

**BEFORE THE WAITANGI TRIBUNAL  
TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI**

**WAI 2666**

**IN THE MATTER** of the Treaty of Waitangi Act 1975

**AND**

**AND IN THE MATTER** of the Crown's Treaty settlement policy regarding overlapping claims and the proposed redress in relation to the Hauraki Collective, Marutūāhu Collective and individual Hauraki iwi settlements.

**AND IN THE MATTER** of a claim filed by **HAYDN THOMAS EDMONDS** on behalf of Ngātiwai Trust Board and the iwi of Ngātiwai for an urgent inquiry into the Crown's settlement policy regarding overlapping claims and the proposed redress in the Hauraki Collective, Marutūāhu Collective and individual Hauraki iwi settlements.

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**AFFIDAVIT OF APERAHAMA TE KAPUA-I-WAHO HURIHANGANUI**

**17 October 2017**

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**KAHUI**  
LEGAL

PO Box 1654

Telephone: (04) 495 9999

Facsimile: (04) 495 9990

Counsel: K Tahana / M C Tukapua

**WELLINGTON**

ATH-102021-1-176-V1

## AFFIDAVIT OF APERAHAMA TE KAPUA-I-WAHO HURIHANGANUI

### I, APERAHAMA TE KAPUA-I-WAHO HURIHANGANUI, AFFIRM:

1. I am a junior solicitor at Kahui Legal. I was admitted to the High Court on 2 June 2017.
2. I have been assisting Kiri Tahana and Matewai Tukapua (the **Named Counsel**) with the Ngātiwai Trust Board's urgency application in respect of the Hauraki Collective, Marutūāhu Collective and individual Hauraki iwi settlements (**Wai 2666**).
3. This affidavit is filed in response to the Memorandum of Counsel for the Crown opposing the Ngātiwai Trust Board's application for an urgent inquiry dated 6 October 2017 (the **Crown Memorandum**).

### The Crown's Position on the Filing and Service of Evidence

4. Paragraph [1] of the Crown Memorandum states:

On 24 July 2017 the applicant filed an application for an urgent inquiry together with a Statement of Claim.

5. Footnote 2 to paragraph [1] of the Crown Memorandum further states:

...While the application refers to five affidavits being filed in support of the application, the Tribunal registry advises that no evidence was filed with the application. (Per telephone conversation between Vicky McDowell, Legal Secretary for the Crown Law Office, and Helayna Seiuli of the Waitangi Tribunal on 26 September 2017.) Crown Counsel understand however that Counsel for the Hauraki Collective was served copies of the affidavits referred to on 24 July by email, and that that email included the Waitangi Tribunal registrar and Jason Gough of Crown Law as addressees. Mr Gough does not have those emails in his inbox. Please refer to paragraph 23 for details of proper service on the Crown.

### Emails sent to the Waitangi Tribunal and Crown Law

6. I was requested to send a number of emails to the Waitangi Tribunal, Crown Law and representatives of Hauraki iwi. By email dated 24 July 2017

(6:12pm), I emailed the following documents to the Registrar of the Waitangi Tribunal ([WT.Registrar@justice.govt.nz](mailto:WT.Registrar@justice.govt.nz)):

- (a) Application for an Urgent Inquiry dated 24 July 2017;
- (b) Statement of Claim dated 24 July 2017;
- (c) Affidavit of Haydn Edmonds dated 21 July 2017;
- (d) Brief of Evidence of Tania McPherson dated 24 July 2017;
- (e) Affidavit of Ropata Diamond dated 21 July 2017; and
- (f) Affidavit of Aperahama Edwards dated 21 July 2017.

7. In the email dated 24 July 2017 (6:12pm), I noted that due to the size of some of the documents, I would attach the documents across five emails. Mr Gough ([Jason.Gough@crownlaw.govt.nz](mailto:Jason.Gough@crownlaw.govt.nz)) was copied in to each of these separate emails (**attached** to this affidavit as exhibit "AH-1", page 1-9 of exhibits).
8. By email dated 1 August 2017 (9:51am), I emailed a further affidavit of Hori Parata dated 31 July 2017 to the Registrar of the Waitangi Tribunal. Mr Gough was again copied into this email (**attached** to this affidavit as exhibit "AH-2", page 11 of exhibits).
9. I did not receive any response from the email address of [Jason.Gough@crownlaw.govt.nz](mailto:Jason.Gough@crownlaw.govt.nz) indicating that the emails had not been received.

#### **Confirmation that evidence filed with Waitangi Tribunal**

10. On 22 August 2017 (10:25am), I emailed the Waitangi Tribunal seeking confirmation that the documents referred to at paragraph 6 and paragraph 8 of this affidavit had been received by the Tribunal. I also advised the Tribunal that due to size, we couriered the affidavit of Haydn Edmonds dated 21 July 2017 to the Tribunal (**attached** to this affidavit as exhibit "AH-3", page 13-14 of exhibits).
11. On the same day (at 2:55pm), the Assistant Registrar from the Waitangi Tribunal confirmed that the Tribunal had received:

- (a) Application for an Urgent Inquiry dated 24 July 2017;
- (b) Statement of Claim dated 24 July 2017;
- (c) Affidavit of Haydn Edmonds dated 21 July 2017;
- (d) Brief of Evidence of Tania McPherson dated 24 July 2017;
- (e) Affidavit of Ropata Diamond dated 21 July 2017;
- (f) Affidavit of Aperahama Edwards dated 21 July 2017; and
- (g) Affidavit of Hori Parata dated 31 July 2017.

12. The Assistant Registrar stated:

*I confirm that the Tribunal received all of the documents stated below. They have gone through the registration process and are awaiting the Deputy Chairperson's approval. Once this occurs they will be put on the record and distributed soon. We are currently processing a number of urgencies, and several new urgent applications in regards to Hauraki, hence the delay.*

A copy of the email from the Assistant Registrar is **attached** to this affidavit as exhibit "**AH-3**", page 13 of exhibits.

13. The Ngātiwai evidence has been sent again by both email and courier to the Crown (see the email **attached** to this affidavit as exhibit "**AH-4**", page 15-16 of exhibits), and by courier to the Waitangi Tribunal. Jacki Cole (counsel for the Crown) has acknowledged receipt (**attached** to this affidavit as exhibit "**AH-4**", page 15 of exhibits).

SWORN at this Wellington )  
 17 day of October 2017 )  
 before me: )



**Diako Ishmael**  
**Solicitor**  
**Wellington**



**Aperahama Te Kapua-I-Waho Hurihanganui**



**Diako Ishmael  
Solicitor  
Wellington**

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A Solicitor of the High Court of New Zealand

# AFFIDAVIT OF APERAHAMA TE KAPUA-I-WAHO HURIHANGANUI

## Index to Exhibits

<b>No.</b>	<b>Description</b>	<b>Pages</b>
<b>AH-1</b>	Filing and service email dated 24 July 2017	1-10
<b>AH-2</b>	Filing and service email dated 1 August 2017	11-12
<b>AH-3</b>	Confirmation email dated 22 August 2017	13-14
<b>AH-4</b>	Service email dated 9 October 2017	15

**From:** Aperahama Hurihanganui  
**Sent:** Monday, 24 July 2017 6:12 p.m.  
**To:** 'Registrar, WT'  
**Cc:** 'Jason.Gough@crownlaw.govt.nz'; 'paul.majurey@ahmlaw.nz'; 'james.brown@ngaitai-ki-tamaki.co.nz'; 'tipa@xtra.co.nz'; Matewai Tukapua; Kiri Tahana  
**Subject:** Application for an Urgent Inquiry - Hauraki & Marutuahu Collective Settlements & Individual iwi settlements - Ngatiwai Trust Board  
**Attachments:** Statement of Claim.pdf; Application for Urgency .pdf; Haydn Edmonds Affidavit.pdf  
**Categories:** IDM

Tēnā koe,

As Counsel for the named claimant, Haydn Thomas Edmonds (on behalf of the Ngātiwai Trust Board and the iwi of Ngāti Wai), the following documents are filed and served:

- Application for an Urgent Inquiry dated 24 July 2017;
- Statement of Claim dated 24 July 2017;
- Affidavit of Haydn Edmonds 21 July 2017;
- Brief of Evidence of Tania McPherson dated 24 July 2017;
- Affidavit of Ropata Diamond dated 21 July 2017; and
- Affidavit of Aperahama Edwards dated 21 July 2017;

in respect of the Crown's settlement policy regarding overlapping claims and the proposed redress in the Hauraki Collective, Marutūāhu Collective and individual Hauraki iwi settlements.

Due to the large size of some of the documents, in particular the documents within Exhibit A of the Brief of Evidence of Tania McPherson, we will attach the documents across five emails as follows:

1. Application for Urgency, Statement of Claim, and Affidavit of Haydn Edmonds & Exhibit A (**attached** to this email);
2. Affidavit of Ropata Diamond & Exhibit, and Affidavit of Aperahama Edwards (**attached** to email 2);
3. Brief of Evidence of Tania McPherson, Index to Exhibit A and Document 1-54 within Exhibit A of the Brief of Evidence of Tania McPherson (**attached** to email 3);
4. Document 44 and Document 45 within Exhibit A of the Brief of Evidence of Tania McPherson (**attached** to email 4); and
5. Document 55-95 and Document 76 within Exhibit A of the Brief of the Evidence of Tania McPherson (**attached** to email 5).

Counsel note that a further affidavit in support may be filed separately in due course.

Nā Kiri Tahana / Matewai Tukapua

Counsel for the Claimant

**Aperahama Hurihanganui**  
Solicitor

Te Arawa, Ngati Porou

p: 04 495 9999

**EXHIBIT NOTE**

This is the exhibit marked "AH-1" referred to in the affidavit of  
**APERAHAMA TE KAPUA-I-WAHO HURIHANGANUI** and sworn at Wellington  
this 17 day of October 2017 before me:

*[Signature]*

A Solicitor of the High Court of New Zealand

**Diako Ishmael**  
Solicitor  
Wellington



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## Aperahama Hurihanganui

---

**From:** Aperahama Hurihanganui  
**Sent:** Monday, 24 July 2017 6:12 p.m.  
**To:** 'Registrar, WT'  
**Cc:** 'Jason.Gough@crownlaw.govt.nz'; 'paul.majurey@ahmlaw.nz'; 'james.brown@ngaitai-ki-tamaki.co.nz'; 'tipa@xtra.co.nz'; Matewai Tukapua; Kiri Tahana  
**Subject:** Email 2 - Application for an Urgent Inquiry - Hauraki & Marutuahu Collective Settlements & Individual iwi settlements - Ngatiwai Trust Board  
**Attachments:** Ropata Diamond Affidavit.pdf; Aperahama Edwards Affidavit.pdf  
**Categories:** IDM

Affidavit of Ropata Diamond & Exhibit, and Affidavit of Aperahama Edwards attached.

**Aperahama Hurihanganui**  
Solicitor

Te Arawa, Ngati Porou

p: 04 495 9999



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## Aperahama Hurihanganui

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**Cc:** 'Jason.Gough@crownlaw.govt.nz'; 'paul.majurey@ahmlaw.nz'; 'james.brown@ngaitai-ki-tamaki.co.nz'; 'tipa@xtra.co.nz'; Matewai Tukapua; Kiri Tahana  
**Subject:** Email 3 - Application for an Urgent Inquiry - Hauraki & Marutuahu Collective Settlements & Individual iwi settlements - Ngatiwai Trust Board  
**Attachments:** Tania McPherson Brief of Evidence.pdf; Index to Exhibit A - Brief of Evidence of Tania McPherson.pdf; Document 1-54 within Exhibit A of Brief of Evidence of Tania McPherson.pdf  
**Categories:** IDM

Brief of Evidence of Tania McPherson & Index to Exhibit A & Document 1-54 within Brief of Evidence of Tania McPherson **attached.**

**Aperahama Hurihanganui**  
Solicitor

Te Arawa, Ngati Porou

p: 04 495 9999



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## Aperahama Hurihanganui

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**Sent:** Monday, 24 July 2017 6:12 p.m.  
**To:** 'Registrar, WT'  
**Cc:** 'Jason.Gough@crownlaw.govt.nz'; 'paul.majurey@ahmlaw.nz'; 'james.brown@ngaitai-ki-tamaki.co.nz'; 'tipa@xtra.co.nz'; Matewai Tukapua; Kiri Tahana  
**Subject:** Email 4 - Application for an Urgent Inquiry - Hauraki & Marutuahu Collective Settlements & Individual iwi settlements - Ngatiwai Trust Boardal iwi settlements - Ngatiwai Trust Board  
**Attachments:** Document 45 within Exhibit A of Brief of Evidence of Tania McPherson.pdf; Document 44 within Exhibit A of Brief of Evidence of Tania McPherson.pdf  
**Categories:** IDM

Document 44 and Document 45 within Exhibit A of the Brief of Evidence of Tania McPherson **attached**.

**Aperahama Hurihanganui**  
Solicitor

Te Arawa, Ngati Porou

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## Aperahama Hurihanganui

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**From:** Aperahama Hurihanganui  
**Sent:** Monday, 24 July 2017 6:12 p.m.  
**To:** 'Registrar, WT'  
**Cc:** 'Jason.Gough@crownlaw.govt.nz'; 'paul.majurey@ahmlaw.nz'; 'james.brown@ngaitai-ki-tamaki.co.nz'; 'tipa@xtra.co.nz'; Matewai Tukapua; Kiri Tahana  
**Subject:** Email 5 - Application for an Urgent Inquiry - Hauraki & Marutuahu Collective Settlements & Individual iwi settlements - Ngatiwai Trust Board  
**Attachments:** Documents 55 to 95 within Exhibit A to Brief of Evidence of Tania McPherson.pdf; Document 76 within Exhibit A of Brief of Evidence of Tania McPherson.pdf  
**Categories:** IDM

Document 55-95 and Document 76 within Exhibit A of the Brief of Evidence of Tania McPherson attached.

**Aperahama Hurihanganui**  
Solicitor

Te Arawa, Ngati Porou

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**Aperahama Hurihanganui**

**From:** Aperahama Hurihanganui  
**Sent:** Tuesday, 1 August 2017 9:51 a.m.  
**To:** 'Registrar, WT'  
**Cc:** 'Jason.Gough@crownlaw.govt.nz'; 'paul.majurey@ahmlaw.nz'; 'james.brown@ngaitai-ki-tamaki.co.nz'; 'tipa@xtra.co.nz'; Matewai Tukapua; Kiri Tahana; 'josie.anderson@rocketmail.com'; 'kenlinstead@yahoo.com'; 'ngatihei@xtra.co.nz'; 'pelroy@xtra.co.nz'; 'kaihautu@ngatipaoaiwi.co.nz'; 'morehuw@gmail.com'; 'pineharrison@xtra.co.nz'; 'john.tamihere@waiwhanau.com'; 'fred.npkh@gmail.com'; 'jilltaylor@vodaphone.co.nz'; 'nick.scott@xtra.co.nz'; 'liane.ngamane@hotmail.com'; 'mcenteer@actrix.co.nz'; 'amelia.w@vodaphone.co.nz'; 'russellnegotiations@xtra.co.nz'; 'william@patukirikiri.iwi.nz'; 'david@patukirikiri.iwi.nz'; 'huhana@pikiake.co.nz'  
**Subject:** Application for an Urgent Inquiry - Hauraki & Marutuahu Collective Settlements & Individual iwi settlements - Ngatiwai Trust Board  
**Attachments:** Hori Parata Affidavit Final.pdf

Tēnā tātou

As Counsel for the named claimant, Haydn Thomas Edmonds (on behalf of the Ngātiwai Trust Board and the iwi of Ngāti Wai), please find attached for filing and by way of service:

- Affidavit of Hori Parata dated 31 July 2017;

in respect of the Crown's settlement policy regarding overlapping claims and the proposed redress in the Hauraki Collective, Marutūāhu Collective and individual Hauraki iwi settlements.

Nā Kiri Tahana / Matewai Tukapua

Counsel for the claimant.

**Aperahama Hurihanganui**  
Solicitor

Te Arawa, Ngati Porou

p: 04 495 9999



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**EXHIBIT NOTE**

This is the exhibit marked "AH-2" referred to in the affidavit of  
APERAHAMA TE KAPUA-I-WAHO HURIHANGANUI and sworn at Wellington  
this 17 day of October 2017 before me:

**Diako Ishmael**  
Solicitor  
Wellington

  
A Solicitor of the High Court of New Zealand



**From:** Hauraki, Abby <Abby.Hauraki@justice.govt.nz>  
**Sent:** Tuesday, 22 August 2017 2:55 p.m.  
**To:** Aperahama Hurihanganui  
**Subject:** RE: Application for an Urgent Inquiry - Hauraki & Marutuahu Collective Settlements & Individual iwi settlements - Ngatiwai Trust Board

Tēnā koe Aperahama,

I can confirm that the Tribunal has received all of the documents stated below. They have gone through the registration process and are awaiting the Deputy Chairperson's approval. Once this occurs they will be put on the record and distributed soon. We are currently processing a number of urgencies, and several new urgent applications in regards to Hauraki, hence the delay.

Ngā mihi,



**Abby Hauraki**  
Assistant Registrar  
Waitangi Tribunal | Te Rōpū Whakamana i te Tiriti o Waitangi  
DDI: (04) 914 3114 | Ext: 53114  
[www.waitangitribunal.govt.nz](http://www.waitangitribunal.govt.nz)

**From:** [WaitangiTribunal@justice.govt.nz](mailto:WaitangiTribunal@justice.govt.nz)  
**Sent:** Tuesday, 22 August 2017 10:35 a.m.  
**To:** Registrar, WT  
**Subject:** FW: Application for an Urgent Inquiry - Hauraki & Marutuahu Collective Settlements & Individual iwi settlements - Ngatiwai Trust Board  
**Importance:** High

**From:** Aperahama Hurihanganui [<mailto:Aperahama@kahuilegal.co.nz>]  
**Sent:** Tuesday, 22 August 2017 10:25 a.m.  
**To:** [WaitangiTribunal@justice.govt.nz](mailto:WaitangiTribunal@justice.govt.nz)  
**Subject:** Application for an Urgent Inquiry - Hauraki & Marutuahu Collective Settlements & Individual iwi settlements - Ngatiwai Trust Board

Kia ora


We filed an application for urgency and supporting documentation on 24 July 2017 (by email) and seek confirmation that these documents have been received by the Tribunal.

Can you please confirm that you have received the following documents:

- Application for an Urgent Inquiry dated 24 July 2017;
- Statement of Claim dated 24 July 2017;
- Affidavit of Haydn Edmonds dated 21 July 2017;
- Brief of Evidence of Tania McPherson dated 24 July 2017;
- Affidavit of Ropata Diamond dated 21 July 2017;
- Affidavit of Aperahama Edwards dated 21 July 2017; and
- Affidavit of Hori Parata dated 31 July 2017 (filed on 1 August 2017).

**EXHIBIT NOTE**

This is the exhibit marked "AH-3" referred to in the affidavit of APERAHAMA TE KAPUA-I-WAHO HURIHANGANUI and swc at Wellington this 17 day of October 2017 before me:

  
A Solicitor of the High Court of New Zealand  
**Diako Ishmael**  
Solicitor  
Wellington

There were some issues in emailing these documents due to size so they were sent across in separate emails. We also couriered the affidavit of Haydn Edmonds due to its size.

i look forward to hearing from you.

**Aperahama Hurihanganui**  
Solicitor

Te Arawa, Ngati Porou

p: 04 495 9999



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- (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.

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**From:** Jacki Cole <Jacki.Cole@crownlaw.govt.nz>  
**Sent:** Monday, 9 October 2017 12:18 p.m.  
**To:** Aperahama Hurihanganui  
**Cc:** 'Registrar, WT'; Jason Gough  
**Subject:** RE: Wai 2666 Service of Ngatiwai Evidence

Receipt acknowledged with thanks.

**Jacki Cole**

Crown Counsel - Facilitator of the PILON Litigation Skills Programme  
Treaty of Waitangi Team

**Crown Law** *Te Tari Ture o te Karauna*

Justice Centre | 19 Aitken St | PO Box 2858 | **Wellington** 6140

DDI: +64 4 494 5602

M: +64 27 801 0064

[www.crownlaw.govt.nz](http://www.crownlaw.govt.nz)

Please note that I work half-time at Crown Law and half-time at the Treasury. I will endeavour to respond to any email received at my earliest opportunity, if a response is required.

---

**From:** Aperahama Hurihanganui [<mailto:Aperahama@kahuilegal.co.nz>]  
**Sent:** Monday, 9 October 2017 12:14 PM  
**To:** Treaty Teams; Jason Gough; Jacki Cole  
**Cc:** 'Registrar, WT'  
**Subject:** Wai 2666 Service of Ngatiwai Evidence

Kia ora

Please find **attached** the evidence for the claim filed by Haydn Thomas Edmonds on behalf of the Ngātiwai Trust Board and the iwi of Ngātiwai (Wai 2666). The evidence includes:

- Affidavit of Haydn Edmonds dated 21 July 2017;
- Brief of Evidence of Tania McPherson (and exhibits) dated 24 July 2017;
- Affidavit of Ropata Diamond dated 21 July 2017;
- Affidavit of Aperahama Edwards dated 21 July 2017; and
- Affidavit of Hori Parata dated 31 July 2017;

Due to the size of some of these documents, they will be sent in separate emails. Copies will also be couriered to Crown Law Today.

Nāku nei,

**Aperahama Hurihanganui**  
Solicitor

**EXHIBIT NOTE**

This is the exhibit marked "AH-4" referred to in the affidavit of  
**APERAHAMA TE KAPUA-I-WAHO HURIHANGANUI** and sworn at Wellington  
this 17 day of October 2017 before me:



A Solicitor of the High Court of New Zealand

Diako Ishmael  
Solicitor  
Wellington

Te Arawa, Ngati Porou

Level 11, Intilecta Centre Building, 15 Murphy Street, Wellington 6011

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