

IN THE WAITANGI TRIBUNAL  
KE MUA I TE TARAIPUNARA

WAI 3059  
WAI 3300

UNDER The Treaty of Waitangi Act 1975  
AND  
IN THE MATTER OF The Constitutional Kaupapa Inquiry  
AND  
IN THE MATTER OF A claim by Kelly Klink on behalf of  
herself and the iwi Ngāti  
Rehua/Ngatiwai ki Aotea

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STATEMENT OF POSITION OF KELLY KLINK  
FOR NGATI REHUA/NGATI WAI KI AOTEA  
Dated: 27 November 2024

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Counsel acting: Linda Thornton  
**Ara Moana Law**  
Barristers and Solicitors  
P O Box 475  
Waiuku 2341  
Auckland  
Ph: 021 130 9972  
[Linda@aramoanalaw.com](mailto:Linda@aramoanalaw.com)

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Waitangi Tribunal

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Ko Aotea te moutere rongonui Ko Hirakimatā te Māunga tapu Ko te moana nui o Toi te moana Ko te Tuatara, Te Mauri, rātou ko te Tukaiāia ngā kaitiaki Ko Aotea te kāinga o ngā uri o Ngāti Rehua Anei te whenua e manaakitia tātou. E whakapiritia tātou. E whakaoratia tātou. Te waahi o ngā tāonga maha, ngā taonga tapu, ngā taonga matahīapo. Na ngā whetū e kanapu ki Te rāngi ki ngā aitenga a pūnga e kōhimuhimu ana ki ngā ngāhere. Ko Aotea te taonga motuhake o te moananui o Toi. Ko Aotea toku tūrangawaewae.

1. My name is Kelly Klink.
2. I reside on Aotea (Great Barrier Island), specifically, the Māori Reservation at Oruawharo Bay. My whare is located in a remote area, and no roads provide direct access to it. In order to reach my vehicle, I am required to traverse the moana, which is the only viable route to access the mainland.
3. I am a researcher and have recently completed my doctoral thesis on the history of Ngāti Rehua and the injustice they have suffered since the signing of te Tiriti o Waitangi. My thesis provides a comprehensive examination of the historical events that have led to the marginalisation and displacement of Ngāti Rehua, and the ongoing consequences of the Crown's actions in relation to the Treaty. Through my research, I have gained an in-depth understanding of the systemic injustices faced by Ngāti Rehua, particularly the impact of colonisation on our whenua, moana, and people.
4. I am the claimant on Wai 3059, a claim on behalf of Ngāti Rehua of Aotea (Great Barrier Island).
5. Ngāti Rehua trace their whakapapa back twelve generations through the eponymous ancestor, Rehua. However, after the first

stage of the raupatu, we whakapapa back thirty-two generations through intermarriages with Ngāti Taimanawaiti and Ngāti Te Wharau to the founding tupuna Toi te huatahi.

6. Ngāti Rehua are an island iwi and hold no mana on the mainland of Aotearoa. Their mana resides exclusively on Aotea, Te Hauturu o Toi and Pokohinu and all surrounding motu and rocky outcrops. To consider them as anything but marine people is simply wrong.
7. Ngāti Rehua have traversed Te Moananui o Toi mai rānō and continue to do so today. Their lives are governed by the tide for daily activities and for the gathering of resources. They have an intimate relationship with the moana. Even today, many families live in isolated areas and islands that require travelling via the moana to collect provisions to survive.
8. As a descendant of Ngāti Rehua, I have a deep understanding of our iwi's history and its intimate and longstanding relationship with the moana. Ngāti Rehua has maintained this relationship with the moana for mai rānō, long before the arrival of the Crown in Aotearoa. Our connection to the moana is integral to our culture, identity, and way of life. It is deeply abhorrent to Ngāti Rehua to be required to prove usage and rights to the moana and resources that have been an inherent part of our existence for generations, long before the Crown's presence in these lands. This historical relationship with the moana and our role as kaitiaki is a right that predates the signing of te Tiriti o Waitangi and should be acknowledged and respected as such.
9. We find it even more abhorrent to have our tikanga and mātauranga ignored and disregarded in decision-making on


matters concerning Te Moananui o Toi. My claim concerns the dumping of dredge refuse from mainland dredging operations. Our mātauranga, tikanga and our use of the sea should not be a mere afterthought.

10. Yet the constitutional arrangements that are in place have ignored te Tiriti o Waitangi. Not only have they imposed democracy on Māori in place of tikanga, but within their flawed democratic construct, decision-making has been delegated to people who are not even at the low level of accountability of local government but are “agencies” of the central government. These agencies of central government are authorised under te ture to make decisions with absolutely no regard to te ao Māori—our mātauranga, customary uses, no part of Māori culture features in decision-making under this kawanatanga construct. In our case, it is the Environmental Protection Authority. There are others.
11. The ture establishing this form of decision-making and regulation sitting within the colonial framework continues to ignore traditional laws brought here by earlier tupuna, such as Toi te huatahi. These laws or tikanga have been the framework on the successful functionality of the tribal grouping, Ngāti Rehua.
12. Ngāti Rehua does not and should not need to prove to the Crown their rights of their rohe Moana. They think it is more appropriate for the Crown to establish their rights as manuhiri in Aotearoa.
13. Aside from the few provisions of the Marine and Coastal Area (Takutai Moana) Act 2011 (now under threat of limiting revision), there is virtually no provision for tangata whenua to engage in regulatory decision-making under current constitutional

provisions. In this way, the Crown has been able to delegate decision-making to its agencies who act with virtually no concern for Māori in areas that they have occupied for centuries.

14. I can think of no Tiriti-compliant constitutional arrangement that would reflect mana motuhake by allowing for decision-making about Māori traditional resources without including Māori selected according to their tikanga in the decision-making from the very beginning.
15. I have a deep connection to the whenua and moana of Aotea, which has been the heart of my whakapapa and cultural identity. Over the course of one hundred and eighty years, the Crown has had control over the whenua and moana in this country, yet they have shown an ongoing failure to protect and nurture Papatūānuku. To continue relying on the Crown to care for and protect our whenua and moana would be detrimental to Papatūānuku. Their history of governance has proven that they are incapable of ensuring the well-being of the environment and the people connected to it.

Dated: 27 November 2024



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Kelly Klink, Claimant