

IN THE WAITANGI TRIBUNAL

**Wai 3400
Wai 1846**

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the Marine and Coastal Area (Takutai Moana) Act 2011 Coalition Changes Urgent Inquiry

BY Sailor Morgan and Frances Goulton,
on behalf of themselves, their whānau,
their Ngāti Ruamahue hapū, and
Ngāpuhi Whangaroa

JOINT BRIEF OF EVIDENCE OF SAILOR MORGAN, FRANCES GOULTON, JACQUELINE PAUL, CALLE SWANPOEL, LAURENCE SULLIVAN, AND CASSIE HIMIONA SULLIVAN

Dated 13 March 2025

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Waitangi Tribunal

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Ministry of Justice
WELLINGTON

We, Sailor Morgan, Frances Materoa Goulton, Jacqueline Paul, Calle Swanpoel, Laurence Sullivan, and Cassie Himiona Sullivan state:

1. We are providing this joint brief of evidence (“JBoE”) in support of the Wai 1846 claim in the Wai 3400: Marine and Coastal Area Coalition Changes Urgency Inquiry.

Sailor Morgan

2. My name is Sailor Morgan. My given name is Aperahama, but I have always been called Sailor. I was born on 26 September 1961 in Whangaroa Hospital. My Dad was Piri Mokena of Ngāti Ruamahue and Mum is Mei Morgan (nee Riwhi) of Ngāti Rua. I am of Ngāti Ruamahue and Ngāti Rua descent. I was brought up in Waihapa and Wainui.
3. My father was born at Whangaroa on 17 July 1886, and died at the age of 94 years, on 10 June 1980. I was 19 years old at that time. I have been privileged to have been raised at home and in an environment that was entrenched with our cultural traditions and customs and practices. We grew up knowing our tahataha moana was an important part of who we were, and learnt what was required to both survive by it, and on it, and as well as contribute to its life-giving force – by protecting it from human pollution, for example. We grew up with Te Reo Māori as our first language. At night my father would recite karakia, tātai, and waiata pao as if he would be addressing an audience on the Marae.
4. On reflection growing up in Wainui seemed to be a hard and physical life, yet very spiritual. We lived according to the seasons of the maramataka, having huge gardens during the cultivation season and likewise hunting and gathering from Tangaroa. Over my lifetime there have been many changes to our peoples way of life, including having to leave our homelands to seek employment, which meant many became disconnected from the practices of old, or even knowing where places of significance were, or even what to do during the placing of tapu on the water, for example.
5. For at least the last decade we have been caught up in processes imposed by the Crown that have impacted on the way that I was brought up, and particularly on how we were taught to live on our coastline. With the loss of whenua, and our people moving away, too few people remain to carry on, and pass on to the next generation the teachings

from our old people. At times I am caught between ensuring mātauranga is passed down, while at the same time, having to protect the area that Ngāti Ruamahue are known to reside and hold mana motuhake and tino rangatiratanga over. It has taken a tremendous amount of work to attempt to engage in these various processes to protect Ngāti Ruamahue interests. Nevertheless, we will continue to engage in these processes, and if it is the “legal” pathway that the Crown/government uses to attempt to take away our rights and authority, our Tino Rangatiratanga, we will be forced to seek other ways by which to hold our stance and ground.

Frances Goulton

6. My name is Frances Goulton and I live in Whangaroa. I was born on 26 March 1959 in Hastings, where I grew up. I spent the greater part of my life in Palmerston North teaching. I have spent the last 23 years as an educationalist, as a Māori medium Te Reo Matatini specialist, consultant, and developer. In recent years I returned home to Whangaroa, the birthplace of my father Michael Goulton. His mother Rangī Stewart grew up in Mahinepua and Wainui, and she descends from Muimui, the eponymous ancestress of Ngāti Ruamahue. My father, through his father, descends from Ngāti Uru, and Ngāhuru, other hapū of Whangaroa, and my mother is of Ngāti Hine descent.
7. My introduction to living at home was through the Wai 1040: Te Paparahi o Te Raki hearings, where I learnt of the impact of land, language, social, environmental and education loss which led to some of the highest deprivation levels in the country. Of course, this story is not ours solely to claim, as other Iwi have told similar stories. These Tangata Whenua stories led me to interrogate how we might survive and especially thrive through all of this. I was privileged to be at the forefront of some of the evidence collection strategies and processes, for Whangaroa, and through this I discovered that our people were by and large forced into a process where their information was gathered and filtered through a series of legal lenses. This sometimes left our people in flight or fight mode. An example of this was when we were part way through the Wai 1040 Hearings, we were asked to go through a Mandate Process which also put further strain on us, because some people wanted to settle their claims with the Crown, before the end of the Wai 1040 hearings, and others did not until the Hearing Reports had been written, but also to ensure our Tino Rangatiratanga was guaranteed, as part of this process. Ngāti Ruamahue took the stance of rejecting the Proposed Mandate based on

the lack of guarantees to our Rangatiratanga. It was indeed a harrowing time for whānau, hapū and claimants.

8. Then came the deadline for the High Court Applications for MACA in April 2017, which meant we had to scramble to fill out the applications, and begin to prove our rights to our foreshore and seabed to others outside of ourselves. This caused much angst amongst ourselves because along our coastline, most, if not all of us have whakapapa links across all our tahataha moana hapū, and yet we know that where every hapū has a marae, and kāinga, they are largely known to be the residing people/tangata whenua. An unspoken law, if you like. I say this because we were encouraged and cajoled by some to collectivise our rohe moana under a unified umbrella, thus forfeiting the very existence of our noho tahataha moana. We, Ngāti Ruamahue, took the stance that we hold on to our well-known place along the coastline, and should the purposes of a collective be required, in support of another hapū, for example, that we support them, but definitely not for a collective to make any decisions that might impact directly on us. We believe any decision about our rohe moana, needs to be made with us, and not by a ‘whole of Whangaroa, or Te Tai Tokerau’ body, for example. So, it remains imperative that our rohe moana me te whenua remains with us. Indeed, that is the reason we are here today.
9. Suffice to say that my home coming to date has been about the protection, guardianship and facilitation of our hapū oranga, mana motuhake and Tino Rangatiratanga. Led by our collective leadership and desires to remain a vibrant and thriving hapū, not only for today, but especially for our mokopuna. Indeed, like others, we have spent hundreds of hours building our collective intelligence to protect what was guaranteed to us in He Whakaputanga, and later in te Tiriti o Waitangi.

Jacqueline Paul

10. My name is Jacqueline Paul and I am a mokopuna of Ngāpuhi, Ngāti Tūwharetoa, and Ngāti Kahungunu ki Heretaunga iwi. My connections to Ngāti Ruamahue come through my great grandparents Tarawau and Rena Kira (Haare), who maintained strong ties to our kāinga.

11. I hold a bachelor's degree in Landscape Architecture from the Unitec Institute of Technology and a Master's degree in Planning, Growth and Regeneration from the University of Cambridge, where my thesis research examined Treaty-anchored housing strategies. Currently, I am undertaking doctoral studies at MIT's Department of Urban Studies and Planning in the United States, examining treaties, land rights, and housing across Aotearoa New Zealand, Turtle Island (United States), and Australia.
12. My expertise in housing policy has been developed through several key roles, including as an expert advisor to the Te Kāhui Tika Tangata Human Rights Commission's housing inquiry as an independent Specialist on Kāinga Ora's Urban Development and Planning Committee (2020-2023). I have also served as an expert witness on youth homelessness for the Wai 2750 Housing Policy and Services Inquiry. My research contributions include significant work for the National Science Challenge's Building Better Homes, Towns and Cities programme (2017-2024). At Pūrangakura, a kaupapa Māori Research Centre in Tāmaki Makaurau, I continue to conduct research supporting rangatahi and whānau Māori aspirations for kāinga.

Calle Swanpoel

13. My name is Calle Jade Swanpoel. I was born in Āwherika ki te Tonga, Durban on 3 December 1983. Shortly after I was born my parents returned home to Aotearoa. I spent most of my childhood growing up at Waipae (a bay nestled between Wainui and Mahinepua). Most of my time was spent in the taiao – in the forest, the takutai, and moana. My time in the taiao taught me many life skills that I have carried forward until this day. I learned to read Tangaroa, weather patterns, how to collect and prepare kaimoana, and how to adapt and be flexible based on the environment we found ourselves in as Tamariki.
14. On my father's side I descend from Te Hikitū and on my mother's side I descend from our ancestress Muimui – Ngāti Kura and Ngāti Ruamahue.
15. My career has been predominantly in the finance sector with 16 years of banking experience across a number of segments.

16. My current role involves leading a risk transformation programme across TSB bank, leading TSB's Māori strategy, I represent TSB as co-chair wahine of Tāwhia – The Māori Banker's Rōpū. The Rōpū is made up of senior Māori leaders across the banking industry with a purpose to share ideas and deepen the understanding of key issues for Māori within the banking sector.
17. In my personal time I am a proud māmā, love supporting my hapū and express myself through weaving (raranga).

Laurence Sullivan

18. My name is Raureti Sullivan. My given name is Laurence Himiona Sullivan. I was born on 23 April 1985 in Dargaville Hospital. My father is Laurence Victor Sullivan of Pākehā (English/Irish) descent and my mother is of Ngāti Ruamahue. I am of Ngāti Ruamahue descent. I was brought up in Dargaville and Kaikohe. My grandfather who is also of Ngāti Ruamahue died five years before I was born. I was raised to be particularly close with my grandmother who is of Ngāti Ruamahue and Ngāti Rehia descent. My grandmother would take me to our Ngāti Ruamahue rohe as a child. We would stay overnight in our whare nui during hui, I would go with her to whakawhanaunga throughout our rohe, and she taught me my pepehā and the stories associated with it. I have always known where I was from, that I was Māori and that I was Ngāti Ruamahue. I was of the early generations of kōhanga reo, attending around 1988-1990, and with the reo being my grandmother's first language, I grew up hearing it regularly around me.
19. My grandmother passed away when I was 15, but her memory and my love for her endured in the whenua where she came from. To this day I am as committed to my hapū as I would be to her if she was still alive. I have seen the harm of colonisation wrought upon her children, my mother her daughter, and have witnessed the struggle that my aunties and uncles have faced as they sought the supposed safety of te Ao Pākehā. My own father of Pākehā descent suffered significant and sadly irreparable physical, mental, and emotional harm at the very hands of the State, which flowed through to affect us, his children. I descend from two people who suffered under the

boot of the Crown, and their suffering flowed to me which almost saw me ending my own life. I survived against the odds, a true descendant of my Ngāti Ruamahue ancestors.

20. I struggled in the mainstream school system due to my neurodivergence and inability to align my mind with the Crown's teaching methods. I was pulled out of school altogether when I was 15 and sent to work. After several years moving between Australia and Aotearoa I decided to move home in my late 20s. I went back to school (NorthTec & Auckland University of Technology) and attained a Bachelor's of Applied Science in conservation and environmental management. Before I graduated I started working for the Department of Conservation and for the past several years I have been working as an island ranger on dozens of motu up and down the North Island. I am currently working on Te Hauturu O Toi, where I manage the ngāhere, keeping it safe from mainland threats. I am also engaged in restoring our ancestral whenua, in particular Motueka iti and the Mahinepua peninsula. I assisted our whānau in removing Motueka iti from the private market, where it is currently landbanked with LINZ for future Treaty Settlement.
21. The work with my hapū is my driving force and is where my true passion lies, a work I consider sacred.

Cassie Himiona Sullivan

22. My whakapapa to Wainui Marae and Ngāti Ruamahue is through my nan Matire Toha Haare and grandfather Himiona Wehi Himiona, both grandparents whānau belonging to Whangaroa and all over Tai Tokerau. I am currently based in Hamilton, Waikato.
23. I am a mokopuna of the Kōhanga Reo movement that started in Dargaville in the late 1980s, and through my nan was able to remain connected to Wainui before her passing in the early 2000s. I come from a mother who is a product of the harshest era of colonisation our people experienced, and a father who is third generation Irish in Aotearoa. It has only been recently in my adulthood I have come home, reconnected, and begun to find my place in where and how I can contribute to the mahi of our haukāinga.

- 24.** I am a māmā to four Tamariki, Manaia-Lee, Te Koi, Matire-Jean, and Kawiti. While raising my babies I completed a Bachelor Degree in Health Science at Massey University where I prioritised learning psychology and Māori health, and environmental science and the impacts from colonisation. I come from a whānau of keen bird watchers and tree protectors, so learning about the environment has always been around me. I also completed the Te Reo Māori diploma Te Tohu Paetahi at Waikato University. I am an advocate for the protection of Te Reo Māori, my babies being raised Kōhunga Reo and Kura Kaupapa.
- 25.** Currently, I work in education with Te Wānanga o Aotearoa supporting Tainui campuses and kaiako in the Waikato with their marketing and recruitment needs. I also work as a project manager and coordinator with Māpuna Consultants who go into organisations and support them in their cultural capability goals and aspirations.
- 26.** I am also a social justice activist and advocate. I help organise rallies and activations that happen in Kirikiriroa. I belong to a network of other activists and advocates made up of predominantly wāhine Māori, who support peaceful protest and meaningful actions.
- 27.** I remain committed to any mahi that is intentional and advances the skillsets, goals, aspirations and narratives of iwi Māori. Especially for our hapū, contributing to the mahi of our haukāinga is one of my highest priorities.
- 28.** This JBoE should be read alongside and should incorporate the evidence provided in the Wai 2660 Marine and Coastal Area (Takutai Moana) Act 2011 Inquiry, namely:
- a.** the JBoE of Sailor Morgan and Frances Goulton, dated 18 January 2019;¹
 - b.** the BoE of Sailor Morgan, dated 17 January 2021;²
 - c.** the BoE of Frances Materoa Goulton, dated 17 January 2021;³ and
 - d.** the JBoE of Sailor Morgan and Frances Goulton, dated 8 August 2024.⁴

¹ Wai 2660, #A47.

² Wai 2660, #B125.

³ Wai 2660, #B144.

⁴ Wai 3400, #A31; Wai 3400, #A31(a).

29. Our previous briefs of evidence were signed by Sailor Morgan and Frances Goulton. We now bring in some new names. These people represent the younger generation of Ngāti Ruamahue. They will continue the struggle into the future, for the fight to correct the injustices that have been carried out against us.
30. Like those who go before us we will continuously oppose the injustices of the Crown.
31. Our end goal is to undergo a process re-indigenising, creating development plans to bring fauna back to life, to resolve issues concerning stolen land, and for Ngāti Ruamahue to thrive.
32. The recognition of our rights to the marine and coastal area forms an important part of our endeavour. To achieve our goal, we need access to lawyers, historians, mapping, digitisation of information, and the ability to pull people together so that they can tell their stories. Changes to MACA funding affect us.
33. We start by reiterating our position generally regarding the marine and coastal area. Our rights to our taonga, including our rights to our marine and coastal area, and tino rangatiratanga over the same, which includes the right to have our governance systems apply, were affirmed and protected in te Tiriti.⁵
34. It should have remained the case that every Hapū, including, Ngāti Ruamahue, was left to pursue the common good in their marine and coastal taonga.
35. However, the Crown has sought to strip us, and other Māori, of our rights in the marine and coastal area. It has been through the constant objection and opposition of Ngāti Ruamahue, alongside our neighbouring Hapū and iwi, in solidarity with Māori across the country that the Crown has been forced to acknowledge our rights.
36. In acknowledging an extremely limited version of our rights, the Crown has adopted the MACA Act as the means to do so. The MACA Act forces us to spend valuable time and resources to meet standards of evidence imposed by the Crown. Standards that, had

⁵ Waitangi Tribunal, *He Whakaputanga me te Tiriti The Declaration and the Treaty: The Report on Stage 1 of the Paparahi o Te Raki Inquiry* (Wai 1040, 2014) at xxii.

the Crown not breached te Tiriti, we would not need to meet. Our native governing systems were fully capable of dealing with issues concerning propriety rights.

37. The great issue with the tests and evidence that the Crown requires is that it demands much from people who have already given immensely. The Crown demands much from those who have, by the Crown's very hand, had their resources taken illegally from them.
38. A te Tiriti compliant MACA scheme necessarily requires the Crown properly resource Māori in order that we can collect and submit evidence to meet the test imposed by the Crown. Ngāti Ruamahue is mindful of the abuses carried out by the Native Land Courts. Resourcing must be adequate to ensure that there is an even playing field.

Current State of our MACA Application

39. We are scheduled to appear in the Ngāti Tara and Whangaroa hearings as an Interested Party ("IP"). We are not an Applicant because we only submitted an application to engage directly with the Minister prior to the statutory deadline of 3 April 2017. We did not submit an application in the High Court. The first timetabled date for the Ngāti Tara hearing is 18 September 2026, when applicant evidence is due. The first timetabled date for the Whangaroa hearing is 15 October 2027, when applicant evidence is due.

Funding Issues

40. The new funding regime does not have any funding for IPs. The funding only relates to Applicants. We therefore have no way to participate in the proceedings.
41. Previously, we had encountered issues concerning funding. We had originally engaged an historian. However, that historian had also been doing work for a neighbouring Hapū. It would have made sense to have the same historian do the work for us as well, he had a good knowledge of the area, and the research was largely similar. However, a conflict of interest was raised.

42. We reached out to another historian. However, conversations stalled around the same time as the new funding scheme came into effect. We did not need a new funding regime. Although not te Tiriti consistent, the one approved prior to the new Coalition government coming into power was sufficient.
43. We will need to collate written stories as evidence. Some of it is intergenerational knowledge, some is written down, some of it is in archives, some is in stories, some is with the people living out on the land. Ngāti Ruamahue does not have the resources to put together all the evidence required by the Crown's processes.
44. We need Crown funding to engage in the preparatory work in the lead up to our hearing, as well as during the hearings. The funding issues affect not just the cases currently before the Courts, but future cases as well.

Consultation

45. Issues concerning consultation sit in the broader context of the MACA financial scheme, and are part of the many te Tiriti breaches that Ngāti Ruamahue have to deal with. Ngāti Ruamahue does not have the resources to have a dedicated person to deal with all these matters. The cost is borne by people on the ground on a voluntary basis.
46. When dealing with the Crown we are inherently dealing with a system that is foreign to us and our tikanga. Further, individual members of our Hapū have their own lives. When dealing with the Crown, there is a delay with the implementation of each new regime. Then, as soon as we have come to understand the new system, the government comes along and changes it.
47. Engagement with the Crown needs to be of a nature where genuine understanding is achieved by the Hapū.
48. We receive no true engagement from the Crown. We get sent emails; however, they send so many, and the regimes change so often, that it is impossible to keep track of everything. Right now, it is only through access to our lawyers that we are keeping afloat. Changes to the scheme that affects their ability to work on our MACA cases

affect not only our ability to progress our case in the Courts, but also more generally to keep up with what is happening with the government.

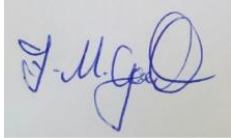
49. We need the Crown to implement a sound, stable system for financing claims that will survive across governments.
50. There are, on occasion, hui held by the Crown, however, when we have attended these, we found that the Crown officials do not truly know what they are talking about. They come to hui and read from a piece of paper, and then are unable to answer any questions. Further, there is no follow up.
51. For example, a member of our Hapū attended one of these hui and asked the Crown official how it would impact our case specifically. We were told that they would go and find out the answer. We never received a response.
52. We are a collective. While there are individuals who often represent Ngāti Ruamahue, they do so as representatives of the Hapū. This means that there is the added requirement that we need to communicate back to the members of our Hapū. It takes a lot of effort to bring everyone together and hold hui. Even when we go through the effort of doing so it feels like not much comes out of it. The Crown often will simply impose its will unilaterally upon us.
53. Time and again in relation to other Crown action we have complained about the lack of engagement. It is disheartening to see it occur again with the MACA funding scheme.
54. Unilateral changes are insulting. They are unhelpful, and cause issues. In the North it should be a given that a unilateral approach should not be taken.
55. Ngāti Ruamahue keeps submitting on Crown policy after Crown policy that the Crown should stop acting unilaterally. But they keep going. There is evidence upon evidence of their lack of engagement with us and our continuous objection to it.
56. With the lack of engagement, there is no visibility as to what barriers are being placed and what processes need to be followed. We need engagement that will achieve the

outcome of genuine participation, protection and partnership between us and the Crown, and in particular, we need to know how these policies might affect us. We need to be included in decision-making and have the opportunity to influence policies so that they are fit for purpose in the communities they apply to.

- 57.** Our Hapū is actively engaged with the issues. We are a coastal Hapū and these policies have a very real impact on us. We are the people on the ground. Our tūpuna left us a legacy of kaitiakitanga, rangatiratanga, manaakitanga, and whanaungatanga. Our opposition will continue through the generations as we seek to maintain our rights that were guaranteed to us under Te Tiriti o Waitangi. Crown policy and practice must recognise and be consistent with these rights. When we do nothing our land and takutai moana is taken from us. Crown policy and practice needs to be designed in a way to protect our rights and uphold justice.
- 58.** We will not give up our rights, regardless of what the Crown does.
- 59.** We are the people on the ground and are therefore the people who are impacted the most by changes and degradation of our takutai moana. The land and takutai moana that we live on has always been recognised as ours. It is the Crown who are the newcomers. Our tūpuna left us a legacy of kaitiakitanga, rangatiratanga, manaakitanga and whanaungatanga. Accordingly, we will always protect our takutai moana, regardless of Crown policy. As a matter of justice, Crown policy and practice must recognise these rights. However, we find that if we are idle Crown policy and practice works to remove our rights, over land and now takutai moana. The MACA Act and its financial policy works to do the same. It imposes a legal test that requires expert work from lawyers and historians, then provides no ability to meet those costs, especially for those of us who are IPs, who will receive no funding.

60. Our opposition will continue through the generations as we seek to maintain our rights that were guaranteed to us under te Tiriti o Waitangi. We will not give up our rights, regardless of what the Crown does.

Dated 13 March 2025



Frances Goulton



Sailor Morgan



Jacqueline Paul



Calle Swanpoel



Laurence Sullivan



Cassie Himiona Sullivan