlement Development.
Office of Treaty Settlements
Justice Centre
19 Aitken Street
Wellington

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Ref: Ngatiwai Trust Board Deed Of Mandate Wai ...

Tena Koe,

We are writing to inform you, that we,

...
...

object to the Ngatiwai Trust

Board Deed of Mandate.

We hereby submit our Te Waiariki Whakapapa:

We, the undersigned, represent a large natural grouping of Maori, known as several Hapu of Ngapuhi me Ngapuhi Nui Tonu, but in this instance, we are speaking for our Te Waiarikitanga as a hapu of Ngapuhi.

Through moetanga, we connect Te Waiariki, a major Hapu of Ngapuhi, with the named Ngapuhi Hapu below:

Te Uri o Te Aho, Te Mahurehure, Ngai Tu Pango, Ngati Kuri, Ngati Tuu, Ngai Te Wake, Uri o Taniwha, Whanau Whero, Ngare Raumate, Ngati Manu, Te Kapotai.

It is inconceivable to believe that the Crown continues to BREACH TE TIRITI by allowing the Ngatiwai Mandate to include te Mana Whenua me Mana Moana o Ngapuhi Hapu.

There are numerous areas that are included in the Ngatiwai mandate which we strongly dispute as being part of the Ngatiwai rohe therefore should not be included in the Ngatiwai mandate as they are areas that are specific to the traditional customary rohe o Ngapuhi.

These areas are Tapeka Point along the coastline to Taupiri, and from Taupiri, the entire coastline down to Mangawhai, and then down to the Mahurangi. The only acknowledged Tauranga Waka for Ngatiwai, with the hapu Ngati Rehua, in the rohe o Ngapuhi, are Tuparehuia, Taupiri and Whananaki. We dispute this mandate and challenge it in the claims of Ngapuhi.

Nga Mihi,

20-08-2014

Date

Withheld under section 9(2)(a) of the Official Information Act 1982.

20.08.2014

Date

[] I am a claimant of []
[] I support the above submission of my whanaunga []
[]

y

Patuharakeke Te Iwi Trust Board Inc

Manager, Settlement Development Team
Office of Treaty Settlements
SX10111
Wellington
OTS_subs@justice.govt.nz
21 August 2014

Tena koe

Re: Submission on the Ngatiwai Trust Board Deed of Mandate dated 8 July 2014
from Patuharakeke

Please find attached the submission of Patuharakeke Te Iwi Trust Board on behalf of Patuharakeke hapu in relation to the abovementioned consultation on the Ngatiwai Trust Board Deed of Mandate ('NTBDoM'). We oppose this mandate on the grounds provided in our submission.

The submitter is authorised to make the submission on behalf of Patuharakeke. We wish to be heard on our submission.

Heoi ano ra



Ani Pitman

Trustee, Patuharakeke Te Iwi Trust

For Patuharakeke Hapu

Address: PO Box 557, Whangarei 0140;
Email: patuharakeke@gmail.com; admin@patuharakeke.maori.nz



Notes of a meeting of the Ngātiwai Trust Board & Patuharakeke held at Rangiora Marae, Takahiwai on Tuesday 11th June 2013 commencing at 6pm.

Present: Haydn Edmonds, Merepeka Henley, ...

...

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Apologies: Tania McPherson

In Attendance: Moana MacDonald (notes).

The hui was opened with welcome mihi from Paraire Pirihi & karakia from Harry Midwood at approximately 7.10pm.

Deborah Harding introduced herself she is the Chairperson of the Treaty Claims Sub-Committee of the Patuharakeke Trust. ... explained; Tania McPherson had made the first contact for Ngātiwai Trust Board & Patuharakeke to come together to whakawhanaungatanga & information sharing, ... is pleased that finally these talks are occurring in the whare tupuna which is the rightful place. The time was then handed over to Haydn Edmonds to speak.

Haydn acknowledged ahi ka for their welcome & explained his connection to the whare tupuna. He explained the Trust Board's whakaaroa when asking for the hui was to touch base with the whanau, marae & hapū o Patuharakeke so NTB can be open with their intentions in moving forward.

Haydn explained NTB had recently met with the Crown & Tuhoronuku; the Crown's intention at the meeting was for NTB to acknowledge the areas of shared hapū between Ngātiwai & Ngāpuhi so Tuhoronuku could move on to settle, however we pushed back.

We acknowledge our whakapapa to you all but also recognise your connection to other iwi. NTB is running an open & transparent process; we would like to bring our synergies together with our hapū for a greater outcome for the iwi overall.

Whakapapa Framework:

... is helping us with mahi on our whakapapa framework which we will encourage discussion to occur. We are intending to hold a whakapapa whangana at Tuparehuia near the end of the year, everyone can bring their whakapapa so it can be consolidated.

Patuharakeke may have other options which may or may not include Ngātiwai; however we still intend to be open & transparent with you regarding our processes.

Treaty Claims Process:

Haydn confirmed the NTB is seeking mandate for direct negotiations with the Crown, Tania McPherson will be able to provide information to you all regarding the possibility of a parallel process option.

We are also starting to look at different post settlement structure options (hapū or marae). Tribalism & Sovereignty are high priority on our agenda.

Draft Mandate Strategy:

Haydn confirmed, we have developed a draft mandate strategy (which is available on our website), & now we are developing a whakapapa framework for everyone to consider.

So far we have held information sharing hui, presenting both the direct negotiation & Treaty of Waitangi pathways to settlement for our people to consider.

We are aware that there are some that want to come with us & some that don't, however the door will be left open.

Questions & Answers:

Question: You mentioned sovereignty, what do you mean by sovereignty?

Answer: Standing strong, not allowing another iwi to take position. A recent example of this being Ngāti Pukenga that were gifted land. The Crown settled with them, but we kept them out of the water & constrained to the pa site they were gifted even though they were claiming more.

Question: Sharing mechanism, is that where you are heading in acknowledging the whakapapa?

Answer: We want to include not exclude.

Question: We were here 4-5 years ago, so we're pleased to be meeting again. Has this all come about because of Tuhoronuku?

Answer: Haydn confirmed no. Tuhoronuku can do what they want, they are 5 years down the their part, where we have just started.

Question: What is in it for us, Autonym?

Answer: Whatever you; negotiate for yourselves.

withheld under section
4(2)(a) of the Official
Information Act 1982.

Comment: I explained, this group is going to the Waitangi Tribunal to the wailing-wall; we want our grievances & we will get our sovereignty, so we can't do anything until then.

Response: Haydn commented; this is a good point to start. It's the whakapapa that keeps us together, the whakapapa is the dialogue.

Comment: We have Ngātiwai whakapapa, we need to fight for the abuse of our tupuna, dialogue should be there as a right because of our whakapapa. Trust Boards are set up for pakeha structure not Maori.

Response: Our sovereignty comes from whakapapa, so that's why coming to this place in the right way is correct & yes trust boards are pakeha, but we have assets to share, Tania McPherson is better able to break it down & explain it for you.

Question: Resources; Are you referring to the money that was there at the Trust Board?

Answer: Haydn confirmed the money is still there. Also whatever has produced for us we can give to you also.

Comment: mentioned that he has been working on the whakapapa framework that was developed by & specifically identify the overlapping hapū & the different lines of Ngātiwai.

Comment: i spoke regarding his disappointment in being told that unless Patuharakeke signed up with the Trust Board for direct negotiations then they can't have the money. also mentioned the raru wasn't just about the putea, it was about the relationships.

Response: Merepeka Henley explained the money was made available for each marae to complete research for their treaty claims. The money is still available, there were never any restrictions on how the research was to be completed.

Haydn Edmonds assured everyone that the money will come to Patuharakeke. "It is yours by right". Moana will also send out a copy of these notes to for your information. Haydn further acknowledged there had been a communication breakdown between NTB & Patuharakeke & offered his apology to . It's good for NTB & Patuharakeke to re-open their communication & dialogue.

Haydn commented, you have representation on the Trust Board in sometimes he agrees or doesn't agree with things.

Question: Relationships & transparency. When NTB is out here meeting with MRP & Transpower etc, will you let us know?

Answer: Yes as best we can. In terms of the RMU, s always very clear & informative. Haydn commented specifically with regards to MRP, we asked if he has met with Patuharakeke, & have stepped down until he does. We are not making any deals anywhere. If you require any information at NTB, these are your contacts:

Treaty Claims: Tania McPherson
RMU:
Education:

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9(2)(a) of the Official
Information Act 1982.

Comment: Deborah mentioned; there is a lot of economic development & wealth creation in this area, if NTB have any invitations from others, could we be advised of any joint ventures. Iwi are always given streams of notice before the hapū. _____ also

Commented; it's important to get tikanga straight, don't step over the whare or Patuharakeke.

Response: Merepeka affirmed, it's not our role as the trust board to step over you.

Question: It was asked how NTB views Patuharakeke since we've given our position paper & the focus of NTB is looking for mandate.

Answer: We can't deny your whakapapa. Government says we must choose & only 1. Ngātiwai will acknowledge your Ngātiwaitanga.

Question: The land behind us was taken by the public works act & should be offered back to the original owners; however it was passed to the district council. Maybe NTB could support us to get the land back?

Response: Land -bank it.

Comment: It was suggested that a committee be set up from all those who have interests, otherwise they pick us off. Councils & governments will only deal with iwi groups that are going to do the settlements.

Response: Haydn advised we are going to organise a 2 day summit to decide for ourselves - our own redress. "A single unitary obligation", made up with a Maori Statutory Board, because northern land is maori land & now the Councils are using our land to fund their putea.

It was clarified that so far NTB has completed a draft mandate strategy & held 3 information sharing hui to present both the direct negotiation & treaty of waitangi pathways to settlement. None of the hui have been mandating hui.

We would like to think that this is the first step in building relationships between NTB & Patuharakeke.

acknowledged Haydn & Merepeka.

..... provided a brief overview of the evenings hui, he explained he supports Haydn for his principals & honesty. One step at a time is the best way & every step we take in honesty is whakapapa tuturu.

The meeting was closed with mihi whakamutunga & karakia from _____ at approximately 8.45pm.

Moana MacDonald
EA & Board Secretary

Haydn Edmonds
Chairman

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Kelly Dixon

From: Kelly Dixon
Sent: Friday, 6 December 2013 3:30 p.m.
To: Maureen Hickey
Cc: Prue Kapua
Subject: Patuharakeke Letter Follow up
Attachments: Final LTO OTS 29.07.13.pdf

Tena koe Maureen,

Prue Kapua and I act on behalf of Patuharakeke Te Iwi Trust Board which holds mandate on behalf of matters relating to the hapu of Patuharakeke.

In July this year we sent by mail a letter in relation to the Tuhoronuku and Ngati Wai Trust Board settlement and mandate proposals, essentially advising that the claims of Patuharakeke under WAI 745 and WAI 1308 are not to be included in the Ngati Wai Trust Board mandate strategy or under any Tuhoronuku settlement proposal until further notice. I have attached a copy of our letter the views outlined therein remain the same.

At a meeting held on 23 July 2013 with representatives of the Ngati Wai Trust Board, including Tania McPherson and Haydn Edmonds, the position of Patuharakeke was outlined in response to the indications given at the time about the Ngati Wai Mandate Strategy.

While we have not received any correspondence since your letter dated 5 July 2013 from OTS, we can confirm that Patuharakeke opposed the Ngati Wai Mandate Strategy through the submission of Huhana Seve and most recently in a letter dated 4 December 2013 from Huhana Seve on behalf of various claims including WAI 745 and 1308.

Please consider this as further notice of the Patuharakeke position in relation to the above.

Nga mihi,

Kelly Dixon | Associate | Tamatekapua Law |
P: (09) 268 1840 | F: (09) 268 1850
PO Box 75-015 | Manurewa, AUCKLAND 2243
www.tamatekapua.co.nz

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29 July 2013

Office of Treaty Settlements
PO Box 919
Wellington

For: Maureen Hickey

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Tuhoronuku and Ngati Wai Trust Board Settlement Proposals

We refer to your letter dated 5 July 2013 in relation to the Notification of Te Ropu O Tuhoronuku Deed of Mandate for Ngapuhi's Treaty of Waitangi Settlement Negotiations and the Mandate Strategy being submitted by the Ngati Wai Trust Board to the Crown.

We act for Patuharakeke te Iwi Trust on behalf of Patuharakeke in relation to the claims WAI 745 and 1308 in the Te Paparahi o te Raki (Northland) inquiry and we are instructed to write this letter on behalf of

Patuharakeke claim mana whenua on the eastern coastline from Bream Head to Bream Tail and more or less has a western boundary that goes from the Tangihua Ranges in the South to Otaika/ToeToe to the North. Essentially, it is an area that borders the respective boundaries of Ngapuhi, Ngati Wai, Ngati Whatua and Te Parawhau. All four of whom Patuharakeke acknowledge whakapapa to.

Patuharakeke te Iwi Trust are actively involved in a number of initiatives and activities on behalf of its people with respect to demonstrating mana over its rohe. This is evidenced in correspondence and activities with the Crown itself over many years and acknowledged by neighbouring hapu and affiliative Iwi. Patuharakeke have most directly borne the brunt of developments and activities occurring in its rohe. It is therefore of great concern to Patuharakeke that mandate is being claimed for an area considered to be desirable for treaty settlement without communication with or involvement of the mana whenua namely Patuharakeke.

Patuharakeke are also concerned that such activity without its proper involvement will give rise to further contemporary grievances and like the Crown, Patuharakeke seek to have our matters resolved in a manner that is meaningful to Patuharakeke.



Status as to settlement of Wai Claims on behalf of Patuharakeke and named claimants

At this time and until further notice to you directly by us on their behalf, Patuharakeke have not mandated any of the iwi to represent its interests and negotiate Treaty of Waitangi settlements on its behalf. Patuharakeke have diligently and actively sought information and clarity from each of these Iwi and most particularly in the last two years since Iwi groups have been in discussion with the Crown about direct negotiation of treaty settlements.

Accordingly, in response to your letter, we provide the following feedback:

Tuhoronuku Deed of Mandate

Notwithstanding the above, Patuharakeke is aware that significant steps have been taken by Tuhoronuku and the Ngati Wai Trust Board in order to progress towards settlement. Despite several invitations from Patuharakeke to Tuhoronuku representatives to attend wananga in order to discuss the issues surrounding mandate and settlement no such meeting has ever taken place due to other commitments of the Tuhoronuku representatives. Further, Patuharakeke had similar success with the Crown appointed inquiry conducted by both Mr Tukuiroirangi Morgan last year despite our involvement in the previous processes regarding issues raised by the joint working party established to resolve issues represented by Te Kotahitanga o nga Hapu o Ngapuhi and the previous iteration of Tuhoronuku.

While it is acknowledged that Tuhoronuku have held hui in various areas, the claimants for WAI 745 and WAI 1308 have never been directly contacted in order to discuss how their claims will be dealt with by Tuhoronuku and how Patuharakeke will be included within its proposed Independent Mandated Authority despite Patuharakeke's direct contact seeking such information.

It is acknowledged that in the letter of 5 July 2013, you advise that WAI 745 and WAI 1308 will be 'settled in part through the Tuhoronuku Deed of Mandate.' However, it is unclear as to what extent the claims will be partially settled. For these reasons, Patuharakeke does not support the inclusion of its claims WAI 745 and WAI 1308 in the Tuhoronuku Deed of Mandate until such time as all of its outstanding queries and issues are resolved. This is totally unsatisfactory to Patuharakeke and has occurred without either their consultation or involvement.

Ngati Wai Trust Board Mandate Strategy

It has of last week come to the attention of Patuharakeke that the Ngati Wai Trust Board is in the process of submitting its Mandate Strategy to the Crown. Essentially, Patuharakeke did not receive any information about the Ngati Wai Trust Board Mandate Strategy prior to its submission or any information detailing how the claims of Patuharakeke will be affected by any potential settlement of Ngati Wai.

At this stage until more actual information is forthcoming about what the Ngati Wai Trust Board is undertaking in relation to the claims it seeks to represent, and until such process, representation and information is confirmed to Patuharakeke's satisfaction by correspondence with you directly, Patuharakeke advises that WAI 745 and WAI 1308 is not to be included in the Ngati Wai Trust Board mandate.

Patuharakeke confirm again that until further notice directly to you by us, no Iwi holds mandate to represent its interests.

Noho ora mai
TAMATEKAPUA LAW



Kelly Dixon
Associate

C/ - PO Box 7028
Tikipunga
Whangarei 0144

RE: Proposed Ngatiwai Trust Board Mandate

4 December 2013

To the Office of Treaty Settlements,

At a meeting held on Tuesday 3 December 2013, whanau hapu claimants present supported the following kaupapa korero to the Office of Treaty Settlements:

- That we collectively oppose the Ngatiwai Trust Board Mandate.
- We request the removal of our WAI numbers from the Ngatiwai Trust Board Mandate.
- That the whanau hapu claimants affected by the Ngatiwai Trust Board Mandate request an URGENT meeting with Minister Chris Finlayson on this matter.
- That the handling of the Ngatiwai Trust Board of the Ngati Manuhiri Settlement and the issue of Hauturu highlights their lack of engagement and listening to their uri and WAI claimants. In particular the Special General Meeting held at Te Puna o Te Matauranga Marae on 31 March 2012 where the hui voted against the inclusion of Hauturu in the Ngati Manuhiri Settlement.

As whanau hapu claimants the treaty process is not primarily about putea, it is about mana whakahaere for us, and our mana motuhake. We are committed to the Waitangi Tribunal process and prosecuting our claims in the WAI 1040 Inquiry.

Note – this meeting held on Thursday 5 December 2013 does not constitute a consultation.

Noho ora mai, na

Withheld under section
9(2)(a) of the Official
Information Act 1982.

For and on behalf of the following claims:

WAI 246, 1148, 1529, 1528, 1954, 620, 688, 745, 156, 1308, 245, 1512.

From: [redacted]
Sent: Friday, 22 August 2014 2:03 p.m.
To: OTS_Sub
Subject: Re: (Thankyou for your enquiry)

Kia Ora

I am writing regarding the Deed of Mandate that has been advertised on the office of Treaty Settlement website.I wish to make a submission in opposition.

Having read the Ngatiwai Trust Board Strategy and now Mandate Strategy,I cannot support the work that has taken place up to present.I have concerns that Manuhiri and Ngati Rehua,two hapu of Ngatiwai have received their own settlement,while Whangaruru and Te uri o Hikihiki will not be able to manage their own.It is not consistent with the Crown's own policy and demonstrative of the Crown's divisive settlement policy.

Looking at the deed of mandate itself,I am not happy with the Trust Board appointing negotiators,when they have made no effort to understand claim issues and have not meaningfully engaged with hapu.Hapu should be involved in appointing negotiators to ensure that their interests are looked after.The groups such as kaumatua kuia taumata and research group should have more influence and should be set up before the deed is recognised. Thought should be given to the shape of a PGSE.

A thorough review of the Ngati wai Trustboard past performance should be undertaken before any mandate is approved

> On 15 Aug 2013, at 10:41 pm, "OTS_Sub" <OTS_Sub@justice.govt.nz> wrote:

>
> Tena koe,
>
> Thank you for your email. We will respond in full as soon as possible.
>
> Nga mihi, na

> =====

>
> Confidentiality notice: This email may contain information that is confidential or legally privileged. If you have received it by mistake, please:
> (1) reply promptly to that effect, and remove this email and the reply from your system;
> (2) do not act on this email in any other way.
> Thank you.

>
> =====

>

From:
Sent: Friday, 22 August 2014 3:31 p.m.
To: OTS_Sub
Cc:
Subject:

Withheld under section 9(2)(a) of the Official Information Act 1982.

Kia Ora

I am writing regarding the Ngatiwai Trust Boards Deed of Mandate that has been advertised on the Office of Treaty Settlement website. I wish to make a submission in opposition.

Having read the Ngatiwai Trust Board Strategy and now Mandate Strategy, I cannot support the work that has taken place up to present. I have concerns that Manuhiri and Ngati Rehua, two hapu of Nagtiwai have received their own settlement, while Whangaruru and Te Uri O Hikihiki will not be able to manage their own. It is not consistent with the Crown's policy and dcmonstrative of the Crown's divisive settlement licy.

Looking at the deed of mandate itself, I am not happy with the Trust Board appointing negotiators, when they have made no effort to understand claim issues and have not meaningfully engaged with hapu. Hapu should be involved in appointing negotiators to ensure that their interests are looked after. The groups such as Kaumatua, Kuia, Taumata and research group should have more influence and should be set up before the deed is recognised. Thought should be given to the shape of a PGSE.

A thorough review of the Ngatiwai Trust Board's past performance should be undertaken before any mandate is approved. Areas of attention I would like to highlight are as follows:

- * Hapu relationships and reasons to why two significant Hapu are sitting outside the Ngatiwai Trust Boards settlement process
- * The lack of recognition and inclusion of the rangatahi body that will assist the tribe in its future developments

Fishing Settlement outcomes and dispersion to Hapu

- * Investment portfolio and its performance
- * Major projects undertaken by the Trust Board and the outcomes
- * Conflicts of interest within the Trust Board

The Ngatiwai Tribe will have one oppportunity to receive, maintain and develop a settlement and it is important to get the foundations for our settlement right. I would rather not be part of a settlement that embarrasses my Tribe and the Crown through lack of due diligence.

Yours sincerely

Withheld under section
9(2)(a) of the Official
Information Act 1982.

From:
Sent: Thursday, 21 August 2014 9:08 p.m.
To: OTS_Subs
Subject: Objection to Ngatiwai claims inclusion to Te Waiariki Ngati Korora and Ngati Taka in their mandate

I, a direct descendant of the three hapu TE WAIARIKI, NGATI KORORA & NGATI TAKA object to the inclusion of Te Waiariki iwi and its Hapu and marae and claims in the Ngati Wai mandate, breach of the treaty, i strongly oppose NGATI WAI MANDATE. I informed my four children ages 19, 21, 25 and 30 it is their future.

Nga mihi



This email is free from viruses and malware because avast! Antivirus protection is active.

From: [redacted]
Sent: Thursday, 21 August 2014 9:11 p.m.
To: OTS_Subs
Subject: Objection to Ngatiwai claims inclusion to Te Waiariki Ngati Korora and Ngati Taka in their mandate

I, [redacted], a direct descendant of the three hapu TE WAIARIKI, NGATI KORORA & NGATI TAKA object to the inclusion of Te Waiariki iwi and its Hapu and marae and claims in the Ngati Wai mandate, breach of the treaty, i strongly oppose NGATI WAI MANDATE

Nga mihi

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9(2)(a) of the Official
Information Act 1982.

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<http://www.avast.com>

From:
Sent: Thursday, 21 August 2014 9:15 p.m.
To: OTS_Subs
Subject: Objection to Ngatiwai claims inclusion to Te Waiariki Ngati Korora and Ngati Taka in their mandate

I, a direct descendant of the three hapu TE WAIARIKI, NGATI KORORA & NGATI TAKA object to the inclusion of Te Waiariki iwi and its Hapu and marae and claims in the Ngati Wai mandate, breach of the treaty, i strongly oppose NGATI WAI MANDATE

Nga mihi

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9(2)(a) of the Official
Information Act 1982

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<http://www.avast.com>

From: -----
Sent: Thursday, 21 August 2014 9:15 p.m.
To: OTS_Subs
Subject: Objection to Ngatiwai claims inclusion to Te Waiariki Ngati Korora and Ngati Taka in their mandate

I, _____ a direct descendant of the three hapu TE WAIARIKI, NGATI KORORA & NGATI TAKA object to the inclusion of Te Waiariki iwi and its Hapu and marae and claims in the Ngati Wai mandate, breach of the treaty, i strongly oppose NGATI WAI MANDATE

Withheld under section
 9(2)(a) of the Official
 Information Act 1982.

Nga mihi

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<http://www.avast.com>

From: [Redacted]
Sent: Thursday, 21 August 2014 9:16 p.m.
To: OTS_Subs
Subject: Objection to Ngatiwai claims inclusion to Te Waiariki Ngati Korora and Ngati Taka in their mandate

I, [Redacted], a direct descendant of the three hapu TE WAIARIKI, NGATI KORORA & NGATI TAKA object to the inclusion of Te Waiariki iwi and its Hapu and marae and claims in the Ngati Wai mandate, breach of the treaty, i strongly oppose NGATI WAI MANDATE

Withheld under section
 9(2)(a) of the Official
 Information Act 1982.

Nga mihi

 This email is free from viruses and malware because avast! Antivirus protection is active.
<http://www.avast.com>

From:
Sent: Thursday, 21 August 2014 9:22 p.m.
To: OTS_Sub
Subject: Objection to Ngatiwai claims inclusion to Te Waiariki Ngati Korora and Ngati Taka in their mandate

I a direct descendant of the three hapu TE WAIARIKI, NGATI KORORA & NGATI TAKA object to the inclusion of Te Waiariki iwi and its Hapu and marae and claims in the Ngati Wai mandate, breach of the treaty, i strongly oppose NGATI WAI MANDATE

Nga mihi

Withheld under section 9(2)(a) of the Official Information Act 1982.

From: [REDACTED]
Sent: Thursday, 21 August 2014 9:28 p.m.
To: OTS_Sub
Subject: Objection to Ngatiwai claims inclusion to Te Waiariki Ngati Korora and Ngati Taka in their mandate

I [REDACTED], am a descendant through my mum [REDACTED] direct descendant of the three hapu TE WAIARIKI, NGATI KORORA & NGATI TAKA object to the inclusion of Te Waiariki iwi and its Hapu and marae and claims in the Ngati Wai mandate, breach of the treaty, i strongly oppose NGATI WAI MANDATE

Nga mihi

Withheld under section
9(2)(a) of the Official
Information Act 1982.

From:
Sent: Thursday, 21 August 2014 9:30 p.m.
To: OTS_Sub
Subject: Objection to Ngatiwai claims inclusion to Te Waiariki Ngati Korora and Ngati Taka in their mandate

I am a descendant through my mum . a direct descendant of the three hapu TE WAIARIKI, NGATI KORORA & NGATI TAKA object to the inclusion of Te Waiariki iwi and its Hapu and marae and claims in the Ngati Wai mandate, breach of the treaty, i strongly oppose NGATI WAI MANDATE

Nga mihi

Withheld under section
9(2)(a) of the Official
Information Act 1982.

From:
Sent: Thursday, 21 August 2014 9:31 p.m.
To: OTS_Subs
Subject: Objection to Ngatiwai claims inclusion to Te Waiariki Ngati Korora and Ngati Taka in their mandate

I am a descendant through my mum a direct descendant of the three hapu TE WAIARIKI, NGATI KORORA & NGATI TAKA object to the inclusion of Te Waiariki iwi and its Hapu and marae and claims in the Ngati Wai mandate, breach of the treaty, i strongly oppose NGATI WAI MANDATE

Nga mihi

Withheld under section
9(2)(a) of the Official
Information Act 1982.

From:
Sent: Thursday, 21 August 2014 9:33 p.m.
To: OTS_Sub
Subject: : Objection to Ngatiwai claims inclusion to Te Waiariki Ngati Korora and Ngati Taka in their mandate

I am a descendant through my mum a direct descendant of the three hapu TE WAIARIKI, NGATI KORORA & NGATI TAKA object to the inclusion of Te Waiariki iwi and its Hapu and marae and claims in the Ngati Wai mandate, breach of the treaty, i strongly oppose NGATI WAI MANDATE

Nga mihi

Withheld under section 9(2)(a) of the Official Information Act 1982.

From:
Sent: Thursday, 21 August 2014 10:19 p.m.
To: OTS_Sub
Subject: Ngatiwai Trust Board application for Mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

21st August 2014

I, _____, from Takahiwai Marae and also of Ngatiwai descent object to the Ngatiwai Trust Boards Deed of Mandate.

1)
Ngatiwai claims Takahiwai as a Ngatiwai Marae.

This is wishful thinking and gives one the impression the land is part of Ngatiwai Trust Boards historical claim. The claim is only made from greed and purely MONEY.

Ngatiwai does NOT have any claim to whenua in the Whangarei Harbour or in CBD of Whangarei.

Ngatiwai people married into the district=The land is NOT Ngatiwai.

2)
Commission of inquiry was held in 1999 and a Kaitiakitanga was established. The correct people of the Whangarei Harbour are the people of Takahiwai, Otaika Toe Toe and Parua Bay. The Tribe being Te Parawhau.

Please Note;

No mention of Ngapuhi, Ngatiwhatua and Ngatiwai BUT the Crown is ready to create another grievance under the Treaty of Waitangi by not negotiating a position for the Crown identified Tribe of Te Parawhau, therefore allocating Settlements to Iwi Authorities sanctioned by OTS.

3)
Te Parawhau Tribe; The hapu are; Uriotangata, Ngatikahu o Torongare, Patuharakeke, Ngatiwharepiea, Hauhaua, Te Uriopuha, Ngatimoe, plus another 120 hapu. As the Crown has ceded 80% of Te Parawhau lands are lost, most of the hapu names are in archives. The original Tribe Ngaitahuhu went to battle in 1700 with Ngatiwai at Whangaruru. The Battle was because Ngatiwai came into the Harbour without the consent of the chief Tirirau 1. They chased Ngatiwai out of the Harbour back to their lands. The chief Tirirau was killed and wrapped in Whau leaves, thus the name Te Parawhau.

I object to the Mandate as the Crown and Ngatiwai have not proven their rights of occupation on Lands and Titles from original Native Titles within the South and coastal districts of Whangarei. Therefore the Mandate document is NOT correct.

Signed I _____

From:
Sent: Thursday, 21 August 2014 11:49 p.m.
To: OTS_Subs
Cc:
Subject:

Withheld under section
9(2)(a) of the Official
Information Act 1982.

I oppose the Ngatiwai trust board deed of mandate in its current form and approach.

Regards,

Sent from my iPhone

From:
Sent: Friday, 22 August 2014 9:23 a.m.
To: OTS_Subs
Subject: Ngatiwai Deed of Mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Kia ora,

I am writing to oppose the Deed of Mandate as presently constituted. I believe that there needs to be greater representation within the Treaty Committee for claimants, hapu and kaumatua. I also believe that the mandating process was rushed and that there's needs to be greater engagement with the Ngatiwai community.

Regards,

Registered beneficiary of Ngatiwai

22 August 2014

Manager
Office of Treaty Settlements
SX 10111
WELLINGTON

By Email: OTS_subs@justice.govt.nz

NGATIWAI MANDATE

1. My name is

Summary

2. I oppose the Ngatiwai Deed of Mandate.

2.1 I object to the inclusion of Wai 244 in the Deed of Mandate.

2.2 I object to the inclusion of Wai 245 in the Deed of Mandate.

Ko wai tenei

3. I am of Ngatiwai descent.

4. I am of Te Waiariki descent, from Te Kahu Whero of Ngati Manaia.

5. My principal marae are Pataua and Ngunguru.

6. I am a kaumatua of Ngatiwai, and a kaitiaki of our taonga of Ngatiwai. I am the current chairperson of the Kahui Kaumatua o Ngatiwai.

7. I am the named claimant in the claim to the Waitangi Tribunal on behalf of my whanau, known as Wai 245.

8. I am a claimant in the claim to the Waitangi Tribunal made on behalf of my iwi, Ngatiwai, known as Wai 244.

9. I am a committed kaitiaki in te ao Maori for our taonga tuturu.

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Withhold under section
9(2)(a) of the Official
Information Act 1982.

Objection to inclusion of Wai 244

15. I am a claimant in the claim to the Waitangi Tribunal made on behalf of my iwi, Ngatiwai, known as Wai 244. I understand that there is some debate about the right of kaumatua to speak on behalf of Wai 244. I have every right to speak on behalf of Wai 244. Wai 244 was filed as a comprehensive claim on behalf of Ngatiwai as an iwi. I was involved in the drafting of the statement of claim. That is why I filed my own whanau claim immediately thereafter (Wai 245), just dealing with our own specific whanau issues, because I knew that the purpose of Wai 244 was to deal with the Ngatiwai claims across our rohe on behalf of us all. Wai 244 is not "owned" by the Ngatiwai Trust Board. The Board is made up of us people of Ngatiwai, it does not exist without our authority. Its blood are the marae and the kaumatua of Ngatiwai. The Wai 244 statement of claim actually defines "claimant" as including "Individuals or families of Te Iwi o Ngatiwai making a claim as Te Iwi o Ngatiwai..."

16. The Ngatiwai Deed of Mandate would grant to the Trust Board the authority to negotiate and settle with the Crown our historical Treaty grievances. It is inappropriate that this occurs at this time because:

16.1 We are awaiting the release of Stage I of the Waitangi Tribunal's report into whether or not we ever ceded sovereignty to the Crown. I am firmly of the view that this never occurred, and therefore there is no basis for the Crown's imposition of its current negotiation framework. The implications of the Stage I hearings are such that it is premature for us to be engaged in settlement negotiations with the Crown at this stage.

16.2 Ngatiwai has not completed its research into historical grievances, and the claims have not been heard or determined by the Waitangi Tribunal. We will be prejudiced by this attempt to negotiate on our behalf in the absence of robust research and findings.

Objection to inclusion of Wai 245

17. The Wai 245 claim is primarily based on us as a whanau who are Te Waiariki, who descend from Te Kahu Whero of Ngati Manaia. The Ngatiwai Deed of Mandate includes Wai 245 as claims to be settled, but adds a qualifier that *this will be to the extent that the claims relate to Ngatiwai*.

18. It is not appropriate for the Ngatiwai Trust Board to assume authority to settle grievances of Te Waiariki. We have had no robust engagement with Ngatiwai Trust Board as to what that qualifier is intended to mean, and how it will work in practice. No-one has explained to us whether or not the Te Waiariki lands will be included in the settlement discussions.

19. In addition, Te Waiariki has not completed its research into its historical grievances, and is even more behind in that regard than other whanau and hapu in this area. It would be prejudicial to us for

negotiations to commence without that research being completed, and the Tribunal hearing our claims.

I wish to be fully heard on this submission, and to receive all correspondence and documentation which is relevant to the Deed of Mandate. I live at _____, _____, _____ My email address is .

I also wish this information to be copied to my solicitor, Leo Watson, PO Box 1035, Napier, or at leo@leowatson.co.nz

22 August 2014

Withheld under section
9(2)(a) of the Official
Information Act 1982.

From:
Sent: Friday, 22 August 2014 2:43 p.m.
To: OTS_Subs
Subject: Submission for Opposing Mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

My name is and I strongly oppose Ngatiwai Trust Board having the Mandate to make decisions on behalf of me and my Hapu. I feel that each Hapu should make their own decisions and govern themselves.

My hapu is Te Uri o Hikihiki
My Marae is Otetao, Punaruku

WAI CLAIM 504

22 August 2014

Office of Treaty Settlements
SX 10111
WELLINGTON
OTS_subs@justice.govt.nz

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Re: Wai 504 and Wai 2243

Please note our new and updated address.

Postal Address:

Email:

Purpose of this document:

To respond to OTS correspondence to [redacted] dated dated 11 July 2014 in respect of Wai 504 and Wai 2243.

Submission on Wai 2243: I have confirmed to Ngatiwai Trust Board in writing that Wai 2243 can be included as a claim under the mandate of that board. I expect the Ngatiwai Trust Board to involve me in its submissions/ formation and discussions in respect of that claim because it refers specifically to [redacted] I seek to ensure that the legal battles [redacted] has fought for Ngatiwai ownership and mana of Hauturu are acknowledged and respected.

Submissions on Wai 504: The claimants do not consent to Wai 504 being included in the Deed of Mandate of Ngatiwai.

Submissions of on behalf of claimants and
..... claim Wai 504.

Background

1. The claimants are descendants of and his wife
2. This claim is for the land, waters, rivers, harbours and oceans which Tautohe's ancestors Mate, Motutara and Kukupa exercised their dominion over from the time that Samuel Marsden first preached at Marsden Point in 1815 to the present.
3. The land component comprises land in the south Whangarei and lying within the jurisdiction of the Takahiwai Maori Committee boundaries.
4. The seaward component comprises the southern shores of the Whangarei Harbour and the sea coast that extends along what is now known as Bream Bay.
5. The domain of Tautohe's ancestors and those of Ngatiwai merge off shore of the Whangarei Heads. The sea coast between Pewhairangi and Tamaki Makaurau has been an open highway for iwi and tauiwi. The islands offshore of Bream Bay commonly referred to as the Hen and Chickens are Ngatiwai. The land on the sea coast of Bream Bay and inside of Whangarei Harbour are the domain of Tautohe's ancestors and extend outward to the east. Ngatiwai have rights to the waters surrounding their islands as well as offshore to the east. Tautohe's ancestors have rights to the water which extend eastward from Bream Bay and merge with those of Ngatiwai.
6. Tautohe's ancestors can be referred to in iwi terms as Ngai Tahuu, Ngatiwhatua, Ngapuhi and Ngati Hine. His major descent lines in this regard are –

| <u>Tupuna</u> | <u>Iwi</u> | <u>Hapu</u> |
|---------------|-----------------------|-------------|
| Weku | Ngaitahuu | |
| Motutara | Ngaitahuu/Ngapuhi | Parawhau |
| Mate | Ngatihine/Ngatiwhatua | Urinahu |
| Kukupu | Ngatiwhatua/Ngapuhi | Parawhau |

7. Tautohe is related to Ngatiwai descendants whose ancestors married into his tribes. This may give descendants rights to whenua but it gives no rights for Ngatiwai representatives from other places to make claims in respect of the land and to receive compensation for it.
8. All of the above tupuna of Tautohe have been major players in the ownership and control of land and sea at Whangarei and South Whangarei the area of Wai 504 claims.
9. Motutara has been seen as a military strategist for Hone Heke whom he assisted at the conflicts with government forces at Ohaewai. Motutara lead the Whangarei tribes in

expeditions with Tirarau Kukupa and Pukerangi to the Waikato in the 1830's. Motutara's rock pa Hewletts Point in the Whangarei Harbour was impregnable.

10. Motutara's domain extended from Bream Bay to the Tangihua Ranges in the west where Tirarau ruled. Motutara was joined at Takahiwai and the southern shores of Whangarei by his sister Te Poho's children. She had married the Te Taou(Ngatiwhatu) and Te Taotahi(Ngapuhi) rangatira Whakaariki. Whakaariki's son Te Ikanui subsequently took the name Te Pirihi and it is by this name that many of his descendants are known. His grandson Wiki Te Pirihi proved to be an accomplished advocate in the Native Court. Wiki was able to whakapapa to many tribes in many places. It is no surprise that many of his descendants have taken up careers in the law.
11. Mate Kai Rangatira was brought up in the household of Te Ruki Kawiti following the death of his father while on a Ngapuhi expedition to the Hauraki district which involved battles with Ngati Paoa/Ngati Maru. He took on a role as Kawiti's military commander and enforcer. Mate played an important role in South Whangarei in the 1860's. He was kept at his wits end in juggling conflicting demands and pressures that were being imposed on Maori by colonial administrators seeking to acquire land from Maori. Confiscation of the Takahiwai block is a case in point. The Crown threatened to send militia to Takahiwai to remove the Maori residents claiming that members of the Parawhau (from Whangarei) had ransacked a settlers homestead at Matakana near Mahurangi to the south. At that time Maori had given up their weapons and were not in a position to engage in armed conflict. Mate was Chief of the greater part of Ngatiwhatua. The settler government wanted Mate's land at Takahiwai as compensation. The families of Motutara and Whakaariki were living there. In Mate's eyes they were looking down the barrel of a gun. Rather than expose the whanau at Takahiwai to an armed massacre by militia, Mate was forced to cede ownership to the Crown.
12. Kukupa was an ancestor who married three sisters from Ngatiwhatua. His son Tirarau Kukupa was a principle Chief of Ngatiwhatua and Ngapuhi in the Northern Wairoa and Whangarei districts during the 1830's to 1870's. Within Whangarei he is renowned as a chief of Parawhau. Tirarau in conjunction with Motutara controlled events within the Whangarei Harbour. In the 1870's/1880's Tirarau's brother Taurau Kukupa and Motutara's son Hona Te Horo were the principle chiefs of Whangarei.

13. 504 CLAIMANTS SEEK:

- (a) A settlement for Whangarei Harbour which acknowledges Ngaitahuhu and its hapu Parawhau and Patuharakeke as Kaitiaki.
- (b) A settlement which acknowledges Ngaitahuhu and its hapu Parawhau and Patuharakeke as kaitiaki of the seas and oceans offshore of Bream Bay.
- (c) A settlement which provides to the descendants of Tautohe and Ramari on whose behalf this claim is made, a real opportunity to be an effective, significant and valued stakeholder in the economic infrastructure and ownership of capital resources in Bream bay.
- (d) An opportunity of contributing a defined capital sum for the purposes of growing the capital and economic resources of Parawhau and Patuharakeke with management and ownership of those resources being invested in Patuharakeke Te Iwi Trust Board or such

other corporate entity which the Parawhau/ Patuharakeke people in the Takahiwai Maori Committee tribal area may establish.

- (e) Significant cash or cash and assets to grow Parawhau/Patuharakeke's financial stake in positive economic growth and development in our Ruakaka/Marsden Point district.

14. IN THE EYES OF 504 WHERE DOES NGATIWAI TRUST BOARD SIT

- (a) Ngatiwai Trust Board is an adversary. It is in conflict with the interest of the Parawhau and Patuharakeke people of the district and especially so in respect of claim 504.

Specifically:

Mate's interests – he is not Ngatiwai

Motutara's interests - he is not Ngatiwai

Kukupu's interests – he is not Ngatiwai

- (b) Ngatiwai Trust Board members who represent Ngatiwai and who speak for Ngatiwai marae at Pakiri, Kawa, Motairehe, Pataua, Ngunguru, Matapouri, Whananaki, Whangaruru are totally inappropriate to represent the interests of claim 504.
- (c) Ngatiwai Trust Board and Ngatiwai mandate are the wrong people to advocate for the interests of the claimants for 504.

15. CLOSING COMMENTS

“We are prepared to talk and we see opportunity for all in engaging with parties who can move the settlement process along –sit down with us , let us share our kai with you “

While reciprocity is intended , moving forward will mean that there is no time for maintaining focus on the puku.

Stuff of substance needs to be on the table.

Signed: _____

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Dated: 22 November 2014

22 August 2014

Tim Townsend
Manager Settlement Development.
Office of Treaty Settlements
Justice Centre
19 Aitken Street
Wellington

Ref: Ngatiwai Trust Board Deed Of Mandate

Tena Koe,

We are writing to inform you, that we,
we object to the Ngatiwai Trust Board Deed of Mandate.

We hereby submit our Ngati Rehia of Ngapuhi Whakapapa for my whanau

Withheld under section
9(2)(a) of the Official
Information Act 1982.

We hereby submit our Ngati Hau of Ngapuhi Whakapapa for my whanau

Withheld under section
9(2)(a) of the Official
Information Act 1982.

We, the undersigned, represent a large natural grouping of Maori, known as several Hapu of Ngapuhi me Ngapuhi Nui Tonu, but in this instance, we are speaking for our **Ngati Rehiatanga and our Ngati Hautanga** as a hapu of Ngapuhi.

Through moetanga, we connect **Ngati Rehia and Ngati Hau a major Hapu of Ngapuhi**.

It is inconceivable to believe that **the Crown continues to BREACH TE TIRITI by allowing the Ngatiwai Mandate to include te Mana Whenua me Mana Moana o Ngapuhi Hapu.**

There are numerous areas that are included in the Ngatiwai mandate which we strongly dispute as being part of the Ngatiwai rohe, therefore should not be included in the Ngatiwai mandate, as they are areas that are specific to the traditional customary rohe o Ngapuhi.

These areas are Tapeka Point along the coastline to Taupiri, and from Taupiri, the entire coastline down to Mangawhai, and then down to the Mahurangi. The only acknowledged Tauranga Waka for Ngatiwai, with the hapu Ngati Rehua, in the rohe o Ngapuhi, are Tuparehuia, Taupiri and Whananaki. We dispute this mandate and challenge it in the claims of Ngapuhi.

Nga Mihi,

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Date 22/08/14_____

22/08/2014

Date

10

Manager
Settlement Development Team
Office of Treaty Settlements

22 August 2014
3 Wimbledon Crescent
Glen Innes
Auckland 1072

My name is Christine Baines I am a Court appointed Trustee on Coastal Block Pakiri G. This submission is on behalf of the Pakiri G Trust. I have been appointed Liaison Officer between Ngati Manuhiri to Crown and local Government Departments for Pakiri G and Omaha Marae.

I have prepared this submission on behalf of the owners and trustees of Pakiri G Block, Located at Pakiri which is in the rohe of Ngati Manuhiri.

I state that all Maori Lands in the Pakiri area belong to Ngati Manuhiri Iwi descendants only.

All ownership-titles are held in the Maori Land Court.

I further state that all land that have multi-ownership titles can be owned by a Specific family member or by a whole family.

Other blocks have been left to individual family branches (Wi Taiawa.Kiri. Harris.Eru. Ringi.Timi. The 6 children of Rahui)

ALL THESE BLOCKS ARE INCLUDED UNDER THE AUCKLAND CITY COUNCIL UNITARY PLAN WITH NO CONSULTATION WITH THE MAORI LANDOWNERS OUR PEOPLE!! NGATI WAI TRUST BOARD HAVE PLACED A PERSON OF THEIR CHOICE IN OUR SEAT AT THE TABLE. THIS CERTAINLY WAS NOT BROUGHT TO OR THROUGH OUR MARAE. WHEN THE NGATI WAI TRUST BOARD IS MARAE BASED

Note


We the descendants of Ngati Manuhiri want our own autonomy to decide what the future holds for our children, our land, and our resources, We want the Crown to make a ruling returning our sand royalty back to our area from where the resource is taken, so that our people Ngati Manuhiri who live in the extraction area our communities around us in the Auckland City Council area benefit. Which certainly is not the case right now.

Ngati Manuhiri want the Crown to take these matters into account when heading into Direct Negotiations for the comprehensive and final settlement of all Ngati Wai historical Treaty of Waitangi claims

Finally the Judge who made the decision for the sand royalty to go out of The extraction area was not from our country,(Judge Allen or Alien from

Canada)She did not know or understand Maori Tradition .
(What you take you replace)From the same vicinity,not to another area.

Yours faithfully

Christine Baines 

Pakiri G Trust Liaison Officer.

Cc Ngati Wai Trust Board

David Taipari.Chairman Maori Independent Statutory Board.

Johnny Freeland Auckland Council.



NGATIWAÏ TRUST BOARD

Appendix A

PO Box 1332; 171 Lower Dent Street; WHANGAREÏ; New Zealand, Phone: 09-4300939;
Fax: 09-4380182; Email: ngatiwai@ngatiwai.twi.nz

12 June 2009

The RT.Hon. Sir Douglas Graham
K.M.Z.M., Hon. D., LL.B., J.P.

Withheld under section
9(2)(a) of the Official
Information Act 1982

COPY

Tena Koe te Rangatira. Nga mihi nui ki a koe.

Re: NGATI MANUHIRI and NGATI REHUA TREATY CLAIMS

The Ngatiwai Trust Board wishes to confirm its support to both Ngati Manuhiri and Ngati Rehua in regard to their respective Treaty claims which are primarily within the rohe moana, rohe whenua Tamaki Makaurau, Mahurangi, Kaipara and Hauraki claims districts.

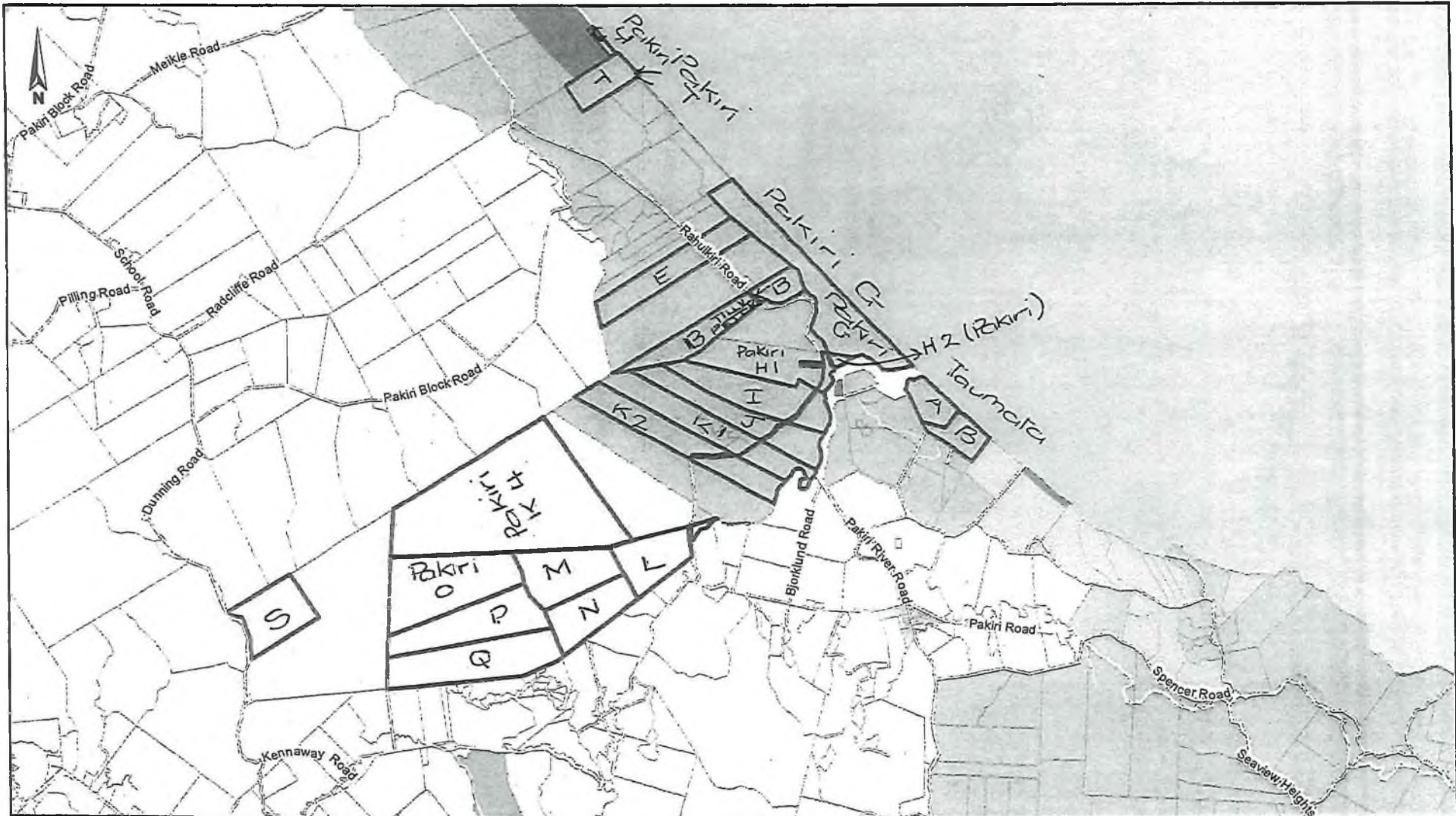
In providing its support the Board confirms its awareness that both are in a position to progress their claims and offers its full support towards settlement.

I appreciate the time you have indicated of your availability to meet with myself and others. We look forward to meeting with you on the 24th June 2009.

Yours faithfully

Ialy Haddon
Chairman
NGATIWAÏ TRUST BOARD
Tel: 09 422 6500 / 09 422 009

RELEASED UNDER THE OFFICIAL INFORMATION ACT



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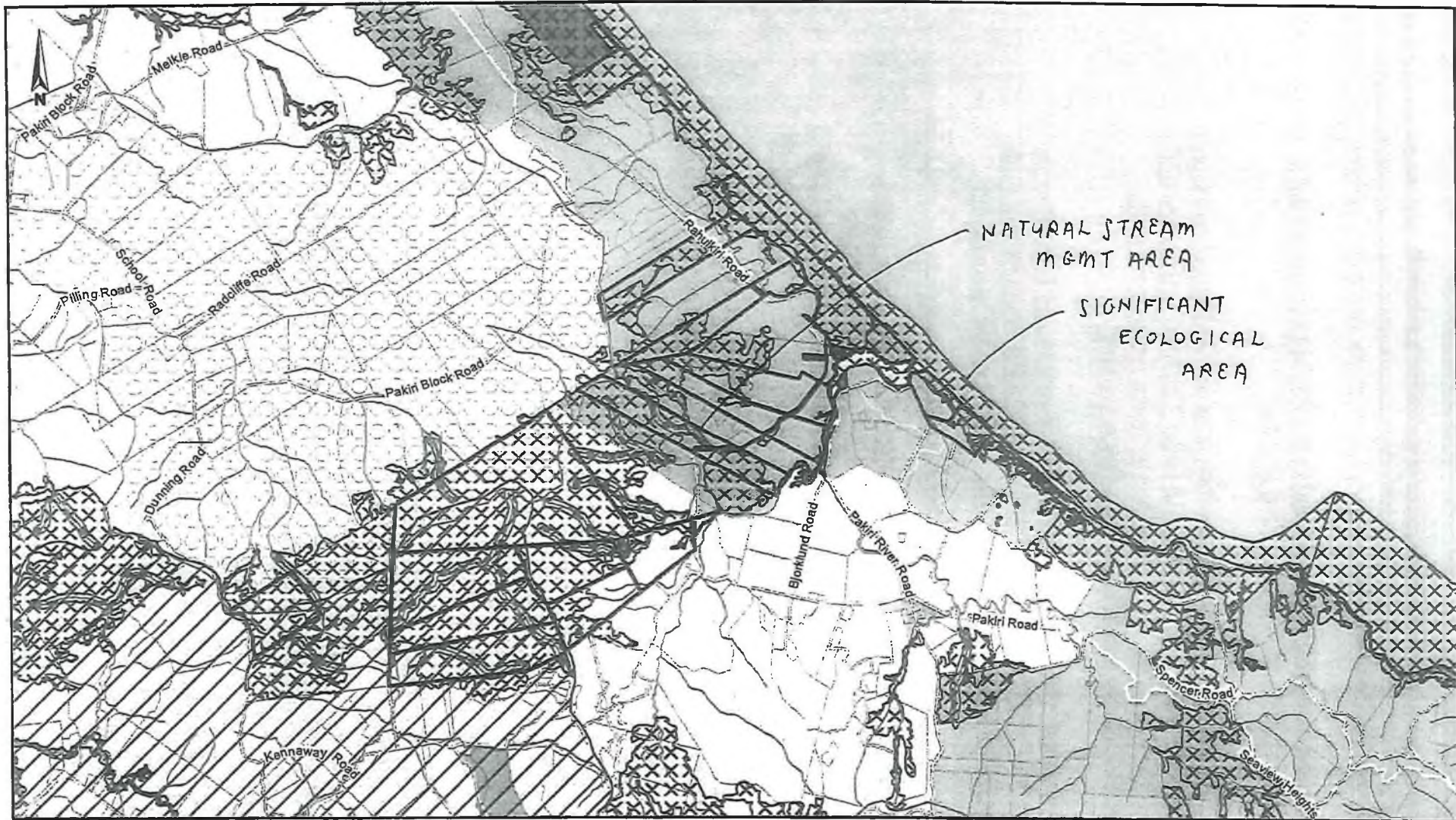
1:50,000
Plan Created: 29/4/13

DraftAUP - Maori Land Overlay and Zoning, Pakiri

click here to view Unitary Plan Legend
<http://intermaps.acllc.govt.nz/plans/UnitaryPlanLegend.pdf>



Auckland Council
Te Kaitiaki a Māori Kaitiaki



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Draft AUP - Maori Land Overlay and Natural Env Overlays, Pakiri

1:50,000
Plan Created: 29/4/13

[click here to view Unitary Plan Legend](http://intermaps.aucklandcouncil.govt.nz/plans/UnitaryPlan/aggend.pdf)
<http://intermaps.aucklandcouncil.govt.nz/plans/UnitaryPlan/aggend.pdf>



Submission Unitary Draft Plan For Rodney District Council

My name is Christine Baines. I reside at

Withheld under section
9(2)(a) of the Official
Information Act 1982.

My submission is regarding Maori Land in the Pakiri Leigh area. I am a
Owner/Trustee of Maori Freehold Land in Pakiri.

(1) Owner/Trustee of Pakiri G Block which is under the Maori Land Court
jurisdiction that has a Trust Order and is under The Maori Affairs Act(1953
Section 438(5) that Auckland council has included for changes in the
Unitary Draft Plan. No consultation with Pakiri G Trust.

(2) Owner Taumata B. 30 acre block which is coastal facing Little Barrier
In the Hauraki Gulf. This is a historical block included in the unitary draft
Plan no consultation with owners. Jurisdiction held under Maori Land
Court.

(3) An Owner Pakiri T. Pukeariki Urupa Historical Block where battles
were fought and won. (Pre 1840 which gave us Tangata Whenua Status.
Unitary Draft Plan covers this block. Jurisdiction held under Maori Land
Court. No consultation with owners

(4) An Owner Pakiri K. 4 Native Bush. Flora and Fauna abundant. Clean
water stream's food, shelter. Lookout during war time. Included in Unitary
Draft Plan. Held under the Maori Land Court. No consultation with
owners.

(5) An owner/Trustee. Omaha blocks 1, 2, Leigh, Marae and Urupa site.
Under the Maori Land Court No meeting held to let the people know
about their land or about what the Unitary Draft Plan will mean for them
The owners and the future generations.

I seek consultation with Owners/Trustees tangata whenua which the
council has overlooked in favour of the Manuhiri Settlement Trust. I
Hear what the Council Maori Relation Officer is saying. That the
Settlement Deed states they must consult with Manuhiri settlement
Trust. That does not make the Settlement Trust the owners/Trustees over
our land.

SOLUTION

We the owners and Trustees are looking for full consultation that is honest
open, transparent and gives us peace of mind. We would be agreeable for

the Maori Land Court under Te Ture Whenua Maori Act 1993, Section 30(5) In the matter. Determining representatives for Maori land blocks included in the Unitary Draft Plan by local government(Auckland Council) For Council to lodge an application to the court costs \$2000 plus 2hrs for court time. All may attend. Maori relation officers will learn where the two groups hold jurisdiction. Auckland Council has been through this before. (Mission Bay Sand) I have this ruling

Court costs
* \$200.00

I wish to be heard

Regards Christine Baines

C.S. Baines

From:
Sent: Friday, 22 August 2014 6:23 p.m.
To: OTS_Subs
Cc:
Subject:

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Kia Ora

I am writing regarding the Ngatiwai Trust Boards Deed of Mandate that has been advertised on the Office of Treaty Settlement website. I wish to make a submission in opposition.

Having read the Ngatiwai Trust Board Strategy and now Mandate Strategy, I cannot support the work that has taken place up to present. I have concerns that Manuhiri and Ngati Rehua, two hapu of Nagtiwai have received their own settlement, while Whangaruru and Te Uri O Hikihiki will not be able to manage their own. It is not consistent with the Crown's policy and demonstrative of the Crown's divisive settlement policy.

Looking at the deed of mandate itself, I am not happy with the Trust Board appointing negotiators, when they have made no effort to understand claim issues and have not meaningfully engaged with hapu. Hapu should be involved in appointing negotiators to ensure that their interests are looked after. The groups such as Kaumatua, Kuia, Taumata and research group should have more influence and should be set up before the deed is recognised. Thought should be given to the shape of a PGSE.

A thorough review of the Ngatiwai Trust Board's past performance should be undertaken before any mandate is approved. Areas of attention I would like to highlight are as follows:

- * Hapu relationships and reasons to why two significant Hapu are sitting outside the Ngatiwai Trust Boards settlement process
- * The lack of recognition and inclusion of the rangatahi body that will assist the tribe in its future developments
- * Fishing Settlement outcomes and dispersion to Hapu
- * Investment portfolio and its performance
- * Major projects undertaken by the Trust Board and the outcomes
- * Conflicts of interest within the Trust Board

The Ngatiwai Tribe will have one opportunity to receive, maintain and develop a settlement and it is important to get the foundations for our settlement right. I would rather not be part of a settlement that embarrasses my Tribe and the Crown through lack of due diligence.

Yours sincerely

Could you please let me know if you received this.

DAVID MARTIN STONE

Barrister-at-Law

22 August 2014

Office of Treaty Settlements
SX10111

WELLINGTON

By email: ots_subs@justice.govt.nz

Tena Koe

RE: OBJECTION TO THE NGATI WAI DEED OF MANDATE

1. This is an objection to the Ngatiwai Trust Board (“NTB”) Deed of Mandate to enter into negotiations with the Crown to settle all Ngatiwai historical Treaty of Waitangi grievances (“the mandate”) currently before the Waitangi Tribunal and the Wai 1040 Te Paparahi o Te Raki Inquiry (“the Inquiry”).
2. I act for the following Ngatiwai claimants whose claims are currently being heard in the Inquiry, namely:
 - a.
 - b.
 - c.
 - d.
 - e.
 - f.
 - g.
 - h.
3. The claimants oppose the mandate in its entirety.
4. At all NTB mandate hui the claimants made it known that they neither support NTB nor the mandate.

Withheld under section 9(2)(a) of the Official Information Act 1982.

Te Mata a Maui Law

PO Box 44331
Point Chevalier
AUCKLAND 1246
Free Phone 0508-TEMATA (0508-836282)
David@tematalaw.co.nz

5. **The Inquiry is currently active and the claimants are actively preparing and presenting their respective claims.** If the NTB enters into negotiations with the Crown now it would prejudice the claimants and the wider Ngatiwai community in the preparation of their claims before the Waitangi Tribunal. To date the NTB has categorically refused to support the claimants and the wider Ngatiwai community during the preparation and presentation of their claims before the Tribunal. For example, despite repeated requests, the NTB will not release technical research to the claimants which could be invaluable in litigating their respective claims. This is despite that research having possibly been paid for from Ngatiwai fisheries settlement money: money that was supposed to benefit all of Ngatiwai – not just the NTB.
6. **The NTB has consistently misrepresented the different avenues available to the claimants and the Ngatiwai community.** In the original mandate strategy (“the strategy”) the NTB Chairman Haydn Edmonds (“the Chairman”) stressed that settlement was possible by 2014. This claim was repeated throughout all the mandate hui. This contrasts sharply with the ‘FAQS’ recently published on the NTB website that settlement would not be achieved for 48 months. The NTB similarly exaggerated the length of time it would take for claims to be heard. The NTB was not unbiased or fair in how it presented the claimants and the wider Ngatiwai community with the ‘pros and cons’ of the Tribunal hearing pathway and direct negotiations.
7. **The mandate process was too short.** The mandate hui and subsequent vote was conducted in such a way that no confidence can be taken in the result that was reached. The majority of the mandating hui took course over the span of just one month, a very short time-span. The timeframes involved did not allow the claimants or the Ngatiwai community to spread the news of the mandate and the intentions of the NTB through the hapu. The NTB has not properly informed the claimants or the wider Ngatiwai community about what its intentions were or what was happening. The speed with which the NTB utilised throughout the mandate process exasperated this problem.
8. **The mandate process utilised to date by the NTB has been neither open nor transparent.** The speed with which the NTB utilised throughout the mandate process exasperated this problem. Many hapu included in the mandate were not aware that the NTB were planning to include them until very late in the process. As many of the hapu members were not registered with Ngatiwai many were unaware of what to do to oppose.
9. **The results of the vote itself merits further analysis.** The NTB distorts the true support of those in favour of the mandate. The NTB claims 82% support, whereas only 58% of those entitled to vote received voting packs. Of those who did receive voting packs, only 16%

voted. Only 13% of Ngatiwai adult registered members actively voted in favour of the mandate. If the madate voting process was not rushed and if more of the Ngatiwai community were able to vote, the numbers would have been dramatically different. There needs to be greater opportunity to participate if confidence is to be had in the integrity of the vote.

10. **The NTB knows nothing about the Ngatiwai claims.** The NTB wishes to resolve the grievances of claimants, but still have no idea of what the claim issues are. The NTB was invited to a recent Ngatiwai Claims hui which would have given NTB an insight into the issues that the claims represent, but elected not to send anyone. The claimants maintain that they are in the best position to present their claim as their claim issues affected them personally.
11. **There is inadequate hapu input.** The claimants also have concerns regarding hapu input. The NTB model is set up along marae lines, which is not representative of hapu. The voice of hapu is further diluted as members on the committee that advises the negotiators is reduced again. Sustainable redress is not possible for hapu if their voice is not properly represented. The claimants demand to have hapu and kaumatua representatives included on any Treaty sub-committee that may eventuate from this process
12. The NTB has no inherent jurisdiction to settle the claims.
13. **The NTB did not consult with the people.** Counsel was present when the NTB presented the mandate strategy at Panmure, Auckland. Counsel asked the NTB if they asked the claimants and the wider Ngatiwai community if they wanted to enter into negotiations with the Crown. The Chairman's response was no, they did not. Without consultation with the claimants and the wider Ngatiwai community, the NTB, with no inherent jurisdiction to do so, unilaterally decided to enter into negotiations with the Crown. This clear breach of tikanga of not consulting with the claimants and the wider Ngatiwai community (its own people) should not be supported by the Crown and the Treaty Principle of Good Faith would encourage the Crown not to do so.
14. **The mandate and the settling of all Ngatiwai claims is nothing more than a means by which the NTB can access money.** For the claimants and the wider Ngatiwai community this is abhorrent. It is abhorrent because as evidence by their past conduct, the NTB will not share what research they have, nor will they attend claims hui and nor will they educate themselves about what the claims are all about or what they mean for the claimants.

15. **The NTB does not support the claimants and the wider Ngatiwai community in preparing for the presentation of the Ngatiwai claims.** If the NTB did care for the claimants and the wider Ngatiwai community it would support them in preparation for their hearings, but it does not. It will not spend a cent in helping the claimants and the wider Ngatiwai community prepare for their hearings but it is putting its hand up to receive their settlement monies. That is abhorrent.

16. For the good and just reasons outlined above I invite the Crown to decline to recognise and accept the mandate sought by the NTB.



David Martin Stone

22 August 2014

Tim Townsend
Manager Settlement Development
Office of Treaty Settlements
Justice Centre
19 Aitken Street
WELLINGTON

Withheld under section
9(2)(a) of the Official
Information Act 1982.

REFERENCE: Ngatiwai Trust Board Deed of Mandate

Tena koe,

1. My reason for writing this submission is in two parts. The first part, I write as an individual opposing the Ngatiwai Deed of Mandate.
2. The second part, I write on behalf of Te Waiariki, Ngati Korora and Ngati Takapari Hapu Iwi.
3. My name is [redacted] also known as [redacted] I reside on tupuna whenua known as OTAMAITI next to the WAITANGI AWA (Wai maori) in Te Waiariki rohe.
4. I am the daughter of the late [redacted] who is a named claimant of [redacted]. Since my fathers passing in 2004, my whanau appointed me to replace him. I have attended every Waitangi Tribunal Hearing of [redacted], and Judicial Hearings, claimants meetings and Hui-A-Iwi.
5. [redacted] clearly identified the takutai moana [coastline] and whenua [land blocks] of Te Waiariki, Ngati Korora and Ngati Takapari [Ngati Taka]. The "mana whenua" on the lands are not Ngatiwai. However there are land blocks where our chief's of the tribe clearly state "Te Waiariki a hapu of Ngapuhi" not Ngatiwai. So we have to get it right for our tamariki. The "Past" "Present" "Future"
6. In 1996, Hui-A-Iwi was held at Pehiaweri Marae to discuss the Sealord Deal. From that Hui-A-Iwi [redacted] te reo of Te Waiariki, Ngati Korora and Ngati Taka challenged Witi McMath of Ngatiwai Trust Board when he stated that the coastline of Te Waiariki was their's. Meaning Ngatiwai.
7. [redacted] his whakapapa of Te Waiariki, Ngati Korora and Ngati Taka [Tukaiteuru & Te Uhi] and stated they are not Ngatiwai tupuna.

However, he said that Ngatiwai married into Te Waiariki, Ngati Korora, Ngati Takapari just like other hapu of Ngapuhi. He gave an example of

... of Ngati Kahu, Te Parawhau, Uriroroi, Ngati Hine & Ngati Manu... Who married his mother Peti Mahanga of Te Waiariki, Ngati Korora and Ngati Taka. The mana atua, mana whenua, mana moana belongs to my tupuna of Te Waiariki, Ngati Korora and Ngati Taka not Ngatiwai. Witi McMath went on to say it was too late to do anything about it. I stood to tell everyone at that hui he will "tono he kereme ki te Waitangi Taraipunara mo te hea o te kawantanga ki te raupatu te takutaimoana nga mahinga mataitai ona tupuna o Te Waiariki, Ngati Korora me Ngati Taka, kia tukua ki te tahi atu hapu o Ngapuhi". Hence he did exactly that and the Waitangi Tribunal issued the claim number '.....'. The claimants are Louisa Collier, Haki Mahanga, Wini Wini Kingi, Mitai Paraone, Haane Kingi (dcd) and Colin Malcom (dcd). The claim covered their whenua moana, wahi tapu o ratou taonga katoa. In February 2015, claimants will be presenting their evidence for local hearings in Whangarei before the Waitangi Tribunal. I will be contesting our rights of our mana whenua, mana moana to our traditional customary mahinga mataitai, takutai whenua, tua whenua mahinga kai in hearings in February 2015. It is our right that we will take to the international courts to redeem our indigenous rights of sovereignty. You cannot extinguish customary rights to our traditional customary LORE (LAWS)

8. There is only two marae in the Whangarei district namely Ngunguru Marae & Ngararatunua Marae that have a physical building on it that identifies and represent the descendants of Te Waiariki, Ngati Korora & Ngati Taka. These are recorded and documented in the Maoriland Court, Whangarei.
9. The following Trustees of Pataua Marae are: Lenard Kaa Kaa, George Mahanga, Maisie Hill and Waimarie Bruce. In June this year an application to the Maoriland Court made by Maxwell for the investigation into the administration of the Pataua Marae was heard. There has never been an audit or an Annual General Meeting called since we were appointed trustees. Himiona Munroe suffered a stroke in 2011 and has never recovered, however the Maoriland Court has removed him as a trustee recently. The Maoriland Court Judge has stood the matter down for three months and requested all financial records etc and that they will call the hui for the review of the Pataua Marae trust. Valerie Timbers has also been removed by the Maoriland Court recently. Hori Mahanga's appointment on the Ngatiwai Trust Board did not go through a meeting of the Pataua Marae trustees or an AGM. There are no minutes to support his claim. However there are minutes to say he was and still is the treasurer of Pataua Marae. "Self Appointment" As the judge of the Maoriland Court said "you can't hold two positions"
10. I am also a Trustee (secretary) of Te Waiariki Ngati Korora Ngati Takapari Hapu Iwi Trust. The other Trustees: Pereri Mahanga (chairman), Joanne

... have been aware of the Ngatiwai Deed of Mandate and know that our beneficiaries of Te Waiariki, Ngati Korora, Ngati Takapari are scattered all over the world and to be included in the Ngatiwai Deed of Mandate, is unacceptable and will be challenged by Te Waiariki, Ngati Korora, Ngati Takapari. The Trust was established by the kaumatua/kuia, beneficiaries/descendants and for the beneficiaries/descendants. The Trust still continues to carryout the day-to-day issues that impact on the tribe.

11. Our neighbouring tribes of Whangarei namely: Ngati Kahu, Te Parawhau, Patuharakeke, Ngati Tu and Ngati Hau share the same whakapapa from Tahuhu-nui-o-rangi, whose father was MANAIA. The maunga Manaia is one of the pillars or Pou of the "WHARE TAPU O NGAPUHI". Te Waiariki, Ngati Korora, Ngati Takapari and their neighbouring tribes hold that POU up. There is a whakatauki that recites the WHARE TAPU O NGAPUHI. The CROWN has to get it right. We are the indigenous people of Aotearoa and the CROWN need to recognise those rights.
12. I wish to be heard in support of my submission, and provide the evidence to support my submission. Hard copy will be sent by post.
- 13 I wish that copies be sent to the following organisations:
 - a) Te Runanga O Ngapuhi
 - b) Tuhoronuku
 - c) Waitangi Tribunal
 - d) Te Runanga O Te Rarawa
 - e) Ngatiwai Trust Board
 - f) Maoriland Court [Whangarei]
 - g) Northland Regional Council
 - h) Whangarei District Council
 - i) Ministry of Fisheries
 - j) Department of Conservation
 - k) All Government Departments

ADDRESS: ...
CONTACT DETAILS: .

Date: 22nd August 2014

22 August 2014

McCaw Lewis Limited
One on London
1 London Street
PO Box 9348
Hamilton 3240
New Zealand
DX GP 20020
T 64-7-838 2079
F 64-7-839 4652
W www.mccawlewis.co.nz

McCaw Lewis
LAWYERS

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Hon Chris Finlayson
Minister for Treaty of Waitangi Negotiations
The Office of Treaty Settlements
SX10111
WELLINGTON 6011

Hon Dr Pita Sharples
Minister of Maori Affairs
Te Puni Kokiri
PO Box 3943
WELLINGTON 6011

Also by Email: c.finlayson@ministers.govt.nz

Also by Email: p.sharples@ministers.govt.nz

Tena koe,

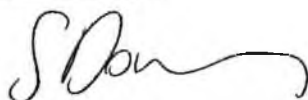
SUBMISSION ON NGATIWAI DEED OF MANDATE

1. This submission is on behalf of Te Kapotai and Ngati Pare and concerns the Ngatiwai Deed of Mandate for which you have called public submissions.
2. We understand the Ngatiwai Trust Board is seeking a mandate to represent Ngatiwai in direct negotiations with the Crown for the comprehensive and final settlement of all the remaining claims of Ngatiwai. The Deed of Mandate sets out the Ngatiwai claimant community to be represented in comprehensive negotiations, the governance structure and the proposed hui process for obtaining the mandate. You will recall that the Deed of Mandate strategy only included Te Kapotai and Ngati Pare, hapu, marae and claims at the last minute, because of an oversight and by direction of the Office of Treaty Settlements.
3. As your office will know, Te Kapotai and Ngati Pare marae are Te Turuki (Waikare) and Waihaha. Te Kapotai and Ngati Pare have two hapu WAI claims – WAI 1464 and WAI 1546.
4. Your office has been on notice of Te Kapotai and Ngati Pare’s position on the settlement of their Te Tiriti o Waitangi claims from the series of correspondence that your office has received from Te Kapotai and Ngati Pare regarding the Tuhoronuku/Te Runanga-a-Iwi o Ngapuhi mandate process and the Ngatiwai mandate process. However, we restate it here:
 - (a) Te Kapotai and Ngati Pare do not support Tuhoronuku, or any other entity, to whom they have not given their mandate to represent their hapu in settlement discussions with the Crown;
 - (b) Te Kapotai and Ngati Pare want to complete Stage Two Waitangi Tribunal hearings; and
 - (c) Te Kapotai and Ngati Pare will decide for themselves who will negotiate and settle their historical Te Tiriti o Waitangi claims.
5. Te Kapotai and Ngati Pare had representatives (Romana Tarau and Karen Herbert) attend the Ngatiwai Trust Board briefing at Barge Park in Whangarei on 9 August 2013, where your office was informed of the above.

6. You are aware that Te Kapotai and Ngati Pare oppose the Ngatiwai settlement process and refuse to be part of that process for the following reasons:
- (a) Te Kapotai and Ngati Pare are not hapu of Ngatiwai;
 - (b) Te Kapotai and Ngati Pare are not represented by the Ngatiwai Trust Board;
 - (c) Te Kapotai and Ngati Pare, have not been part of, and have never given the Ngatiwai Trust Board or any other entity the mandate to negotiate the settlement of their historical Te Tiriti o Waitangi claims;
 - (d) In August 2013, Te Kapotai and Ngati Pare made a submission opposing their wrongful inclusion in the Ngatiwai Deed of Mandate Strategy and asked to be removed from the Deed of Mandate Strategy;
 - (e) In December 2013, Te Kapotai and Ngati Pare met with representatives from the Office of Treaty Settlements and Ngatiwai and unequivocally rejected the inclusion of Te Kapotai and Ngati Pare in the Ngatiwai Deed of Mandate and again requested to be removed; and
 - (f) No process has been followed by Ngatiwai that would enable Ngatiwai to say that it has a mandate to represent Te Kapotai and Ngati Pare in settlement discussions with the Crown.
7. Te Kapotai and Ngati Pare have instructed us that they refuse to be forced into the Ngatiwai settlement process by their inclusion in the Ngatiwai Deed of Mandate.
8. We ask that your office confirm that Te Kapotai and Ngati Pare hapu, marae and WAI claims have been removed from the present Ngatiwai Deed of Mandate. If the claims are not removed, we have instructions to file an application for an urgent inquiry with the Waitangi Tribunal into the Ngatiwai Deed of Mandate process.

Ngā mihi,

McCaw Lewis



SEASON-MARY DOWNS

SOLICITOR

Email seasonmary.downs@mccawlewis.co.nz

Fax (07) 839-4652

Direct Dial (07) 958-7424

CC Te Puni Kokiri
Waitangi Tribunal
Crown Forestry Rental Trust
Te Runanga a Iwi o Ngapuhi / Te Roopu o Tuhoronuku

Also by Email: info@tpk.govt.nz

From: [redacted]
Sent: Monday, 25 August 2014 7:44 p.m.
To: OTS_Subs
Subject: re- Opposing Mandate for Ngatiwai Trust board

Is it too late for me to oppose Ngatiwai Trust Board from having the Mandate? I have actually sent a few emails to the wrong address and only found out that there was a DNS error on all 4 attempts.

I oppose Ngatiwai Trust board having the Mandate because I strongly believe that the many Hapu in the Iwi should and have the right to govern themselves. I for one do not think that NTB is in a sound enough position to do us ALL justice.

Te Uri o Hikihiki te Hapu, Mokau te Marae
Patuharakete te Hapu, Takahiwai te Marae

Ko Ngatiwai te Iwi

Thankyou

From:
Sent: Saturday, 30 August 2014 12:46 p.m.
To: OTS_Sub

Withheld under section
9(2)(a) of the Official
Information Act 1982.

I _____ as a direct descendent of Te Waiariki Ngati Korora Ngati Taka hapu/iwi
oppose the inclusion of our hapu/iwi in the Ngati Wai mandate

From:
Sent: Saturday, 30 August 2014 1:29 p.m.
To: OTS_Sub
Subject: Ngati Wai Mandate.

Withheld under section
9(2)(a) of the Official
Information Act 1982.

I _____ as a direct descendent of Te Waiariki Ngati Korora Ngati Taka hapu/iwi oppose the inclusion of our hapu/iwi in the Ngati Wai mandate.

From:
Sent: Saturday, 30 August 2014 3:56 p.m.
To: OTS_Sub
Subject: Ngati Wai mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

I, a direct descendant of Te Waiariki, Ngati Korora, Ngati Taka hapu/iwi oppose the inclusion of our hapu/iwi in the Ngati Wai mandate

from my iPad

From:
Sent: Saturday, 30 August 2014 4:06 p.m.
To: OTS_Sub
Subject: Nati Wai mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

I a direct descendant of Te Waiariki, Ngati Korora, Ngati Taka hapu/iwi oppose the inclusion of our hapu/iwi in the Ngati Wai mandate.

From: [redacted]
Sent: Sunday, 31 August 2014 6:48 p.m.
To: OTS_Sub
Subject: Te Waiariki Ngati Korora Ngati Taka hapu/iwi

Withheld under section
3(2)(a) of the Official
Information Act 1982.

To Whom it may concern

I [redacted] is a direct descendent of Te Waiariki Ngati Korora Ngati Taka hapu/iwi oppose the inclusion of our hapu/iwi in the Ngati Wai mandate.

Kind regards

From:
Sent: Tuesday, 2 September 2014 2:28 p.m.
To: OTS_Sub

I as a direct descendent of Te Waiariki Ngati Korora Ngati Taka hapu/iwi oppose the inclusion of our hapu/iwi in the Ngati Wai mandate.

From: --
Sent: Tuesday, 2 September 2014 2:54 p.m.
To: OTS_Sub
Subject: NTB deed of mandate

Withheld under Section
9(2)(a) of the Official
Information Act 1982

I support the Ngatiwai Trust Board deed of mandate and that I also support Ngatiwai Trust Board to be the mandated authority to settle Ngatiwai Claims.

Kris MacDonald
Chairman
Te Whanau a Rangiwhakaahu Hapu Trust
C/- kris.macdonald@imsb.maori.nz

Office of Treaty Settlements
SX10111
Wellington
OTS_subs@justice.govt.nz

30 August 2014

Tena koutou katoa

RE: Submission for the Ngati Wai Deed of Mandate.

I wish to **support** Ngati Wai's Deed of Mandate advertised on the OTS website.

I am Chair of Te Whanau a Rangiwhakaahu Hapu Trust and along with members of our hapu, lodged our hapu claim recognised as WAI 1711. Te Whanau a Rangiwhakaahu are derived from the Te Aki Tai, Ngati Toki, Kainga Kuri and Ngati Rehua hapu's of Ngati Wai and number around 250 to 300.

Our tribal rohe extends from the Poor Knights to South Whananaki, Sandy Bay, Matanui maunga, Kaiatea, Matapouri, middle gable to Hauturu, including burial sites and whenua at Onewhero on Aotea, returning home. Many of our whanau also share whakapapa with Ngati Takapari, Te Kapotai and Te Waiariki hapus of Ngati Wai.

I am also a trustee of Matapouri Marae (Te Whanau a Rangiwhakaahu) and elected trustee of Ngati Wai Trust Board, elected trustee of Ngati Rehua Ngati Wai ki Aotea Trust, and appointed member of the Independent Maori Statutory Board for Ngati Wai, Ngati Manuhiri and Ngati Rehua.

I **support** the **Deed of Mandate** for the following reasons:

- In about 2009, Te Whanau a Rangiwhakaahu decided to place our claim under the auspices of the Ngati Wai Trust Board to be prosecuted under their blanket claim WAI 244. We remain staunch to Ngati Wai Trust Board and acknowledge that Ngati Wai Trust Board is the only legitimate and organised body to prosecute Ngati Wai claims.
- 82% of registered Ngati Wai beneficiaries, that chose to vote for direct negotiations, is a large majority and relatively higher in terms of percentage and turn out, compared to other similar iwi granted mandate by the Crown;
- The Claimant definition is correct and consistent with Ngati Wai's definition under the Treaty of Waitangi Fisheries Settlement (less Ngati Rehua and Ngati Manuhiri) and reflects our distinct whakapapa, military and geographical history;
- The identified Ngati Wai marae help define a distinct group of beneficiaries who are Ngati Wai including whanau and hapu;

- Settling and prosecuting treaty claims has been a long and consistent theme with the Ngati Wai Trust Board including early activism in the Ngati Wai Land Retention Committee, Maori Land March in 1974, the lodging of early claims in WAI 244 & Wai 262, Treaty tribes, Fisheries settlement and now to land claims. No other entity purporting to represent hapu and whanau interests has a track record, experience or the legitimacy to represent or prosecute Ngati Wai claims.
- Ngati Wai Trust Board is already a mandated iwi authority under the Fisheries Act and has managed a settlement by wisely investing in property and businesses that derive current and future income, running a trust board, allocating scholarships and education programmes, resource management and conservation, cultural initiatives and other tribal activities;
- Ngati Wai Trust Board has followed all procedures to obtain mandate including providing additional opportunities for public scrutiny e.g. additional information sessions, extension of closure dates for voting, for input.
- Allowing smaller hapu, and in some cases claimants and families to settle their own claim would fragment our iwi and have a major impact on the settlement and development aspirations of Ngati Wai. The self-interests and politics of claimants, and the incentivisation of their lawyers should not trump the unity of iwi.

Naku noa na

A handwritten signature in black ink, appearing to be 'Kris MacDonald', written over a horizontal line.

Kris MacDonald

From: [Redacted]
Sent: Wednesday, 3 September 2014 4:19 p.m.
To: OTS_Subs
Subject: Submission to Support NTB Mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

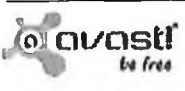
To Whom It May Concern

I, [Redacted] support the NTB deed of mandate and that I also support NTB to be the mandated authority to settle Ngatiwai Claims.

Sincerely

Email: [Redacted]

Contact Mob: [Redacted]



This email is free from viruses and malware because avast! Antivirus protection is active.

From: [Redacted]
Sent: Saturday, 6 September 2014 11:27 p.m.
To: OTS_Sub
Subject: Submission - Ngatiwai Deed of Mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Tena koe,

I oppose the Ngatiwai Trust Board receiving a Deed of Mandate because it is reprehensible that an organisation that has dispersed very little to it's beneficiaries would have their best interests at heart. Furthermore I don't believe the Trust can represent the boundaries of the claim in our area better than the people who live there themselves.

Naku noa,

From:
Sent: Thursday, 4 September 2014 10:03 a.m.
To: OTS_Sub
Subject: Mandate - NTB deed

Withheld under section
9(2)(a) of the Official
Information Act 1982.

To whom it may concern,

I support the NTB deed of mandate and that you also support NTB to be the mandated authority to settle Ngatiwai Claims.

Regards,

From:
Sent: Friday, 5 September 2014 11:29 a.m.
To: OTS_Subs
Subject: FW: Opposition to Ngatiwai Mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Tena Koe,

I am writing this to give formal notice that I oppose any mandate sought by the Ngatiwai Trust Board to settle Treaty grievances. It is deplorable that people exhibiting a scant regard for history and a broken relationship to land should even consider seeking a mandate.

Members of my whanau have farmed family land their whole lives at Whananaki, keeping an unbroken connection to the land. Devaluing the depth of this unbroken connection to the whenua by seeking a mandate to settle on their behalf causes more injustice.

Naku noa

From:
Sent: Friday, 5 September 2014 12:26 p.m.
To: OTS_Sub
Subject: FW: Opposition to Ngatiwai Mandate

Resent.

From: _____
To: OTSsubs@justice.govt.nz
Subject: Opposition to Ngatiwai Mandate
Date: Thu, 4 Sep 2014 19:48:02 +0000

Withheld under section
9(2)(a) of the Official
Information Act 1982.

To whom it may concern

With this message I give official notice that I oppose the Ngatiwai mandate because the claimant definition does not include my descent line through Ngati Manaia. Wai 156.

This same concern is shared by other iwi members and I would expect and encourage the OTS to expedite a workable solution for us.

Kind regards

Sent from Samsung Mobile

Date: 5 September 2014
Report to: Office of Treaty Settlements
Prepared by:
For: Paremata Mokau A13 Ahu Whenua Trust

Withheld under section
9(2)(a) of the Official
Information Act 1982

WAI [REDACTED] (PAREMATA MOKAU A13)
SUBMISSION IN RELATION TO THE NGATIWAI TRUST BOARD DEED OF MANDATE

PURPOSE

I enclose this submission on behalf of the owners of the Paremata Mokau A13 block in relation to Wai [REDACTED] in support of the Ngatiwai Trust Board Deed of Mandate and their ongoing negotiations with the Crown.

INTRODUCTION

My name is [REDACTED]. I am the named claimant for Wai [REDACTED] and act for and on behalf of the owners of the Paremata Mokau A13 their whanau and their descendants.

This submission raises two key issues:

1. That the owners of the Paremata Mokau A13 block acknowledge Ngatiwai's Treaty grievances, proposed structures, policies and processes set out in the Deed of Mandate, and as such, we support the Ngatiwai Trust Board Deed of Mandate and all pending Treaty of Waitangi negotiations with the Crown, where at all possible, and
2. That the owners will seek ongoing support and inclusion from the Ngatiwai Trust Board structure during all Treaty of Waitangi negotiations in relation to Wai [REDACTED] including the opportunity for representatives of Wai [REDACTED] to participate as Wai claimants in all alternative research group hui in relation to Wai [REDACTED] or issues affecting Wai [REDACTED] including any related negotiations regarding redress interests concerning Paremata Mokau including sites of significance, place names, Crown relationship redress protocols and or accords, cultural redress, and commercial redress (if any), freshwater negotiations, and any marine and costal area titles, and or cultural fisheries negotiations.

COMMENT

We support the Ngatiwai Trust Board Deed of Mandate

The owners of the Paremata Mokau A13 block acknowledge Ngatiwai's Treaty grievances, proposed structures, policies and processes set out in the Deed of Mandate. As such we support the Ngatiwai Trust Board Deed of Mandate and all pending Treaty of Waitangi negotiations with the Crown, where at all possible.

We also acknowledge the hard-work, time and effort that has gone into planning, implementing and progressing this mandating phase prior to the Ngatiwai Trust Board engaging in substantive Treaty of Waitangi negotiations with the Crown and we wish the Board well in its negotiations.

Wai [REDACTED] Claimant Inclusion

The grievances and issues set out in Wai [REDACTED] include: Taitokerau Maori Trust Board and Maori Trustee leases, and the Maori Trustee's administrative shortfalls and the impact they had on our whanau collective, Crown applied policies, processes and legislation of the Native Land Court

and the Public Works Act and the impact those processes had on Maori-land and the associated waterways and marine areas, as well as the economic impact those issues had on the owners.

There are likely to be other issues identified over the course of the negotiations therefore. the owners of the Paremata Mokau A13 welcome the opportunity for representatives of Wai to participate as Wai claimants in all alternative research group hui in relation to Wai as set out in the Deed of Mandate.

In addition the owners of the Paremata Mokau A13 would welcome any opportunity for representatives of Wai to attend, discuss and progress Ngatiwai claims research hui as Wai claimants to assist negotiations concerning Paremata Mokau including: sites of significance, place names, Crown relationship redress protocols and or accords, cultural redress, and commercial redress (if any), freshwater negotiations, and any marine and costal areas and titles and cultural fisheries negotiations.

SUMMARY

The owners of the Paremata Mokau A13 block being Wai claimants:

- **Acknowledge** Ngatiwai's Treaty grievances, proposed structures, policies and processes set out in the Deed of Mandate.
- **Support** the Ngatiwai Trust Board Deed of Mandate and all pending Treaty of Waitangi negotiations with the Crown, where at all possible.
- **Seek** the opportunity to attend, discuss and progress Ngatiwai claims research hui as Wai claimants to assist negotiations in any related negotiations regarding redress interests concerning Paremata Mokau including: sites of significance, place names, Crown relationship redress protocols and or accords, cultural redress, and commercial redress (if any), freshwater negotiations, and any marine and costal areas and titles and cultural fisheries negotiations.

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Ends.

Copy to: Tania McPherson (Treaty Claims Manager)

5 September 2014

Withheld under section 9(2)(a) of the Official Information Act 1982.

RE: NGATIWAI TRUST BOARD DEED OF MANDATE

Tena koe,

My name is [redacted], I am named claimant of [redacted] with my primary Ngatiwai hapu affiliations being Ngati Rehua (Aotea and Tuparehuia along with interests in Matapouri) and Te Uri o Hikihiki in Whangaruru. I am also a descendant of Tahere Pororua of Te Waiariki and [redacted].

I wish to note with the Office of Treaty Settlements ("OTS") my ongoing opposition to the inclusion of [redacted] in the Ngatiwai Trust Board ("NTB") Deed of Mandate ("DOM"). I support the ongoing opposition that Te Waiariki has expressed with OTS and NTB with in the inclusion of [redacted] and Te Waiariki within the NTB DOM.

My opposition to the inclusion of [redacted] and [redacted] and the desire of NTB to settle my whanau hapu claims is based on the lack of engagement of NTB with me and my whanau as claimants, that NTB do not know [redacted] claims – therefore how to NTB believe that they can a) negotiate and b) settle claims which they know nothing about?

NTB argue that they have comprehensive research completed which came from the people of Ngatiwai and records collected, however as whanau hapu members (and claimants) we have been refused access to the research which they claim is the basis of their negotiation and settlement of Ngatiwai whanau hapu claims.

NTB have failed to engage with WAI claimants since a Hui held in Dec 2013, if there was a desire for WAI claimants to be a part of the NTB Treaty Claims Committee or the Research Group as has been espoused at hui then there would have been engagement with claimants such as myself to be a part of these groups. Negotiations and settlement processes are admittedly a Crown driven process, however basic ongoing communication and consultation with affected WAI claimants as a part of good faith would be appreciated.

The NTB Research Group (page 22) has not invited WAI claimants together to discuss research to date. I want to reiterate that as a claimant of [redacted] our claims have not been included in the \$225,000.00 research spend to date. That as a claimant I have been unable to review the research collected.

Kaumatua – Kuia (page 20, 21) NTB both in their current revised Trust Deed and DOM refer to Kaumatua – Kuia however to date a Roopu Kaumatua, or Kaumatua representative structures have yet to be implemented. Therefore the question remains who are the custodians of tikanga? Who are the bastions of Te Reo providing guidance and support to affected claimants, NTB, Treaty Committee and Te Iwi o Ngatiwai? A clear Roopu has yet to be formed.

As a part of the DOM NTB propose hapu voice as a part of the settlement process; however there is little evidence of transparent engagement of hapu voice in auctioning the DOM and with Treaty

Claims Committee. Under the current structure of NTB Marae Reps are the only voice heard at governance within Te Iwi o Ngatiwai.

A primary concern I still have which has not been resolved is what will the Independent Mandated Authority ("IMA") for Te Iwi o Ngatiwai look like? NTB currently argue that modelling for structures will take place following Crown endorsement of the DOM. However, I argue that as an uri of nga hapu maha o Te Iwi o Ngatiwai, that we need to know what the IMA will look like. That the IMA model should have been confirmed and included in the DOM, so that our Iwi can be clear on what NTB propose is the IMA to take Te Iwi o Ngatiwai forward as a part of the negotiations and into settlement. I accept that Post Settlement Governance Entity structures need further analysis and consultation with Te Iwi o Ngatiwai. But I argue that IMA structures should have been included in the advertised DOM. Therefore I maintain my opposition to the NTB DOM as it currently stands.

Whangaruru ki Ngatiwai claimants are due to present evidence in the Whangarei Taiwhenua Hearings scheduled to be held at Akerama Marae in Feb 2015. It is disappointing that NTB has failed to seize the opportunity in the Te Paparahi o Te Raki WAI 1040 Inquiry to advocate with the Waitangi Tribunal for a Ngatiwai Hearing Week, as there is currently a week of hearings available within the current interlocutory process. Rather than leaving a small group of Whangaruru whanau hapu claimants isolated within the Feb 2015 Hearing Week, there would be a great opportunity for all things Ngatiwai to be celebrated during a unique presentation of Ngatiwai history, whakapapa, claimants perspectives in a Ngatiwai Hearing Week – just as we have seen in the recent Ngati Hine Hearings held in August 2014. However, to do that claimants need the support of NTB to assist with advocacy.

Finally, the withdrawal process outlined within the DOM is not fair for those WAI claimants or affected hapu groups. NTB is a much larger organisation with greater resources, who have been able to travel around the motu holding DOM consultation hui, to expect a WAI claimant or a hapu to undertake the same process without Crown or NTB funding is unfair.

In closing, I am a committed member of Te Iwi o Ngatiwai, I have been a part of the Waitangi Tribunal process since the Kaipara Stage 3 Inquiry, and again within Te Paparahi o Te Raki. I am active in my whanau and hapu and have been supportive of local initiatives within my community for sometime. I am pro active and have tried to be a part of the solution by seeking election to represent Tuparehuia Marae in the 2013 NTB Trustee Elections. However, Kathy Pita (chair of Tuparehuia Marae and Trustee to NTB) exercised her VETO to block my nomination for the elections. This was really upsetting as a young person trying to be proactive and participate at a governance level.

I welcome a settlement for Te Iwi o Ngatiwai, I want the best for our people however want the opportunity for our claims to be presented before the Waitangi Tribunal WAI 1040 Inquiry, to have a Waitangi Tribunal Report with findings, and then have robust negotiations for our Iwi with the Office of Treaty Settlements.

Koia nei taku tangi kia koutou I tenei waa,

Withheld under section
9(2)(a) of the Official
Information Act 1982.



**NGATI REHUA-NGATIWAI KI AOTEA TRUST
SUBMISSION ON NWTB DEED OF MANDATE**

Introduction

Ko motu tohora i whaka kohatu naia Te Tai Tonga
 Ko nga Taratara o Toi te Huatahi Te Tai Tokerau
 Ko motu Rangiahua Te Tai Hauauru
 Ko Kaitoke kohatu Te Tai Rawhiti
 Ko Hirakimata te maunga tapu waenga nui,
 Ko te Moananui o Toi Te Huatahi te moana,
 Ko Rehua raua ko Te Rangituangahuru nga tupuna
 Ko Tukaiaia; ko te Tuatara; ko te Mango-pare nga Kaitiaki
 Ko Ngati Rehua-Ngatiwai ki Aotea te mana whenua
 Ko Ngati Wai te iwi
 Tihei wa mauri ora!

1. Ngati Rehua-Ngatiwai ki Aotea are the mana whenua and tangata whenua of Aotea and its surrounding islands and seascapes. Ngati Rehua-Ngatiwai ki Aotea affiliates to Ngati Wai and is an iwi within its own right.
2. On the 26th of September 1996 the NWTB in Whangarei formally resolved that the Ngati Rehua-Ngatiwai ki Aotea Trust represents Ngati Rehua-Ngatiwai ki Aotea and is the right and proper organisation to be contacted in all things concerning Aotea and its surrounding islands.
3. The Ngati Rehua-Ngatiwai ki Aotea Trust (the "Trust") has a Crown recognised mandate to represent Ngati Rehua-Ngatiwai ki Aotea. The Trust and Crown have entered into an Agreement in Principle in relation to the settlement of the historical Treaty of Waitangi claims of Ngati Rehua-Ngatiwai ki Aotea.

Ngati Rehua-Ngatiwai ki Aotea position

4. The Trust supports the NWTB ("NWTB") entering into negotiations with the Crown to settle the remaining historical Treaty of Waitangi claims of Ngati Wai.

5. The Trust also acknowledges the mandate of the Trust to represent the other hapu of Ngati Wai.
6. There appear potential overlaps between the mandates of the respective trusts. However, we are willing to discuss those issues and indeed any redress items in a constructive manner as our respective negotiations progress.

Mandate

7. Ngati Rehua-Ngatiwai ki Aotea is a hapu grouping of Ngati Wai.
8. Specifically, Te Iwi o Ngati Wai is defined in the Deed of Mandate by its rohe and the hapu listed in section 11. The list of hapu of Aotea is recorded as:
 - 8.1. Ngati Rehua (from Rehua, son of Mataahu);
 - 8.2. Te Uri Papa (from Hikihiki and his son Ranginui II);
 - 8.3. Te Uri Whakapiko or Te Whakapiko (descendants of Te Ikamimirua, the son of Rehua and Waipahihi); and
 - 8.4. Ngati Kahuerueru (from Kahuerueru, wife of Te Ikamimirua).
9. These hapu are covered by the mandate of the Trust and therefore within the definition of Ngati Rehua-Ngatiwai ki Aotea.
10. We appreciate that the NWTB has respected the Trust's mandate as it indicated it would in the mandating process and documents. This is reflected in the following:
 - 10.1. The four hapu of Aotea are not listed in the list of "Hapu included in this Deed of Mandate" in section 12;
 - 10.2. Section 13 then explicitly records that the claims of Ngati Rehua-Ngati Wai ki Aotea are being prosecuted by the Trust;
 - 10.3. The exclusive Ngati Rehua-Ngatiwai ki Aotea claims to the Waitangi Tribunal (Wai 678, 1545 and 1721) are not included in the list of claims covered by the Deed of Mandate. Whereas the dual claims (Wai 1544, 1711 and 1960) are properly included as they relate to areas on the mainland and in the north that are not covered by the Trust's mandate.
11. There are two areas where further discussion is required with the NWTB and the Crown.
12. Section 14 is purportedly a list of the "Marae included in this Deed of Mandate". Kawa and Motairehe marae are included in the list of marae. However, the text between the heading

and map merely records that they are recorded as Ngati Wai marae in the NTB deed of trust as it states:

“The following Marae are affiliated with Te Iwi o Ngatiwai and are recognised in the NTB Trust Deed”

13. We acknowledge that Kawa and Motairehe are Ngati Wai marae and are listed in the schedule of the Ngati Wai Trust deed. However, that does not mean the NWTB has a mandate to represent the hapu and whanau affiliated to those marae for the purpose of Treaty settlement negotiations. The Deed of Mandate makes it clear that no mandate is sought in respect of the hapu of Aotea who are the people of these two marae.
14. We also note that the area of interest is also misleading. It does show the Ngati Wai rohe for these purposes but as the Deed of Mandate confirms, the Trust Board’s mandate relates only to those hapu listed in section 12.
15. Despite that, we are open to discussing potential redress propositions with the NTB and Crown in due course. We expect to be kept informed of matters as the negotiations progress.

Post-settlement governance

16. A final matter that will need to be addressed is the post-settlement governance arrangements in two specific contexts at least:
 - 16.1. There is potential for the NTB to seek redress on behalf of all Ngati Wai covering the extent of its area of interest. There will need to be discussions on how Ngati Rehua-Ngatiwai ki Aotea are included in those arrangements. An example is any Fisheries Protocol. We were advised that any redress we might secure would need to be included within a broader Ngati Wai protocol;
 - 16.2. Restructuring of the NTB: Ngati Rehua-Ngatiwai ki Aotea are beneficiaries of the NWTB. Therefore, any changes to the structure of the Board will impact on and, therefore, need to involve Ngati Rehua-Ngatiwai ki Aotea.
17. In light of the above, it may be that Ngati Rehua-Ngatiwai ki Aotea will need to be included as beneficiaries of the PSGE to be constructed to receive any settlement assets. This matter will need further discussion and should be addressed early in the negotiations process.

Kia tau iho te rangimarie o te Atua ki a koutou i nga wa katoa

N.M. MacDonald

Nicola MacDonald
Chairperson

From:
Sent: Friday, 5 September 2014 7:54 p.m.
To: OTS_Subs
Subject: Re: Support for the Ngatiwai Trust Board's Deed of Mandate

To The Manager, Settlement Development Team
OTS_subs@justice.govt.nz

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Kia ora,

My name is:

My address is:

I am a member of Te Iwi o Ngatiwai.

I support the Ngatiwai Trust Board's Deed of Mandate.

Nga mihi,

5th September 2014

Tim Townsend
Manager Settlement Development
Office of Treaty Settlements
Justice Centre
19 Aitken Street
WELLINGTON

REFERENCE: Ngatiwai Trust Board Deed of Mandate

Whakaeriora te maunga
Te Waiariki me ona hapu ririki
Ngati Korora – Ngati Takapari
Hora Hora te Awa
Hurumanu te waka
Te Mawe te Tupuna Rongonui
Ngapuhi te Iwi

Withheld under section
9(2)(a) of the Official
Information Act 1982

1. My reason for writing this submission is in two parts. The first part, I write as an individual opposing the Ngatiwai Deed of Mandate.
2. The second part, I write as an uri of Te Waiariki, Ngati Korora and Ngati Takapari Hapu Iwi of Ngapuhi.
3. Taku ingoa ko [redacted] I noho au I runga oku nei tupuna whenua ki Hora Hora I roto te Te Waiariki rohe o Ngapuhi.
4. I tupu ake ahau I runga nga tupuna whenua ki Hora Hora. Ko ahau te ahi ka te tangata whenua whai mana whenua o Hora Hora. Tenei wahi kei tata ki te awa me te moana a Hora Hora engari e karanga ana wetahi o nga pakeha "ngunguru Bay.
5. I te wa e ora ana taku matua a [redacted] me taku whaea a [redacted] horekau ia raua I korero ki ahau ko Ngatiwai to matou Iwi, engari i rongo ahau ko Ngapuhi. Tenei te take I tono ahau toku nei whakaoroa ki te whakahe a Ngatiwai Trust Board ki te kuhu to matou nei hapu I roto ia ratou. Ahakoa ko koutou te karauna te hea ki te hoatu to matou takutai moana kia Ngatiwai I raro te Sealords Deal. Taku korero mutunga kia koutou te Karauna me whakahoki mai to matou takutai moana kia Te Waiariki me ona hapu ririki. E hara ke a Ngatiwai wenei whenua no matou anake me te takutai moana. I muru ia Ngatiwai to matou takutai moana, he hapu ratou no Ngapuhi e hara ke ratou he iwi. Teka ana ratou. Tino teka. I heke mai ratou ia Rahiri! na, kei raro ratou Te Whare Tapu O Ngapuhi.

- 6 I raro te whakaputunga me Te Tiriti O Waitangi, E Kore rawa ahau I tukua taku tinorangatiratanga kia ratou. Me hoki Ngatiwai ki whangaruru. Me huri ahau I roto te reo pihikete.
7. In 2006 a meeting was held with the shareholders of Hora Hora 1A1 whereby a shareholder Pane Mahanga (Dcd) gifted 5acres for a Marae reserve known as Hora Hora Marae setting it aside for the shareholders and Te Waiariki, Ngati Korora of Ngapuhi. The application went through the Maoriland Court In 2008 with the five appointed trustees. I am one of those trustees and I was appointed the Chairman for the Marae. In the past when my parents were alive we have always held our tangihanga at Ngararatunua Marae and we still do today. With the new road over several Hora Hora land blocks from the ford road we were able to bring our tupapaku via vehicle. Prior to 2005 access was via the Hora Hora River and still is today.
- 8 I am the representative for Hora Hora Marae on the Ngapuhi ki Whangarei Takiwa affiliated to Te Runanga –A-Iwi-O-Ngapuhi with our other Marae representatives from Pataua Marae, Ngunguru Marae & Taiharuru Marae plus our Te Waiariki, Ngati Korora, Ngati Taka Hapu rep and the other Whangarei Marae hapu reps of the Whangarei District.
9. I have been recently been appointed as a permit issuer for Hora Hora Marae for kaimoana within our rohe of Te Waiariki commencing from Tutukaka to Kauri mountain – taurikura swamp boundary line of our neighbouring hapu Ngati Kahu / Te Parawhau. I am 50 years old and have spent all my life in Hora Hora and I shall die here too. Let you know we Ngatiwai is not our iwi its Ngapuhi. My parents told me that and my grandmother, uncles and aunties. I am kaitiaki of our whakapapa and other taonga tuku iho.
- 10 I wish to be heard in support of my submission, and provide the evidence to support my submission. Hard copy will be sent by post.
- 11 I wish that copies be sent to the following organisations:
 - a) Te Runanga O Ngapuhi
 - b) Tuhoronuku
 - c) Waitangi Tribunal
 - d) Te Runanga O Te Rarawa
 - e) Ngatiwai Trust Board
 - f) Maoriland Court [Whangarei]
 - g) Northland Regional Council
 - h) Whangarei District Council
 - i) Ministry of Fisheries
 - j) Department of Conservation
 - k) All Government Departments

ADDRESS: .

CONTACT DETAILS:

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Date: 5th September 2014

Tim Townsend
 Manager Settlement Development
 Office of Treaty Settlements
 Justice Centre
 19 Aitken Street
 WELLINGTON

REFERENCE: Ngatiwai Trust Board Deed of Mandate

Otamaiti te maunga
 Te Waiariki me ona hapu ririki
 Ngati Korora – Ngati Takapari
 Waitangi te Awa
 Hurumanu te waka
 Te Mawe te Tupuna Rongonui
 Ngapuhi te Iwi

Withheld under section
 9(2)(a) of the Official
 Information Act 1982

1. My reason for writing this submission is in two parts. The first part, I write as an individual opposing the Ngatiwai Deed of Mandate.
2. The second part, I write as an uri of Te Waiariki, Ngati Korora and Ngati Takapari Hapu Iwi of Ngapuhi.
3. My name is ' [redacted] I live at Otamaiti on my tupuna whenua. The awa is Waitangi it is waimaori. This awa commences at Pukepoto. Kawiti of Ngati Hine gave the name when he returned our tupuna Tuhaia after the pakanga of Ruapekapeka against the red coats.
4. I tautoko my brother [redacted] opposing the Ngatiwai Deed of Mandate. We are not Ngatiwai we are Ngapuhi and he's right our mum and dad always said that.
5. It is only recently since the Sealord Deal that we heard about Ngatiwai being our Iwi. That's a teka like my brother said. Ngatiwai give our coastline back!
6. However I know that my uncle Haane Kingi who is deceased and Louisa Collier lodged a claim to the Waitangi Tribunal for the tribe and received a number WAI 620. I have heard recordings of hui held at the different Marae, Ngararatunua, Whangarei Terenga Paraoa, Ngunguru, Pehiaweri where it was made clear that Ngatiwai is not our Iwi but Ngapuhi.
7. I have in my possession as kaitiaki whakapapa, whakatauki, moteatea, and taonga that I have shared with Louisa Collier a claimant of WAI 620. Louisa Collier has asked me if I would give evidence in an interview for the local

hearings for Te Waiariki Ngati Korora Ngati Taka in February 2015 Whangarei Hearings. I accepted her invitation because I have korero that was handed down to me and can benefit WAI 620. I was brought up at Hora Hora where my younger brother Romer lives. I have moved just up the river from him and built a kainga there at Otamaiti. My name is significant because it's after our tupuna Te Mawe. His whakapapa is Ngapuhi and Te Rarawa that's what my parents said to me and I have evidence of whakapapa to prove it. I am a trustee of Hora Hora Marae and we are in the process of identifying our mahinga mataitai in the awa of Hora Hora and the moana and hopefully get it finished before the xmas. My father is Penekaho Mahanga from Te Waiariki, Ngati Korora and Te Kapotai. My mother is from Ngararatunua however her mother was Peti Mahanga of Te Waiariki, Ngati Korora and Ngati Takapari, and her dad was Hone Paraone Kingi of N' Kahu/Te Parawhau/Te Uriroroi/N'Hine./N'Manu My mother and father were cousins.

8 This waiata is about the four awa in our rohe of Te Waiariki.

Ko te awa o Taiharuru
Ko te awa hohonu
Ko te awa I rere I oku roimata e.

Ko te awa o Pataua
Ko te awa hohonu
Ko te awa I rere I oku roimata e.

Ko te awa o Hora Hora
Ko te awa hohonu
Ko te awa I rere I oku roimata e.

Ko te awa o Ngunguru
Ko te awa hohonu
Ko te awa I rere I oku roimata e.

9. However this is only one of many waiata, whakatauki, that I know of.

10 I wish to be heard in support of my submission, and provide the evidence to support my submission. Hard copy will be sent by post.

11 I wish that copies be sent to the following organisations:

- a) Te Runanga O Ngapuhi
- b) Tuhoronuku
- c) Waitangi Tribunal
- d) Te Runanga O Te Rarawa
- e) Ngatiwai Trust Board
- f) Maoriland Court [Whangarei]
- g) Northland Regional Council

- h) Whangarei District Council
- i) Ministry of Fisheries
- j) Department of Conservation
- k) All Government Departments

Withheld under section
9(2)(a) of the Official
Information Act 1982.

ADDRESS:

CONTACT DETAILS: (

Date: 5th September 2014

From:
Sent: Saturday, 6 September 2014 6:24 a.m.
To: OTS_Subs
Cc: Haydn Edmonds
Subject: Ngatiwai deed of Mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

My name is: I

I am a member of Te Iwi o Ngatiwai.

I support the Ngatiwai Trust Board's Deed of Mandate.

Ka kite ano

DEED of MANDATE for Ngatiwai Trust Board

Withheld under section 9(2)(a) of the Official Information Act 1982.

My name is] and my claim is '... _ ...

It is unencumbered with any overlapping claims. Our origins and mana whenua pre date the evolution of Ngatiwai and has never changed.

1. I oppose the Ngatiwai Trust Board gaining a DEED of MANDATE to enter Direct Negotiations with the Crown in the settling of all Treaty Claims.

2. In stating this I want Office of Treaty Settlements to be aware that the preferred option of going to a Hearing before the Waitangi Tribunal, receiving a Report and then dealing with the Crown with all the information before us, is being precluded by the actions of the Crown.

The Crown seems to prefer an alternative process that will not be underpinned by informed decision making.

The Crown appears to be willing to support this alternative process by providing funding to the Ngatiwai Trust Board as it seeks to destroy the probability of claimants engaging in a meaningful Waitangi Tribunal Hearing process.

3. It is an unfair expectation that the Crown is not prepared to take note of submissions made in 2013, has not checked with claimants to establish what consultation has occurred since April 2013, and is paying for independent consultants such as Fathom who have the audacity to decide that the Trust's work with claimants since April 2013 has been fair, open and transparent without any discussion with claimants.

I would suggest that that report is an absolute waste of tax-payers money. I am willing to discuss its weaknesses with OTS and with the writer.

4. The critical criteria as to who should represent who, and how did such people get on the Board in the first place is being overlooked by NTBs legal adviser, fellow trustees and in some cases is not known by many beneficiaries.

The fact is that three people on the so called marae based Trust Board do not have a marae base at all. Hadyn Edmonds, who is Chair, does not have a marae reserve, (land) or committee and is responsible solely to him-self. That is unethical and would not be acceptable to mainstream people, so please do not judge it as unimportant to Maori where whakapapa is always used to determine rights to speak.

The trustee at Oakura, Henry Murphy does not represent a marae reserve as well. The same applies to the trustee who purports to represent Pataua, a marae reserve exists in MLC records but there is no record of marae meetings and discussion.

Given that in 1997 I sought to represent Whananaki South at the NTB with the support of many Maori living here, and my nomination was declined by the Chair, Witi McMath, on the basis that I did not have a Marae, I find it incredible that these three non marae reps. were later allowed to join. I was told by one trustee that the Board's legal adviser had said that while I was Chair of the Ngatihine Forestry Trust it would not be possible for me to sit on NTB. My children are land owners in that non hapu trust.

It is unethical to be purporting to sit on a Marae based Board, without an existing marae, and the fact that the rest of the Board members lack the integrity/expertise to deal with this matter shows why I do not have any faith in the Board's decision-making on much more serious issues such as mandate. The legal adviser has stupidly suggested that a marae is merely a 'meeting place', an un-acceptable non Maori definition. That lack of cultural insight is evident in the whole manner of advice in which the Trustees have gone about seeking support for their mandate.

5. The Office of Treaty Settlements is undermining the importance of,

5.a Land based claims, and 5.b the need to create a rapport with those who do have historical knowledge of past disadvantage imposed by the Crown.

Instead, it presumes that anyone can represent claimants in the settlement process. Who is going to sign off a settlement on behalf of unwilling claimants?

My father taught me to support other Maori having problems with land alienation but never to stand in lieu of those with actual ownership. I am evidence that such advice worked well with the whole of Ngatiwai in the 1970s when I shared a trusteeship with two other men¹. Do not expect me to believe that any other process will achieve better results now.

6. After 16 months of tracking the progress of the NTB in seeking cooperation with claimants there is a dismal result that has been costly to those of us committed to our right to take our claims to the Waitangi Tribunal. Hearings should have been allowed to us as of right. But the Crown has other options to befuddle the NTB with. The trust has been offered deals in power shares, on account, which are a high risk offer and could be worthless into the future. ETS units have shown how temporary financial gains can be high risk and it appears that a mandated group can enter into such deals without beneficiary approval.

The Chair of the Board once told us that all lands returned would be for the benefit of all Ngatiwai. Clearly the trustees have no understanding of past land alienations. Given the extent of Maori land sold in our area this suggestion is outrageous to those who descend from non sellers.

I know that if a Maori claimant was genuine it would be unacceptable to be dealing in any lands but those that belonged originally to his/her whanau or hapu.

It is not up to the Crown to decide how Maori are to be identified in the future.

¹ Maori Land Court appointment as a Trustee. Feb.1975

ORDER VESTING MAORI FREEHOLD LAND IN TRUSTEES

The Maori Affairs Act 1953
Section 438 (1)

IN THE MAORI LAND COURT
OF NEW ZEALAND
TOKERAU DISTRICT

IN THE MATTER of Section 438 (1) of the
Maori Affairs Act 1953

AND

IN THE MATTER of the Maori freehold lands
known as:

| | |
|-----------------|------------------|
| KARAKA HUARUA A | OHAWINI B1 |
| KARAKA HUARUA B | .. C1B |
| KOHATUWHAWHA B | .. C3 |
| HORAHORA 1A1 | OTEAKA B |
| HORAHORA 1A3B | .. C |
| HORAHORA 1A4C | REHVOTANE B2D2 ✓ |
| .. 1A4D | TE RUATAHI 201 ✓ |
| .. 1A4F | TE TOKITOKI |
| .. 1B4A2B1 | LANDING RESERVE |
| .. 1B4A2C | TE TOKITOKI A |
| .. 1B4A2D1 | .. B3D |
| .. 1B4A2D2A ✓ | .. B5 |
| .. 1B4A2D2B | WHANGARURU- |
| .. 1B4B3 | WHAKATURIA 1D6 |
| .. 1B4B5A | .. 1D9A |
| .. 1B4B5B | .. 1D10A ✓ |
| OAKURA F1 | .. 1D10B2 |
| .. F2A (RES). | PATAUA NO. 4 |
| .. K | ORIWA 1A1 |
| | .. 1B1 |
| | .. 1B3 |
| | SPITHILLIS |

AT A SITTING of the Court held at Whangarei on the 26th day of
February 1975 before William Collinson Nicholson, Esquire, Judge

WHEREAS upon reading the application by the Deputy Registrar to
vest the lands in trustees

AND WHEREAS upon hearing the evidence adduced before it and
having the prior consent of the proposed trustees and being
satisfied that there were no meritorious objections, this Court,
in pursuance of the provisions of Section 438 (1) of the Maori
Affairs Act 1953 DOTH HEREBY ORDER that the land described in
the intitlement to this order be and the same is hereby vested
in the following persons-

| | |
|---------------------|------|
| Marie Tautari | f.a. |
| Fatuone Guy Hoskins | m.a. |
| Eruera Reihana Pene | m.a. |

who are named as the representatives of the Ngatiwai Land Retention
Committee TO HOLD upon trust for the owners thereof

AND IT IS FURTHER ORDERED that this Order DOTH ISSUE FORTHWITH
pursuant to the provisions of Section 34 (10) of the Maori Affairs
Act 1953.

AS WITNESS the hand of the Judge and the Seal of the Court.



Judge.

ENTERED BY
CHECKED BY

16

From: Saturday, 6 September 2014 9:47 p.m.
Sent: OTS_Subs
To: Withheld under section
Cc: 9(2)(a) of the Official
Subject: Ngatiwai deed of Mandate Information Act 1982.

Kia ora, My name is: [redacted] I am a member of Te Iwi o Ngatiwai. I support the Ngatiwai Trust Board's Deed of Mandate. Nga mihi

From:
Sent: Saturday, 6 September 2014 10:33 p.m.
To: OTS_Sub
Subject: Submission - Ngatiwai Trust Board Deed of Mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Submission
Ngatiwai Trust Board Deed of Mandate

I oppose the Ngatiwai Mandate because I have no confidence in the Trust, in twenty two years of the Fisheries settlement I haven't received anything, financial or otherwise and I fail to see a different situation post settlement.

Futhermore, I'm concerned that they lack the skills and knowledge to represent my interests in WAI 156 as this is a whanau claim and they have made no effort to discuss our issues and concerns with our whanau.

I DO NOT SUPPORT the Ngatiwai Trust Board Deed of Mandate

Name

Address

Date 06.09.14

Sent from my iPad

From:
Sent: Saturday, 6 September 2014 11:27 p.m.
To: OTS_Subs
Subject: Submission - Ngatiwai Deed of Mandate

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Tena koe,

I oppose the Ngatiwai Trust Board receiving a Deed of Mandate because it is reprehensible that an organisation that has dispersed very little to it's beneficiaries would have their best interests at heart. Furthermore I don't believe the Trust can represent the boundaries of the claim in our area better than the people who live there themselves.

Naku noa,

5 September 2014

withheld under section 5(2)(a) of the Official Information Act 1982.

RE: NGATIWAI TRUST BOARD DEED OF MANDATE

Tena koe

My name is [redacted] proud descendent of Te Uri o Hikihiki. My submission comes from a hapu perspective supporting the rights of our hapu claimants to have their grievances heard before the Waitangi Tribunal.

I strongly oppose the Ngatiwai Trust Board Mandate in its entirety based on their inadequate practises and defective ethics in which they have carried out to seek the sole outcome that a few want. They do not represent the people of Ngatiwai as they purport to and in the key statements below I will cover the very reasons why this mandate is wrong.

I write this submission from a very personal point of view and not a very objective one to say the least because our Te Tiriti o Waitangi Claims are absolutely personal. The Mana and Tino Rangatiratanga of our Hapu voice has been ignored in every possible way, the Ngatiwai Trust Board are a small disaffected group of people. This Mandate holds no Mana when it works against its people.

Claimants

On the 21 Dec at Tuparehuia Marae the NTB confirmed that they would host a series of claimants Hui. Nine months later they have failed to deliver on these Hui in order to best understand the integrity of each whanau claim in which they purport to fully understand. The claimants and hapu themselves have been denied access to any research collected by the board. We have had to source our own funding and resources to host the claimants Hui in preparation to the Waitangi Tribunal Hearings Feb 2015 with no support from the NTB. How can you say you represent the claimants and hapu of Ngatiwai when you have not engaged with the claimants to which the entire settlement process is based from?

Whakapapa denied

In order to vote for or against the Ngatiwai Trust Board Mandate you had to be registered with one marae only which in its self is wrong and stripped of tikanga. Because my Marae Whakaruru is not standing in its entirety today, my late grandfather told me that we also whakapapa to Ngatiwai Marae (Ngaiotonga) Mokau and Oakura Marae. Myself and my whanau choose Ngatiwai Marae because my great grandfather Te Tatau Pura Hori gifted land in which this Marae was built on and we always visited the Marae when we came home.

After successfully completing my registration online I waited for my voting forms. Everyone began to receive there forms except for me so numerous phone calls and emails were made to track down my forms. I received an insulting email from Merepeka Henley our Ngaiotonga Representative explaining she did not know who I was and that my whakapapa and registration had been rejected and confirmed by kaumatua. I felt absolutely humiliated and upset as my grandfather sat on the

taumata and lay in state at Ngaiotonga Marae only to be rejected by the same people that he supported.

What the Ngatiwai Trust Board & The Marae komiti to some extent failed to implement was a process in which to address those registrations that where denied or at least inform us so it could be rectified. If I had not continued to follow up on the status of my registration, I would have missed out on participating in the Vote regarding the mandate.

Upon further investigation by our kaumatua my whakapapa was confirmed through my father by going back 2 more generations confirming my tupuna Hori Pura Taiaki, and we were advised to register under Mokau Marae or Oakura to which we also rightfully belong.

I brought my concern up at an info Hui held at North Tec Marae in which an apology was made and I had stated that I was willing to not take it further if the Ngatiwai Trust Board implemented a process regarding those registrations denied to prevent this happening in the future.

3 months later the same thing happened to another beneficiary and upon making inquiries with the Ngatiwai CEO he was uninformed with what happened to me, which confirmed that nothing was done or implemented by the Ngatiwai Trust Board at all to rectify this after clearly stating that they would do so.

Kaumatua Hui

The same info hui above at the North Tec Marae in Raumanga was conveniently held on the same day as our Kaumatua Hui at Whakapaumahara Marae. Requests were made to the Ngatiwai Trust Board to ask for a date change to this important Mandate Info Hui so that our Kaumatua could also join us together in attendance. Date changes were not an option stated by the Ngatiwai Trust Board, so some whanau had gone out to Whakapaumahara Marae and had asked for some time on the program to relay and inform our kaumatua of the korero discussed without them. Our young people were asked to leave there own Marae and that they had consulted with our kaumatua to do so. My grandmother attended that very Hui and she told me that they had not been informed what so ever.

More Hui were to follow with our elders where we were specifically told by the board that young people are not invited to these Hui. For me this was not of their own doing but a board who have been consistent in separating the young people from our elders and leaders purposefully. To date the young people of Ngatiwai have not been included in this mandate and the board has done everything in its power to ensure we have no place in the succession planning of our hapu/iwi or pre and post settlement.

AGM

Last year's AGM was held 5 days before Christmas, on a Friday at 1pm, and on the last day of the Mangakahia Tribunal Hearings. I had asked again for another date change as the AGM was just before Christmas, scheduled on a working day which those outside of the rohe couldn't attend and during the hearings in which some Ngatiwai claimants were a part of. In order to get a great turnout of beneficiaries to attend the AGM it is only common sense that this Hui would be held in the weekend not a working day and most certainly not before Christmas. When challenged I was told that they were working around the needs of the trustees and not the people.

Tuparehuia Hui

A last minute Hui was held at Tuparehuia Marae 21 Dec 2013 in which OTS attended. You got to hear for yourself the strong opposition to the proposed mandate because it has been created without the input and participation of the hapu/iwi. The people of Ngatiwai were told by the trust board treaty settlement advisor Tania McPherson *that it doesn't matter what the people want* we are going to push through regardless. This goes against the trust boards own terms of reference outline in 9.3 Hapu, that they will establish positive, functional relationships with hapu, not to dictate or predetermine how we participate.

It was also asked that an independent review of the boards trust deed be done to create better transparency and that a core komiti would make submissions for improvement of change. The trust board has carried out a review of their trust deed but has been done by their very own lawyer and not someone independent.

Lack of Engagement

From day one the sub-standard communications plan implemented to educate, engage, and inform our people has been basic, unintentional and pre mature. Lack of social media forums, traditional strategies and basic gathering of the people through hui-a-iwi was overlooked and not used in conjunction with their present strategies. The lack of information presented and understanding of how direct negotiations and the current proposed mandate would affect our people both for and against has never been adequately explored in which we could make a well informed decision. The NTB has never engaged its claimants let alone there hapu through this mandate process. It is the rights of our own people to be heard, acknowledge and included in this very process from beginning to end.

My recommendations would be the following:

- Reinstated the parallel hearings process and allow our claimants to a true and honest hearings.
- Explore the IMA structure before the mandate is put through. The people need to know what they are voting on and what the bigger picture looks like to have by in to the model
- Stronger strategies of engagement with both young and old is needed
- Intentional and organised participation regarding the mandate and PSGE with hapu/iwi needs to be implemented.
- An independent review of the NTB trust deed needs to be carried out

In closing I strongly urge you to re consider the opportunity for our hapu and tupuna grievances to be heard and have a voice in the Waitangi Tribunal Hearings. It is not only a healing process for our people but a spiritual connection to those of our tupuna beyond if we are to truly acknowledge the symbolic meaning of this kaupapa.

Mauri ora

Withheld under section
9(2)(a) of the Official
Information Act 1982.

From: [Redacted]
Sent: Tuesday, 16 September 2014 6:01 p.m.
To: OTS_Sub
Cc: hayden
Subject: <Ngatiwai deed of Mandate

Kia Ora,

My name is: I

I am a member of Te Iwi o Ngatiwai.

I support the Ngatiwai Trust Boards Deed of Mandate.

Nga mihi

Withheld under section
9(2)(a) of the Official
Information Act 1982.

4 September 2014

V9(2)(a) under section
9(2)(a) of the Official
Information Act 1982.

The Office of Treaty Settlements,
WELLINGTON

Ngā mihi atu ki a koutou katoa

Kaupapa: Ngātiwai deed of mandate

I am a _____ e uri nei o te Iwi whānui a Ngātiwai.

I grew up in the *rohe potae* of Te Whānau ā Rangihakaahu at Matapouri and on the Ngātiwai coast. Our kainga is in Mackle Place there.

I am a graduate of Te Kura Kaupapa O Toku Mapihi Maurea, of St John's College in Hamilton and have graduated with a Bachelor's Degree in Digital Media Technologies from Waikato University. I am currently doing my Honours year with a view to completing my Masters' here in New Zealand or overseas.

My Ngātiwai whakapapa is Ngāti Rehua, Te Akita, Ngāti Toki, and Te Whānau ā Rangihakaahu.

I write in support the Ngātiwai Trust Board's Deed of Mandate as outlined on your website. I believe the Trust Board acts in the best interest of all of Ngātiwai hapu, marae and people. They would be the only organisation capable of researching, gathering together evidence and preparing our claims, then negotiating a settlement with the Crown. They are the only organisation that speaks for all of Ngātiwai.

I see factions within Ngātiwai seeking to discredit the Board and the work it has been doing. They speak for themselves, and in my opinion, do not speak for the majority of Ngātiwai who want to see progress. Again, I support the Trust Board's Deed of Mandate.

Kia ora

4 September 2014

Withheld under section 9(2)(a) of the Official Information Act 1982.

The Office of Treaty Settlements
WELLINGTON

Tena koutou

Submission on the Ngatiwai Trust Board Deed of Mandate

My name is [redacted] I am Te Aki Tai, Ngati Toki, Te Whanau a Rangiwhakaahu, and Ngati Rehua hapus of Ngati Wai iwi. I affiliate to Matapouri and Whananaki marae through my father. I also speak on behalf of [redacted] o

I am a 3rd year medical student at Auckland School of Medicine and have been brought up at Matapouri and love being Ngatiwai. Ngatiwai Trustboard are supporting me in my studies where I was awarded scholarship funds.

I support the Ngatiwai Trust Board's Deed of Mandate and their efforts to settle our treaty grievances. They are a credible, well run trust and have kept me informed throughout the process. Treaty claims are not the be all and end all of Ngatiwai and I hope that we remain united as I know treaty settlements can divide us.

Nga mihi.

3 September 2014

Withheld under section 9(2)(a) of the Official Information Act 1982.

The Hon. Christopher Finlayson
Minister of Treaty Settlements
The Office of Treaty Settlements,
WELLINGTON

Tēnā koutou koe te Minita e.

RE: SUBMISSION IN SUPPORT OF THE NGĀTI WAI DEED OF MANDATE

My name is _____ grew up in the Ngāti Wai rohe in the 1930s & 40s and knew many of the old people and leaders of Ngāti Wai in their time. _____ in Waiatapu and my mother was Ivy _____

My children and my Ngāti Wai hapū affiliations include Te Kapotai, Ngāti Takaparū, Te Waiārīki, Ngāti Rehua, Te Akitai, Ngāti Toki, and Te Whānau ā Rangihakaahu.

I am the patriarch of all of my whānau living here and overseas. They include _____

My whānau and I totally support the Ngāti Wai Trust Board's Deed of Mandate proposal. They are the appropriate organisation to settle our Treaty claims. They are appropriate in terms of the whakapapa they outline, our tribal rohe, and history of Ngāti Wai. The Trust Board has a long history and association with the development of Ngāti Wai people.

We are a coastal people who are connected by whakapapa that should not be broken. I do not agree with some individual claimants or hapū breaking away and taking their own claims. Some of these claimants do not remember, like I do, or even know how their tūpuna considered themselves to be united under Ngāti Wai. Nor do they represent the majority of Ngāti Wai people who are pleased with how the Trust Board is progressing their claims. I wish Ngāti Wai Trust Board well in terms of achieving Mandate and settling our claims in due course

Nāku noa, Nā

From:
Sent: Monday, 8 September 2014 11:31 a.m.
To: OTS_Sub
Subject: Share Holder

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Kia Ora

My name is

I am a member of Te Iwi O Ngatiwai. I support the Ngatiwai Trust Boards Deed of Mandate

Nga mihi

From: [Redacted]
Sent: Tuesday, 9 September 2014 9:46 a.m.
To: OTS_Subs
Subject: FW: Support for the Ngatiwai Trust Board's Deed of Mandate

To The Manager, Settlement Development Team
OTS_subs@justice.govt.nz

Withheld under section
9(2)(a) of the Official
Information Act 1982.

Kia ora

My name is:

I am a member of Te Iwi o Ngatiwai.

I support the Ngatiwai Trust Board's Deed of Mandate.

Nga mihi