

IN THE WAITANGI TRIBUNAL

Wai 2522, 2523, 2530,
2531 & 2532

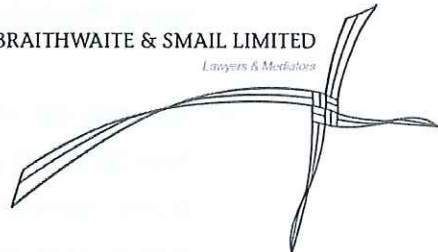
IN THE MATTER OF The Treaty of Waitangi Act 1975

AND Applications for urgent hearings concerning
the Trans-Pacific Partnership Agreement by
the claimants for the Wai 2522, 2523, 2530,
2531 and 2532 claims

AFFIDAVIT OF DR. ADELE WHYTE
DATED 21st JULY 2015

BRAITHWAITE & SMAIL LIMITED
Lawyers & Mediators
P O Box 13 243, Onehunga
AUCKLAND 1643
Telephone: 09 950 4670 / 09 950 4071
Solicitor: JM Braithwaite

BRAITHWAITE & SMAIL LIMITED
Lawyers & Mediators



I, ADELE LORENE HINEAO WHYTE, Chief Executive Officer of Hastings, swear:

1. I hold a Bachelor of Science degree, majoring in Ecology, Biodiversity and Genetics. I also hold a Masters and a PhD in science. My Masters research investigated the origins of Māori and Pacific peoples' using DNA and for my PhD research I investigated the use of mussels as indicators of marine pollution.
2. I am the Chief Executive Officer of Ngāti Kahungunu Iwi Inc. I am swearing this Affidavit in the absence of Ngahiwi Tomoana who is overseas until next week. Mr Tomoana is the Chairperson of Ngāti Kahungunu Iwi Inc and the Ngāti Kahungunu named claimant in the Wai 262 claim.
3. I began working with Ngāti Kahungunu Iwi Inc as the Director of the Fisheries & Environment Unit in 2010. In 2013 I was appointed as the Interim Chief Executive upon the departure of the previous Chief Executive, Ms Meka Whaitiri. In October 2013 I was officially appointed as the Chief Executive for Ngāti Kahungunu Iwi Inc and I started formally in the role when I returned from maternity leave in February 2014.
4. I consider that as a senior manager of Ngāti Kahungunu Iwi Inc since April 2010 I would have been well aware if we were consulted about something as significant as the Trans Pacific Partnership Agreement ("TPPA"). I have also checked my email account and that of the previous CEO Meka Whaitiri to see if there is any record of contact and a staff member has gone over our inwards correspondence from 2008 onwards looking for the words "Trans Pacific Partnership".
5. The only record of contact we have found are the invitation to meet in April 2010 and a meeting itself on 10 September 2010 which appear to be those referred to in paragraphs 61.1 and 61.2 of the Affidavit of Martin Harvey although the dates do not quite match up. Copies of the original



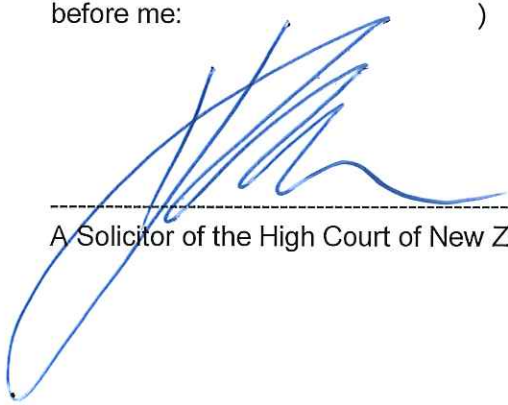
invitation and an email we received afterwards attaching a file note of the meeting are attached marked "A" and "B".

6. I do not specifically recall this meeting as focussing on the TPPA, it was more a general discussion regarding issues relating to intellectual property and traditional knowledge. However, it is clear from the Crown file note of this meeting and the email forwarding it that Ngāti Kahungunu sought to be engaged in both the TPP negotiations and the WIPO IGC negotiations. It is also clear that the Crown had committed to keep us informed and provide us with further opportunities for engagement.
7. Despite this, we have no record of receiving anything further from the Crown and as far as I am aware we have not been consulted in relation to the TPPA since 2010.
8. I reject the Crown's assertion that this constitutes reasonable efforts to inform itself of Ngāti Kahungunu interests as a claimant in Wai 262 and an iwi that had clearly stated our wish to be substantively engaged in the TPPA Negotiations.

Sworn at *Hastings* this *21ST*)
day of *July* 2015)
before me:)



Teresa Jane Mee
Solicitor
Hastings



A Solicitor of the High Court of New Zealand

