

**IN THE WAITANGI TRIBUNAL
OF NEW ZEALAND**

WAI

IN THE MATTER

of the Treaty of Waitangi Act 1975

A N D

IN THE MATTER

of an application by Charlie Tawhiao on behalf of the Ngai Te Rangi Settlement Trust for an urgent inquiry into the Crown's settlement negotiations policy and practice concerning Hauraki redress

BRIEF OF EVIDENCE OF DR HAUATA PALMER

Dated this 14th day of March 2017



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MAY IT PLEASE THE TRIBUNAL:

Introduction

1. My name is Dr Hauata Palmer.
2. My iwi is Ngai Te Rangi of the Mataatua waka. My hapu are Ngai Tuwhiwhia and Ngati Tapu. I am a descendant of Tuwhiwhia and his son Kotorerua.
3. From 1975 to 1989, I worked for the Ministry of Maori Affairs, and from 1987 to 1989 I was the Assistant Director in the Tauranga area. Prior to that, I was involved in the health and forestry sectors.
4. I have been involved in Te Runanga o Ngai Te Rangi Iwi Trust since it was set up in 1989. I held the position of Chairman for 11 and a half years.
5. I am currently a Member of the Waitangi Tribunal, to which I was appointed in 2015.
6. I was fortunate enough to have learnt about our Ngai Te Rangi history from Haare Kuka, Turi Te Kani and Kaikohe Rolleston. Haare Kuka was my grand-uncle.
7. I have previously presented evidence to the Tribunal regarding the history, rohe and historical Te Tiriti o Waitangi ("Te Tiriti") claims of Ngai Te Rangi.
8. I do not seek to repeat that evidence here, but it is attached to our application and summarised very briefly below:
 - (a) *Wai 215, #A72, Brief of Evidence of Hauata Palmer* (**Attached as Appendix A**):
 - (i) This evidence provided an overview of the settlement of Tauranga Moana, Ngai Te Rangi rohe, Ngai Te Rangi hapu and marae, and Ngai Te Rangi claims; and

(b) Wai 215, #1020, *Brief of Evidence of Hauata Palmer* (**Attached as Appendix B**):

(i) This evidence concerned that part of the Ngai Te Rangi history known as “Te Heke o Rangihouhiri”, or, the story of the journey of Ngai Te Rangi, commencing in Opotiki and ending in Tauranga.

9. This evidence is filed in support of the application by the Ngai Te Rangi Settlement Trust (“Ngai Te Rangi”) for an urgent Tribunal inquiry into the Crown’s settlement negotiations policy and practice concerning the redress in our rohe that Hauraki seeks as part of their historical settlement with the Crown.

The issue: The Crown is causing Ngai Te Rangi prejudice by undermining our mana and rangatiratanga

10. We strongly oppose the Crown granting Hauraki redress in our rohe.

11. The Minister has berated us for accusing him of doing secret deals with Hauraki. However, through recent discussions with the Minister it has actually transpired that the Crown was in fact doing deals and granting Hauraki redress in our rohe.

12. We were not aware of these discussions.

13. The Crown has not let us in on the details of the deal, or informed us as to what has been discussed and agreed, yet the deal wholly prejudices Ngai Te Rangi.

14. The Crown has not acted fairly or transparently.

15. Now that everything is out in the open, the Crown is scrambling around to defend its position and entrench the deal that it seeks to finalise with Hauraki.

16. My main concern is that the Hauraki settlement, insofar as it grants Hauraki redress in Tauranga Moana, has the effect of elevating Hauraki to the same status as the three iwi that are collectively known

as Tauranga Moana iwi, that is, Ngai Te Rangi, Ngati Ranginui, and Ngati Pukenga.

17. If the Hauraki settlement is finalised with redress that is in Tauranga Moana, the Crown is effectively saying that Hauraki have mana whenua, mana moana, and rangatiratanga in Tauranga Moana. That is just patently wrong, and it is simply not true.
18. The Crown action in issue, is the inclusion of a collection of iwi into our area who have no right to this area.
19. The Crown action has the effect of diminishing our rangatiratanga over our whenua, moana and people.
20. The Crown is active in the manipulation of, and interference with, our historical, and now contemporary, mana and rangatiratanga.

The evidence: Hauraki does not have mana whenua, mana moana or rangatiratanga interests in the rohe of Ngai Te Rangi

21. When Hauraki say they have an interest in Tauranga Moana, it is hard to find a source to prove that. Neither the Crown, nor Hauraki have provided us with evidence of the Hauraki interest. If evidence does exist we would like to consider it and provide a response.
22. If the Crown is going to finalise a settlement with Hauraki that includes redress in Tauranga Moana, then it must work with us to identify the nature of that interest, and reach agreements as to whether the redress to be provided to Hauraki is consistent with the nature of that interest.
23. As the Te Tiriti partner, and the iwi with mana whenua, mana moana and rangatiratanga, we have the right to be involved in the decisions that affect these things.

The Hauraki historical interest with Ngai Te Rangi is conflict based

24. In terms of the historical interest that Hauraki does have, our evidence in the Tauranga Moana Tribunal hearings shows that the relationship with Hauraki has primarily been one of conflict and warfare.

25. I have heard of small battles, skirmishes and some intermarriage between Hauraki and Ngai Te Rangī. In fact, our tupuna, Te Rangihouhiri, was slain by Te Rurunga of Hauraki at the battle of Poporohuamea at Maketu.
26. In those encounters, Hauraki were against Tauranga, not with Tauranga.
27. From the historical documentation, it is apparent that the majority of the battles were pre-Treaty, and small isolated events in specific areas; they could hardly be described as 'full-on'.
28. I have not heard of Hauraki intruding and gaining mana whenua in the rohe of Ngai Te Rangī through those conflicts, or of Hauraki occupying or conquering those sites.
29. There was nothing that established Hauraki permanently in terms of those forays, or that would ground their claim to Tauranga Moana today.
30. Similarly, I have not seen any evidence that demonstrates a connection or suggests that Hauraki had a friendly interest in Tauranga Moana.

Mai Matakana ki Matakana

31. The phrase "Mai Matakana ki Matakana" has only come about in the last 30 to 40 years.
32. I understand that this phrase is used on the Hauraki Trust Board letterhead, and it is on their website to describe their rohe.
33. It is generally accepted that statements such as these refer to the outermost boundaries where iwi identify their rohe inclusively. For example, Te Arawa say "Mai Maketu ki Tongariro" and Mataatua say "Mai Nga Kuri a Whareī ki Tihirau".

34. However, in relation to Matakana Island, “Mai Matakana ki Matakana” is an overstatement. No Hauraki tribes have any land or territorial interests at Matakana Island.
35. On 17 June 2016, a group of us from Tauranga Moana travelled to Thames to meet with Hauraki representatives to discuss their overlapping claim into the rohe of Tauranga Moana.
36. At this meeting, I addressed the usage of the phrase “Mai Matakana ki Matakana” and outlined our concern that it overstated Hauraki interests.
37. A woman spoke on behalf of Hauraki and apologised. She said that the statement would no longer be used, but I understand it is still on the Hauraki Maori Trust Board website and letterhead, and is now included in the Pare Hauraki Collective Redress Deed at clause 4.1.

Hauraki has no history of mana whenua, mana moana or rangatiratanga in Ngai Te Rangi

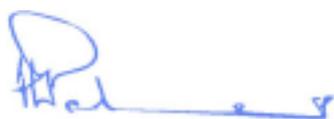
38. I have been involved in the governance and administration of Ngai Te Rangi tribal affairs since 1975.
39. It has been my experience that there has not been any Hauraki representation on the Ngai Te Rangi Runanga or in Tauranga Moana. In fact, Hauraki have not sought to be involved.
40. As far as I am aware, there are no instances in history of Ngai Te Rangi and Hauraki making joint decisions in terms of our whenua, Tauranga Moana, or in the exercise of rangatiratanga.
41. There is no historical or contemporary basis for this to change.

Concluding remarks

42. What Hauraki is claiming, and the Crown is granting, is far beyond what Hauraki is entitled to.
43. I find it very difficult to see how Hauraki can reasonably claim an interest in our area today that would give them decision-making authority and mana in our rohe into the future.

44. I find it difficult to see why the Crown would grant Hauraki such redress without first determining that the nature of the historical interest claimed justified such redress, and without involving us in such a process.
45. In my view, Hauraki is just 'casting out the net' in an effort to see what they can catch.
46. We have successfully fought to keep other tribes out of our area.
47. In the past, there have been other groups that have claimed ownership into our area, which appeared to have far greater interests than Hauraki, and we have succeeded in pushing them out of issues concerning the mana whenua and ownership of our lands.
48. We have done this because other tribes simply do not have a right to be elevated to the status of the Tauranga Moana iwi who have mana whenua, mana moana and rangatiratanga here.
49. The only difference in this case, is that the Crown is the final decision maker; the Crown holds all the power.
50. It will be the Crown's process, and the Crown's decision that will formalise and entrench these issues.
51. It is the Crown that is taking direct and intentional steps to finalise the Hauraki settlement, in the face of consistent opposition from Ngai Te Rangi.
52. We will not acquiesce.

DATED this 14th day of March 2017



Dr Hauata Palmer