

**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 REON TUANAU**

**Dated this 14<sup>th</sup> day of March 2017**

---



**p** 09 404 0953  
**a** 91 Hupara Road, RD2 Kaikohe, Northland 0472  
**e** [admin@tukaulaw.co.nz](mailto:admin@tukaulaw.co.nz)  
**w** [www.tukaulaw.co.nz](http://www.tukaulaw.co.nz)

**Solicitors acting**

**Season-Mary Downs  
Heather Jamieson  
Chelsea Terei**

## MAY IT PLEASE THE TRIBUNAL

### Tauranga Moana, Tauranga Tangata

Ko Mauao te Maunga

*Mauao is the sacred mountain of my people*

Ko Tauranga te Moana

*Tauranga Moana are the waters that sustain my people*

Ko Rauru Kī Tahī e

*Our ancestor Rauru, was a man of his word*

Ko Mataatua te Waka

*Mataatua is our chiefly canoe*

Ko Ngāi Te Rangī te Iwi

*We are the people of Rangihouhiri*

Ko Te Whānau ā Tauwhao te Hapū

*We are the family of Tauwhao*

Tihei Mauriora!

*Behold, I am before you as a living descendant of my ancestors*

### Introduction

1. My full name is Reon Roger Tuanau. I am authorised to give this evidence on behalf of Te Rūnanga o Ngāi Te Rangī Iwi Trust (“the Rūnanga”).
2. My iwi is Ngāi Te Rangī and my hapū is Te Whānau ā Tauwhao.
3. I am currently employed at the Rūnanga as the Manager of the Resource Management Unit.
4. My hapū is located on the most northern border of Ngā Kurī ā Whārei.
5. The name of my marae is Otāwhiwhi Marae and is situated at Waihi Beach.
6. I have been involved in the tribal affairs of Ngāi Te Rangī for at least 20 years.

7. I have been involved with the settlement process for seven years.
8. Our experience is that the settlement process has been very challenging and divisive; so much so, that if we do not sort these issues out now, there will need to be a new claim to settle these claims that we are trying to settle here.

**The issue: Hauraki overclaiming into Tauranga Moana**

9. We totally oppose the intrusion by Hauraki into our rohe.
10. The issue of Hauraki overclaiming dates back over three or four years.
11. Basically, Hauraki first started making claims to some of our sites in the Kaimai ranges. They were seeking the return of some of the pa sites and lands where they claimed they had historical interests, but they were mai rānō. Over time, they then progressed to right within our rohe.
12. When Hauraki claimed right into the city of Tauranga, we were in a state of shock. They had really pushed the limits, and we felt we had to push them back to Waiorooro at the very least. Our most northern boundary, being Ngā Kurī a Whārei, is currently north of Waiorooro Stream halfway down at Waihi Beach. We had to make that decision due to the breadth of their claim into Tauranga.
13. In 2012, Hauraki filed an urgency application against the Tauranga Moana Framework because they were excluded from it. They did not have a right to make that claim. We felt disrespected by the fact that Hauraki would not come and talk to us first.
14. I feel like the Crown forced us into a position in regards to Hauraki's claim without having the full information that we needed going into the negotiations. We felt a lot of pressure to allow them to have some recognition or we would not be able to settle ourselves.
15. As a result of this pressure, and the risk that we would not be able to settle, we did go into a negotiation. It was negotiated that Hauraki were to have Right of First Refusal over certain blocks. Even that

aggrieved our people. Now, there have been further negotiations between Hauraki and the Crown and the Crown has granted Hauraki additional redress, it has been the straw that broke the camel's back.

16. We did not accept their claim that they had a right to be included, and again we were practically forced to compromise and allow them some level of participation. Terms were negotiated for the inclusion of a fifth Hauraki seat – and again we were compelled to accept this. I think Hauraki are trying to get all they can - but at whose expense?

#### **No evidence for Hauraki's claim**

17. I have seen no real evidence of Hauraki's claim regarding their interests in our area.
18. Evidence has been quite skint and bare, and really just the word of their lawyers.
19. Hauraki have provided some limited korero about historical events, but that was before the Crown confiscation.
20. In my view, their interests are based in historical battles and intermarriage, not Crown grievances, which is what we are negotiating a settlement for.
21. I also believe that the Crown and Hauraki are manipulating our history and tikanga.
22. When I say Hauraki, I mean some of the people who are advancing the settlement, not the hapū and whānau. We have not heard from their kaumātua, kuia or those that we would consider the keepers of mātauranga. Their kaumātua have not come forward to provide the evidence.
23. We have asked them to come and discuss the issues with us, and they have not come. It has been hard to engage with them and get any communication or clarification on these issues.

### **Mana whenua, mana moana is with Ngāi Te Rangi**

24. We acknowledge that Ngāi Te Rangi and Hauraki have historical interests and connections. There were battles and strategic marriages, but this was common throughout the country and it does not mean that we all overclaim into our neighbour's rohe.
25. As far as I know, Hauraki never took control of the area and did not exercise rangatiratanga in our rohe.
26. Hauraki do not have pā, and they do not have marae in our rohe.
27. There has always been a clear understanding between our iwi, that we have mana whenua. That is our kawa, tikanga, and rangatiratanga. We all know where the mana whakahaere sites are within our rohe, and where the boundaries are.
28. We have not sought a mana whenua interest up in their rohe, and they should not be seeking those rights down in ours. We thought that we had a mutual understanding that we would not overclaim into each other's rohe, and that we would respect the mana of each other. We wanted to stick to that. It is only settlement that is threatening that.
29. The delineating boundary is Ngā Kurī a Whārei.

### **The Crown's role**

30. The Crown has treated us unfairly.
31. It feels like since the Tribunal's decision to grant the urgency application in 2015, the Crown has played to the tune of Hauraki who have put a lot of pressure on them.
32. It is like the Crown thinks that it is simply easier to just side with Hauraki.
33. However, the Crown needed to consider the impact that giving Hauraki land and mana in our rohe would have on Ngāi Te Rangi - the people that actually live here.

34. The fact that other iwi are having the same issues with Hauraki is telling.

### **The prejudice**

35. If the Crown grants Hauraki redress, I can foresee that it will have a major negative impact on Ngāi Te Rangi. In fact, it already has.
36. Firstly, it is a takahi mana. Our history and tūpuna have been desecrated by incorrect claiming and the manipulation of our history. If the Hauraki settlement is completed, it will impact our kawa and tikanga, and the way we have lived for generations.
37. Secondly, the settlement has, and will cause division; we feel divided. My people at Otāwhiwhi have whakapapa in Hauraki but they are clear that the mana in Tauranga Moana is with Ngāi Te Rangi, so what the settlement is doing is dividing our whakapapa and relationships. It impacts our relationships quite heavily.
38. In addition, these issues have most definitely damaged our partnership with the Crown. We have lost a lot of trust and confidence.
39. I believe that if the issues are not corrected before a final settlement is reached, it will reinstate old historical grievances that our iwi have had against each other.

### **Conclusion**

40. It is a real concern to me that we are not able to meet as iwi. When we talk with whānau in the wharekai or on the streets, the whānau are not in agreeance with the Hauraki claim into Tauranga Moana.
41. We have had issues with Hauraki in the past, and we have been able to overcome those ourselves. At one point, I think we could have sorted these issues among ourselves too.
42. Given how things have gone, and the state of our relationships (Crown/Ngāi Te Rangi/Hauraki), we need assistance to ensure we are all on a fair and even playing field in our future attempts to resolve these issues.

43. The assistance of the Tribunal is essential.

**DATED** this 14<sup>th</sup> day of March 2017



---

**Reon Tuanau**