

FIFTH HEARING
WAIRARAPA KI TARARUA
Held 26-30 July 2004
at Makirikiri Marae, Dannevirke

Tribunal: Judge Wainwright
Dame Margaret Bazley
Ranginui Walker
Professor Wharehuia Milroy

Staff: Juanita Pearce-Thomson
Claire Mason
Fiona Small
Stephen Kerr

Crown Counsel: Helen Carrad
David Laird
Tikirau Stephens (Kaumatua)

Claimant Counsel: Kathy Ertel
Liz Cleary
Angela Hansen
Yashveen Singh
Gina Rangi
Grant Powell
Steven Clark

Tape 2 Side B commences

Kathy Ertel cross-examines Manahi Paewai

Ertel I am grateful for the comments that the Tribunal has made in its memorandum of 22nd July and I have taken into account those comments and have reduced the questioning that I had considerably, but I still do have some questions that I think ought properly be put to this witness. And when putting them, I put them with the utmost respect and want to ensure that there is no question that my clients accept that Rangitane have rights within the Tamaki-nui-a-Rua rohe. The point is, that the way in which the evidence has been presented by this witness is problematical because it appears he does not extend the same acknowledgement to Kahungunu.

Wainwright Ms Ertel, I didn't take that from that evidence, so perhaps you could put that question to Mr Paewai.

Ertel Yes. Mr Paewai, do you acknowledge that Kahungunu have tangata whenua status in the Tamaki-nui-a-Rua region?

Paewai I accept that in some of the north-eastern blocks that they were awarded interests, through, and because of various reasons, which I believe Mr Parsons will be able to expand on. They are due to, many of them, the gifts that concern Te Angiangi and Te Rehunga and Manawakawa and those people.

Ertel Thank you. So you've obviously read Mr Parsons' report and Ms Ropiha's report carefully?

Paewai I've read it.

Ertel And do you endorse it?

Paewai I endorse it as an exposure, at long last, of some of the facts that are relevant.

Ertel Do you agree that land rights can be acquired by discovery and occupation?

Paewai Yes I do.

Ertel Do you agree that land rights can be obtained by conflict and occupation?

Paewai Yes I do.

Ertel Would you accept that the whakapapa booklet that you've produced does not provide the entire, does not illustrate the relationship between Rangitane and Kahungunu in Tamaki?

Paewai What I would suggest, respectfully, is that it does attempt to reflect many of the connections with groupings of our area that for a long time have been, mistakenly, referred to as Kahungunu and I refer to groupings like Ngai Tahu of Ngai Te Whatuiapiti and to Papauma.

- Ertel Thank you. Would you accept then that while the whakapapa you've presented shows connections to Rangitane of key figures such as Papauma, that those key figures also have very close relationships to Ngati Kahungunu? So it is not necessarily a mistake to describe them as part of Kahungunu, but it is a mistake to describe them as exclusively Kahungunu.
- Paewai I probably shouldn't be so bold as to say that on their behalf and yet, having good friends and relatives from within those groupings, I know that that's what they would accept, but I don't want to be seen as saying that Manahi said.
- Ertel Well lets not have Manahi say it. Let's have me say it to you and you can confirm or deny it. Can I please get you to refer you to document #E29, which is the brief of evidence by Kahu Pene and also refer, and if the Tribunal is good enough to get that document as well that would assist.
- Wainwright 29, Ms Ertel?
- Ertel Yes, document #E29.
- Wainwright (Inaudible) So, does Mr Paewai not have one?
- Male(?) Ma'am, we didn't bring the (inaudible) evidence. (Inaudible) have a copy. (Inaudible).
- Ertel The only spare copy I have has got writing all over it, so I'd prefer not to give that to Mr Paewai.
- Male(?) (Inaudible).
- Ertel Thank you. If we look at page 2 of the whakapapa you've presented to the Tribunal, you don't record marriage of Papauma to Rangiwhaka-ewa. Sorry, my fault, no, sorry, I'm looking at the wrong page. You don't record the marriage ...
- Wainwright What page are we looking at Ms Ertel?

Ertel In Mr Paewai's evidence at page 2, and at Ms Pene's evidence at page 1. you look at the Pene evidence.

Wainwright Sorry, page 1 of her whakapapa?

~~Ertel That's right.~~

Wainwright And page 2 of the whakapapa booklet.

Ertel Whakapapa booklet. You'll notice on the whakapapa booklet, on the most right hand column, it goes down to Papauma. And it doesn't record the marriage of Papauma. You'd accept that Papauma married Rakaihikuroa, wouldn't you?

Paewai I do.

Ertel And would you accept that Rakaihikuroa was Kahungunu's grandson?

Paewai I do.

Ertel So that gives us an example of how Papauma can be described as a Ngati Kahungunu hapu because of that close kin relationship, doesn't it?

Paewai (Inaudible) Te Hika a Papauma just refer to themselves as Te Hika a Papauma.

Ertel I am not asking you to give evidence on that. I'm asking you a question which requires a yes or no answer. That would allow them to trace their lineage back to Kahungunu, as well as Rangitane, wouldn't it?

Paewai Yes.

Ertel Thank you. On page 2, I'm just looking at Te Rangiwhaka-ewa. That's the first, could you just clarify for me, that's the first Te Rangiwhaka-ewa, isn't it? There are two. Is that correct?

Paewai There's just one.

Ertel Yeah.

- Paewai But there are other descendents who carry the name of Te Rangiwhaka-ewa, like Paora.
- Ertel And this one was sort of around about, I don't know if you've got any idea about the time that they were living but is it correct that he was around about the 1600s, or was he a much more contemporary person?
- Paewai I (inaudible) 1650s.
- Ertel Thank you. Now, moving to page 6 of the whakapapa booklet and looking at Te Rautahi. Now, Te Rautahi, he married Hika Terangi, didn't he?
- Wainwright (Inaudible), Ms Ertel, where is Te Rautahi?
- Ertel He is second up from Paora Te Rangiwhaka-ewa. Te Raukawa.
- Wainwright Is this page 6 of the booklet?
- Ertel You see Paora Te Rangiwhaka-ewa.
- Wainwright Paora, yep.
- Ertel And then second up ...
- Wainwright Te Rautahi.
- Ertel Te Rautahi. And if I can get you to turn to the Pene evidence on page 5, on the second branch along, you will see, fourth down, Te Rautahi.
- Wainwright Say that again Ms Ertel. Oh, I've got it.
- Ertel He married Hinekaterangi, is that correct Mr Paewai?
- Paewai Yes.
- Ertel And her lineage takes her back to Kahungunu, doesn't it?
- Paewai Well, as far as we say, it takes her back to Ngati Hautumoana, who was a descendent of Rangitane.

- Ertel So, do you accept that her parents were Hautumoana and Te Kakinapai, Putai, being her grandparent. Coming up the line as we see on page 5. Finally, getting to Te Riponga. Do you agree with those whakapapa?
- Paewai I'm not familiar with Hautumoana's wife, but the others are not unfamiliar to me. But in terms of Hinekaterangi's land right in Tamaki-nui-a-Rua was (inaudible), that comes from Hautumoana, who is a descendent of Rangitane, and we've got that mapped on our book in the middle page.
- Ertel So you're just ignoring that marriage?
- Paewai Not at all. Not at all.
- Ertel So, the children of that union, they must whakapapa both to Kahungunu and Rangitane. Would that be correct?
- Paewai Indeed.
- Ertel Right. Moving to Paora Te Rangihaka-ewa, he married Maata. Is that correct?
- Paewai Yes.
- Ertel And is that, I'm referring to page 5 of the Pene evidence, that is recorded in the same line that we were discussing earlier and goes back through to Te Rautahi. Is that correct?
- Paewai Yes.
- Ertel And is it your knowledge that Maata is a Kahungunu woman?
- Paewai She, her land right in this area came through her Rangitane lineage, through Turake. She also has a line of descent from Te Whatuiapiti.
- Ertel Do you not accept that she ...
- Paewai (Inaudible) the land right in Tamaki-nui-a-Rua was from her descent from Turake.

- Ertel Do you not accept that she is a descendent of Kahungunu?
- Paewai I accept that she's a descendant of Te Whatuiapiti, and then through that, can go back to Ngati Kahungunu.
- Ertel Now turn to page 7 of your whakapapa. You say that Takaha was the child of Papauma and Rakaihikuroa. If he's not their child, then you would accept that this page is incorrect.
- Paewai I accept that. Takaha comes from Taiwha, who was in turn a child of Papauma and Rakaihikuroa.
- Ertel So this is incorrect?
- Paewai I accept that there is an (inaudible).
- Ertel Could I refer you to page 1 of the whakapapa presented by Ms Pene? And on the left hand column you'll notice Takaha and Rakaipo and their child, Hikawera. Is that the same Takaha and Hikawera that you are illustrating on page 7?
- Paewai As I understand it. Yes.
- Ertel Do you accept that, in fact, they descend from the relationship between Kahungunu and Pouwharekura, and not, as you've stated, the relationship between Kahungunu and Rongomaiwahine via Papauma?
- Paewai Well, I'm not here to question that particular line, but I know we have many lines. I've given the line that's familiar to me.
- Ertel But you have accepted that that's wrong?
- Paewai I have accepted that it is not Takaha who is the child of Papauma and Rakaihikuroa, it is in fact Taiwha and then Takaha.
- Wainwright So, is there a missing generation between Taiwha and Rakaihikuroa and the name of that ancestor is ...
- Paewai Is Taiwha.

Ertel I think I'll have to call evidence on this point, this, if you look at the Pene whakapapa was that Papauma is one generation was removed from what Kahungunu or the (inaudible) evidence says is Takaha and Hikawera. So I'll, it'd be best to probably deal with that in evidence and accept that there's a difference.

Wainwright I'd like it if you'd explain it a bit more clearly what the difference is.

Ertel On page 1 of the Pene whakapapa.

Wainwright Yes.

Ertel You'll see Pouwharekura and Kahungunu and we come down through Ruatapui, Kahuturi, the mother and the father, we say, of Takaha is Tamaira and Ruaranui.

Wainwright Oh, okay.

Ertel Whereas, it appears that Mr Paewai's evidence is that Takaha comes from the union between Kahungunu and Rongomaiwahine that produced those, the three children under that, who produced Papauma.

Wainwright He's saying, isn't he, that that Takaha is a child of Taiwha? He just said that there was a missing generation between Papauma and Rakaihikuroa and that that, the name of that tipuna is Taiwha and therefore, I think he's saying that Takaha and Parea(?) are the children of Taiwha. Is that right, Mr Paewai?

Paewai Are the children of Papauma and Rakaihikuroa. Taiwha and Parea.

Wainwright So where does Takaha come in?

Paewai After Taiwha.

Wainwright So, Taiwha and Parea are the children of Papauma and Rakaihikuroa?

Paewai (Inaudible).

Ertel But Takaha is the next generation below Taiwha and Parea. Is that what you're saying?

- Paewai (Inaudible).
- Wainwright You're saying that Takaha.
- Paewai Yes.
- Wainwright Is the next generation below Taiwha and Parea. And Takaha came off Taiwha.
- Paewai Yes.
- Wainwright Just so that we're clear so what the difference is, Ms Ertel.
- Ertel Oh, I must say, I'm struggling myself (inaudible). If we turn to page 8 of your whakapapa and your evidence, you say that Nireha Tamaki is a Rangitane chief. Would you accept that he also had Kahungunu lineage?
- Wainwright Where did he appear on – oh, I see, kia ora.
- Ertel Do you accept he has Kahungunu lineage?
- Paewai I accept that on his mothers' side he has some Kahungunu lineage, but he was born, lived, exercised mana as a Rangitane, in his own takiwa.
- Ertel And, so, is it your evidence that he always described himself as a Rangitane and never as Kahungunu?
- Paewai I'm certain, well, I would go so far as to say that at his tangihanga there were people who visited from his, who attended the tangihanga from his Rangitane side.
- Ertel No, that's not the question I'm asking you. Have you ever seen him make reference to himself in court documents or in any other documents as Kahungunu and Rangitane?
- Paewai Not than I can recall.
- Ertel Turning now to your evidence, #E3. At page 129, sorry paragraph 129, you say that some Rangitane left and headed towards Nukutaurua. Do you have any idea in your mind what percentage of the population left?

- Paewai No not really, except that there was a significant number of people who remained in the core area here of, in Tamaki-nui-a-Rua.
- Ertel At paragraph 132, you described the alliance as a group of prominent Rangitane persons designed to protect the buffer zone of northern Tamaki-nui-a-Rua? When you say, when you use “northern”, are you referring to the land within the green dotted line on map 12, map 13, which is really the north west you’d agree?
- Wainwright What map are we looking at?
- Ertel Map 13, Ma’am.
- Wainwright Okay.
- Paewai I used the term northern Tamaki-nui-a-Rua as against southern because, for the most part, it was, it features the exits of Te Taperenui o Whatonga where, at those four places, they were the major exits. So, Rakau Tatahi to the north is a major exit or the entrance to Te Taperenui o Whatonga. There is a north-eastern entrance where Parakiora was sighted at Paparataitoko. There was another entrance that went east ...

Tape 2 Side B ends

[Remainder of cross-examination of Manahi Paewai, particularly questioning by Judge Wainwright, does not appear to be recorded on Tape 3 Side A]

End of transcript